

Fidel Lorenzo is director of the Pueblo of Acoma's Haaku Water Office. Fidel has an A.A. in administration of justice from Hartnell Community College in Salinas, California, a B.A. from the University of Oklahoma, and additional training in Indian law and water law issues. His background includes extensive administrative experience in the private sector, paralegal experience within the Tribal Court System of the 19 New Mexico Pueblos, and construction oversight, fiscal management, and tribal coordination for the Acoma Development Authority. In his current position as director, Fidel is responsible for management of the current litigation/negotiation process regarding Pueblo water rights and for oversight and coordination of federal contracts that support the development of the Pueblo's water resources.



Laura Watchempino has been the Water Quality Specialist with the Pueblo of Acoma since 1998. She received her B.A. in political science and education in 1980, and her J.D. in 1984 from the University of New Mexico's School of Law. In addition to her legal background, Laura has a long-standing interest in Acoma's water rights and has extensive experience with Indian law and water law issues. She has served as a member of the Acoma Water Rights Commission since its inception nine years ago. Laura was also instrumental in the development of the Pueblo's water quality standards.



ACOMA PUEBLO TAKES A UNIQUE APPROACH TO WATER PLANNING

Fidel Lorenzo, Pueblo of Acoma
Laura Watchempino, Pueblo of Acoma
Box 309, Pueblo of Acoma, NM 87034



Fidel Lorenzo

Good afternoon. I just recited the traditional greeting of the Pueblo of Acoma. Basically our greeting refers back to our homelands, our families, all that we possess as humans here on earth, and asks that each and every one of you are blessed with a new day for your families and for all that is life.

I am Fidel Lorenzo. Many of you know me, and I know many of you professionally and as friends also, and it is a pleasure to be here. The State Water Plan has been a very long, hard process since being initiated by Governor Richardson. My topic today is presented from the Pueblo's point of view. First, let me qualify myself. The first part of my presentation basically is a presentation and a joint statement that was given by the two tribal governments of the Pueblos of Laguna and Acoma in 1998 regarding the regional water planning process in Region 6.

Today I am here to give part of this statement to help describe the Pueblo's perspective. The statement in its entirety is contained in the Region 6 State Water Plan that was presented to the Interstate Stream Commission in 1998. It is a very historic statement for both Pueblos of Acoma and Laguna who share a very small stream system.

I feel very honored to be here among my sister Pueblo tribes and my sister Apache and Navajo tribes, who I consider to be municipalities and who I consider to be very water rich. Even though we are in a drought, I still consider them to be very water rich. Our river system flows anywhere from one cubic-foot-per-second to three-cubic-feet-per-second, so you can understand my appreciation for water.

The Pueblo of Acoma is recognized as the oldest continuously inhabited community in the Western Hemisphere. Acoma lands are located in the Rio San

Jose Basin and cover an area of 900 square miles. