

Aamodt Settlement Implementation						
Preliminary List of Federal Actions which Require Environmental Compliance						
Directions to NEPA Team: 1. Determine if each action is subject to NEPA requirements and if so, what type of environmental document should be prepared (i.e. CEC, EA, EIS). Document this in column E. If the action is covered by a DOI, BIA, or BOR categorical exclusion, identify which exclusion applies.						
2. Determine what actions can/should be grouped together to be covered in a single NEPA document. Reorder this list of federal actions so actions to be covered in a single NEPA document are listed next to each other.						
3. For each NEPA document, recommend lead agency(s), cooperating agencies, agencies to be involved, and when the compliance needs to be completed in order to meet the deadlines contained in the Aamodt Litigation Settlement Act. Document your recommendations in columns B, C, D, and F.						
ACTION ¹	Agencies involved	Lead Agency	Cooperating Agencies	Prelim Env Compliance Type	Env Compliance Completion Due Date	Comments
Agreements and Other Documents:						
Settlement Agreement ²	Parties to the Settlement, Dept of Justice, Secretary signs	Secretary		None required		Aamodt Litigation Settlement Act (Act) states that signing this agreement does not require NEPA
Develop Water Accounting/Hydrology Models / Administrative Tools	NMOSE, BIA, Reclamation, Pueblos, County, PVID			Covered by a DOI, BIA or BOR cat exclusion?		
Agree to a set of rules for adoption by the State Engineer to govern his responsibilities pursuant to the Settlement	NMOSE, BIA, Reclamation, Pueblos, County, PVID			Covered by a DOI, BIA or BOR cat exclusion?		

ACTION ¹	Agencies involved	Lead Agency	Cooperating Agencies	Prelim Env Compliance Type	Env Compliance Completion Due Date	Comments
Regional Water System (RWS) Operating Agreement	Regional Water Authority (RWA), County, Pueblos execute, Secretary approves					Agreement must be signed within (180 + 90) days after ROD is signed
Pueblo Economic Development Water Agreement	4 Pueblos, (Secretary?), BIA	BIA				Act says the agreement should be developed by 6/5/2011
Tribal Management Plan	Pueblos develop, Secretary approves	BIA				
Tribal Expenditure Plan	Pueblos develop, Secretary approves	BIA				
Publication in Federal Register of Statement of Findings that conditions precedent have been fulfilled	Act states that the Secretary will publish the notice			Covered by a DOI cat exclusion?		Notice must be published by 9/15/2017
Contributed Funds Agreement	Reclamation, County, State	Reclamation				May need separate agreements with the County and the State
Determination of Substantial Completion of RWS	Reclamation, County, State, Pueblos	Reclamation				Determination of whether the RWS will be substantially complete by 6/30/24 should be made no later than 6/30/2023
Agreements between the United States and Pueblos regarding conjunctive-use well locations	Reclamation, Affected Pueblos, BIA	Reclamation				May need a separate agreement with each Pueblo who has a deep well located on their land

ACTION ¹	Agencies involved	Lead Agency	Cooperating Agencies	Prelim Env Compliance Type	Env Compliance Completion Due Date	Comments
<i>Regional Water System:</i>						
Planning, Design, Construction, and O&M during Construction of the Regional Water System (RWS)	Parties to the Settlement, Reclamation, BIA, Contractors	Reclamation	BIA, Pueblos, County, State	EIS	9/15/2017	The EIS should describe all the related federal and non-federal actions that are taking place (or have taken place)
Transfer Title to Completed Works of the RWS	Reclamation, Pueblos, County, RWA	Reclamation				Occurs after completion of the RWS and approval of the Operating Agreement
<i>Design data collection:</i>						
Geotechnical data collection	Reclamation, BIA, pueblos, landowners, contractor	Reclamation				For conjunctive use wells, foundation conditions of RWS facilities
Water Quality Data collection	Reclamation, San Ildefonso, NMED, contractor	Reclamation				
Topographic surveys	Reclamation, BIA, pueblos, landowners, contractor	Reclamation				
Land ownership surveys	Reclamation, BIA, landowners, contractor	Reclamation				
Cultural Resource surveys	Reclamation, BIA, pueblos, landowners, contractor	Reclamation				
Level 1 Hazmat surveys (required prior to land acquisition)	Reclamation, landowners, contractor	Reclamation				

ACTION ¹	Agencies involved	Lead Agency	Cooperating Agencies	Prelim Env Compliance Type	Env Compliance Completion Due Date	Comments
Field testing and modeling for conjunctive use wells	Reclamation, pueblos, contractor	Reclamation				
Pilot Water Treatment Plant	Reclamation, San Ildefonso, IHS?, NMED?, contractor	Reclamation				Should operate for a least 1 year
Land Acquisition:						
Acquisition of Temporary Easements and ROW for Design Data Collection	Reclamation, BIA, Pueblos, State, County, Private landowners	Reclamation	BIA			Land access required before design data collection can take place
Acquisition of Temporary Easements and ROW for Construction Access and staging areas	Reclamation, BIA, Pueblos, State, County, Private landowners	Reclamation	BIA			
Acquisition of Permanent Land Title, Easements and ROW for RWS facilities and O&M purposes	Reclamation, BIA, Pueblos, State, County, Private landowners	Reclamation	BIA			
Water Rights:						
Acquire 302 acre-feet from Nambé Pueblo's Reserved water rights	BIA, Nambe	BIA		Covered by a BIA cat exclusion?		Water rights shall be acquired by 12/31/2015
Develop a proposed agreement as to cost, term of years, and termination of lease of Nambé Pueblo's water rights	BIA, Nambe	BIA				Act says the agreement should be developed by 6/5/2011.

ACTION ¹	Agencies involved	Lead Agency	Cooperating Agencies	Prelim Env Compliance Type	Env Compliance Completion Due Date	Comments
Contract with the Pueblos for 1,079 acre-feet per year of San Juan Chama Project water (will this NEPA effort also cover changing the point of diversion and place of use?)	Reclamation, Nambe, Pojoaque, San Ildefonso, Tesuque	Reclamation		EA		Separate contract for 375 AF-Y for each of the four Pueblos must be in place by 9/15/2017
Amend contracts relating to the supply of water from Nambé Falls and Reservoir in accordance with the Settlement	Reclamation, PVID, Nambe, Pojoaque, others?	Reclamation				Amended contract must be in place by 9/15/2017
Acquire 1141 acre-feet of Top of the World water rights	BIA, Santa Fe County	BIA		Covered by a BIA cat exclusion?		
BIA and Reclamation apply for NMOSE permits on behalf of the RWA for change in point of diversion and place of use of (2522?) acre-feet of water for the RWS (will the SJCP water's NEPA already be covered?)	BIA, Reclamation, Regional Water Authority, County, NMOSE, Pueblos	BIA	Reclamation			Permit must be issued by 9/15/2017. 302+1079+1141 =2522 ac-feet of water will be acquired. 525 acre-feet per year will be used (131.25 acre-feet per Pueblo) for economic development by the Pueblos or to offset interference or impairment to other users. 475 acre-feet of water to be delivered through the RWS for the Pueblo of Pojoaque.

ACTION ¹	Agencies involved	Lead Agency	Cooperating Agencies	Prelim Env Compliance Type	Env Compliance Completion Due Date	Comments
State Engineer must issue permits to the Regional Water Authority for consumptive use of at least 2,381 acre-feet per year	BIA, Reclamation, Regional Water Authority, County, NMOSE, Pueblos					Permit must be issued by 9/15/2017
Funding						
Secretary must manage and invest funds provided by Congress and the Treasury for the Aamodt Settlement Fund and distribute funds to the Pueblos	Secretary's Program, Management and Budget Office (BIA, Reclamation's budget offices?)			Covered by a DOI cat exclusion?		Funding must be invested by 9/15/2017
Notes: 1. Summary Description of Actions attached						
2. We are assuming that the Cost Sharing and System Integration (CS&SI) agreement will be contained in an appendix to the Settlement Agreement and therefore the CS&SI agreement is also not subject to NEPA requirements						

Aamodt Settlement Implementation										
Preliminary List of Federal Actions for which delegation may need to be sought										
ACTION	Section Citation	Statutory or Settlement Agreement Language	Lead Interior Agency and recommended delegation recipient	Parties involved	Whether a delegation is needed	citation to existing delegation	Date Required for Action	Comments		
Actions required by the Act										
Signing of Cost Sharing and System Integration Agreement	621 (b)	Cost-Sharing and System Integration Agreement do not conflict with this title, the Secretary shall execute the Settlement Agreement and the Cost-Sharing and System Integration Agreement (including any amendments that are necessary to make the Settlement Agreement or the Cost-Sharing and System Integration Agreement consistent with this title).	Reclamation and/or Bureau of Indian Affairs	US, four Pueblos, County, State	Y		Sept. 15, 2017	If no delegation, that is, Secretary signs, then there may need to be two documents going up for Secretary signature. It is not anticipated that this document will be ready when the SA is.		
Determination of Substantial Completion of Regional Water System	623 (e) (3)	Not later than June 30, 2021, at the request of 1 or more of the Pueblos and after the consultation required by paragraph (2), the Secretary shall: (A) determine whether the Regional Water system has been substantially completed based on the criteria described in paragraph (1); and (B) submit a written notice of the determination under subparagraph (A) to - (i) the Pueblos; (ii) the County; and (iii) the State.	Reclamation	Reclamation, County, State, Pueblos	Yes		30-Jun-21	Other dates take effect if the determination is made that the system is not substantially complete on June 30, 2021		
Approve or disapprove Regional Water System Operating Agreement	612 (a)	SEC. 612. OPERATING AGREEMENT. (a) IN GENERAL.—The Pueblos and the County shall submit to the Secretary an executed Operating Agreement for the Regional Water System that is consistent with this title, the Settlement Agreement, and the Cost-Sharing and System Integration Agreement not later than 180 days after the later of— (1) the date of completion of environmental compliance and permitting; or (2) the date of issuance of a final project design for the Regional Water System under section 611(b). (b) APPROVAL.—The Secretary shall approve or disapprove the Operating Agreement within a reasonable period of time after the Pueblos and the County submit the Operating Agreement described in subsection (a) and upon making a determination that the Operating Agreement is consistent with this title, the Settlement Agreement, and the Cost-Sharing and System Integration Agreement.	Reclamation	Regional Water Authority (RWA), County, Pueblos execute, Secretary approves	Yes		Agreement must be signed within (180 + 90) days after ROD is signed			
Approval of Tribal Expenditure Plan (for use of trust funds)	615 (c) (5)	(C) APPROVAL.—On receipt of an expenditure plan under subparagraph (A), the Secretary shall approve the plan if the Secretary determines that the plan is reasonable and consistent with this title, the Settlement Agreement, and the Cost-Sharing and System Integration Agreement.	BIA	Pueblos develop, Secretary approves	Yes		on receipt of plan	sometime in 2018		
Acquire 302 acre-feet of Nambé Pueblo's Reserved water rights, through purchase agreement	613 (a) (1) (A)	(a) IN GENERAL.—For the purpose of providing a reliable firm supply of water from the Regional Water System for the Pueblos in accordance with the Settlement Agreement, the Secretary, on behalf of the Pueblos, shall— (1) acquire water rights to— (A) 302 acre-feet of Nambé reserved water described in section 2.6.2 of the Settlement Agreement;	BIA	US, Nambé	Yes		15-Sep-17			
Contract with the Pueblos for 1,079 acre-feet per year of San Juan Chama Project water	613 (a) (2)	(2) enter into a contract with the Pueblos for 1,079 acre-feet in accordance with section 11 of the San Juan-Chama Project Act;	Reclamation	Reclamation, Nambé, Pojoaque, San Ildefonso, Tesuque	Yes?		15-Sep-17			
Amend contracts relating to the supply of water from Nambé Falls and Reservoir in accordance with the Settlement	621 (d)	(d) AMENDMENTS TO CONTRACTS.—The Secretary shall amend the contracts relating to the Nambé Falls Dam and Reservoir that are necessary to use water supplied from the Nambé Falls Dam and Reservoir in accordance with the Settlement Agreement.	Reclamation	Reclamation, PVID, Nambé, Pojoaque, San Ildefonso	Yes?		15-Sep-17			
Acquire 1141 acre-feet of Top of the World water rights	613 (a) (1) (B)	(a) IN GENERAL.—For the purpose of providing a reliable firm supply of water from the Regional Water System for the Pueblos in accordance with the Settlement Agreement, the Secretary, on behalf of the Pueblos, shall— (1) acquire water rights to— (A) 302 acre-feet of Nambé reserved water described in section 2.6.2 of the Settlement Agreement; and (B) 1141 acre-feet from water acquired by the County for water rights commonly referred to as "Top of the World" rights in the Aamodt Case;	BIA	BIA, Santa Fe County	Yes		15-Sep-17			
Apply for NMOSE permits on behalf of the RWA for change in point of diversion and place of use of (2522?) acre-feet of water for the RWS	613 (a) (3)	(a) IN GENERAL.—For the purpose of providing a reliable firm supply of water from the Regional Water System for the Pueblos in accordance with the Settlement Agreement, the Secretary, on behalf of the Pueblos, shall— ... (3) by application to the State Engineer, seek approval to divert the water acquired and made available under paragraphs (1) and (2) at the points of diversion for the Regional Water System, consistent with the Settlement Agreement and the Cost-Sharing and System Integration Agreement.	BIA	BIA, Reclamation, Regional Water Authority, County, NMOSE, Pueblos	Yes		15-Sep-17			
Cost-effectiveness determination and approval for early trust fund withdrawal	615 (c) (7)	(7) AVAILABILITY OF AMOUNTS FROM THE FUND.— (A) APPROVAL OF SETTLEMENT AGREEMENT.— (i) IN GENERAL.—Except as provided in clause (ii), amounts made available under section 617(c)(1), or from other authorized sources, shall be available for expenditure or withdrawal only after the publication of the statement of findings required by section 623(a)(1). (ii) EXCEPTION.—Notwithstanding clause (i), the amounts described in that clause may be expended before the date of publication of the statement of findings under section 623(a)(1) for any activity that is more cost-effective when implemented in conjunction with the construction of the Regional Water System, as determined by the Secretary.	Bureau of Indian Affairs	US, four Pueblos	Yes or No		on receipt of withdrawal request	May be no if we can use 7/7/11 Note from Tim Murphy and Cecelia Townes in re Abeyta early money which cites 109 DM 8, 130 DM 7, 209 DM 8, 230 DM 1		
Approval of "in general" trust fund withdrawals	615 (c) (7)	(7) AVAILABILITY OF AMOUNTS FROM THE FUND.— (A) APPROVAL OF SETTLEMENT AGREEMENT.— (i) IN GENERAL.—Except as provided in clause (ii), amounts made available under section 617(c)(1), or from other authorized sources, shall be available for expenditure or withdrawal only after the publication of the statement of findings required by section 623(a)(1). (ii) EXCEPTION.—Notwithstanding clause (i), the amounts described in that clause may be expended before the date of publication of the statement of findings under section 623(a)(1) for any activity that is more cost-effective when implemented in conjunction with the construction of the Regional Water System, as determined by the Secretary.	Bureau of Indian Affairs		Yes		on receipt of withdrawal request			
Publication in Federal Register of Statement of Findings that conditions precedent have been fulfilled	623 (a) (1)	(a) CONDITIONS PRECEDENT.— (1) IN GENERAL.—Upon the fulfillment of the conditions precedent described in paragraph (2), the Secretary shall publish in the Federal Register by September 15, 2017, a statement of findings that the conditions have been fulfilled.	BIA	US	Yes		15-Sep-17			
Contributed Funds Agreement	611 (d) (1) (B)	(B) the State and the County have entered into an agreement with the Secretary to contribute the non-Federal share of the costs of the construction in accordance with the Cost-Sharing and System Integration Agreement.	Reclamation	Reclamation, County, State	Y					

Actions required by the Settlement Agreement									
Approval of Pueblo Economic Development Water Agreement	2.7.1	The Pueblos shall execute and the United States shall approve the Pueblo Economic Development Water Agreement addressing the terms of allocation of the Economic Development Water as set forth herein.	BIA	4 Pueblos, US			180 days after ROD (SA9.2)		
Develop Water Accounting/Hydrology Models / Administrative Tools	5.8	5.8.1 Within one year of the Effective Date of this Agreement, the State and the United States shall develop a set of administrative tools, including a model or models for determining the hydrological effects of administrative actions governed by this Agreement. As part of this task, the State and the United States shall develop a strategy for implementing a more comprehensive model to replace the interim models now in place. 5.8.2 Within eight months of the Effective Date of this Agreement, the State Engineer, in consultation with the United States, shall complete a new study of the historic supply of surface water for all of the tributaries within the Pojoaque Basin and shall formulate a process whereby this study will be jointly updated by these parties.	BIA	State, BIA, Reclamation, Pueblos, County, PVID	Y		8 months and 1 year after entry of partial final decree	2013?	
prepared by Christopher Banet and Aamodt federal team, August 3, 2011					Y				

**Aamodt Settlement
Implementation
Preliminary List of Federal Actions for whic**

ACTION	Section Citation
<i>Actions required by the Act</i>	
Approval of Tribal Management Plan for investment of Trust Fund	615 (d)
Settlement Agreement	621 (b)
Execution of Waivers and Releases	624 (a) &
Agreements between the United States and Pueblos regarding conjunctive-use well locations	none
Planning, Design, Construction, and O&M during Construction of the Regional Water System (RWS)	611 (a)

Transfer Title to Completed Works of the RWS	612 (a)
Geotechnical data collection	613 (a)
Water Quality Data collection	614 (a)
Topographic surveys	615 (a)
Land ownership surveys	616 (a)
Cultural Resource surveys	617 (a)
Level 1 Hazmat surveys (required prior to land acquisition)	618 (a)
Field testing and modeling for conjunctive use wells	619 (a)
Pilot Water Treatment Plant	620 (a)
Acquisition of Temporary Easements and ROW for Design Data Collection	621 (a)

Acquisition of Temporary Easements and ROW for Construction Access and staging areas	622 (a)
Acquisition of Permanent Land Title, Easements and ROW for RWS facilities and O&M purposes	623 (a)
Secretary must manage and invest funds provided by Congress and the Treasury for the Aamodt Settlement Fund and distribute funds to the Pueblos	615 (b)

prepared by Christopher Banet
and Aamodt federal team,
August 3, 2011

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Statutory or Settlement Agreement Language

(d) TRIBAL MANAGEMENT PLAN.—

(1) IN GENERAL.—A Pueblo may withdraw all or part of the Pueblo’s portion of the Fund on approval by the Secretary of a tribal management plan as described in the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

Cost-Sharing and System Integration Agreement do not conflict with this title, the Secretary shall execute the Settlement Agreement and the Cost-Sharing and System Integration Agreement (including any amendments that are necessary to make the Settlement Agreement or the Cost-Sharing and System Integration Agreement consistent with this title).

SEC. 624. WAIVERS AND RELEASES OF CLAIMS.

(a) CLAIMS BY THE PUEBLOS AND THE UNITED STATES.—In return for recognition of the Pueblos’ water rights and other benefits, including waivers and releases by non-Pueblo parties, as set forth in the Settlement Agreement and this title, the Pueblos, on behalf of themselves and their members, and the United States acting in its capacity as trustee for the Pueblos are authorized to execute a waiver and release of—
ALSO in
623 (B) the Settlement Agreement, so revised, including waivers and releases pursuant to section 624, has been
executed by the appropriate parties and the Secretary;

Reclamation feels there may need to be a separate agreement on contributed funds with the County and with State

SEC. 611. AUTHORIZATION OF REGIONAL WATER SYSTEM.

(a) IN GENERAL.—The Secretary, acting through the Commissioner of Reclamation, shall plan, design, and construct a regional water system in accordance with the Settlement Agreement, to be known as the “Regional Water System” —

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(b) MANAGEMENT OF THE FUND.—The Secretary shall manage the Fund, invest amounts in the Fund, and make amounts available from the Fund for distribution to the Pueblos in accordance with—
(1) the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.); and
(2) this title.

Lead Interior Agency and recommended delegation recipient	Parties involved	Whether a delegation is needed	citation to existing delegation	Date Required for Action
OST	Pueblos develop, Secretary approves	No	American Indian Trust Fund Managemen t Reform Act of 1994 (25 U.S.C. 4001 et seq.)	upon withdrawal request
Secretary	Parties to the Settlement, Dept of Justice, Secretary signs	No	200 DM 1 & PL-111-291	15-Sep-17
Secretary	US	N	200 DM 1	15-Sep-17
Reclamation	Reclamation, Affected Pueblos, BIA	N		
Reclamation	Parties to the Settlement, Reclamation, BIA, Contractors	N		

Reclamation	Reclamation, Pueblos, County, RWA	N		
Reclamation	Reclamation, BIA, pueblos, landowners, contractor	N		
Reclamation	Reclamation, San Ildefonso, NMED, contractor	N		
Reclamation	Reclamation, BIA, pueblos, landowners, contractor	N		
Reclamation	Reclamation, BIA, landowners, contractor	N		
Reclamation	Reclamation, BIA, pueblos, landowners, contractor	N		
Reclamation	Reclamation, landowners, contractor	N		
Reclamation	Reclamation, pueblos, contractor	N		
Reclamation	Reclamation, San Ildefonso, IHS?, NMED?, contractor	N		
Reclamation	Reclamation, BIA, Pueblos, State, County, Private landowners	N		

Reclamation	Reclamation, BIA, Pueblos, State, County, Private landowners	N		
Reclamation	Reclamation, BIA, Pueblos, State, County, Private landowners	N		
OST	Secretary's Program, Management and Budget Office (BIA, Reclamation's budget offices?)	N	American Indian Trust Fund Managemen t Reform Act of 1994 (25 U.S.C. 4001 et seq.)	

Comments
Waivers will be in package with SA
May need a separate agreement with each Pueblo who has a deep well located on their land
The EIS should describe all the related federal and non-federal actions that are taking place (or have taken place)

Occurs after completion of the RWS and approval of the Operating Agreement
For conjunctive use wells, foundation conditions of RWS facilities
Should operate for a least 1 year
Land access required before design data collection can take place

Funding must be invested by 9/15/2017





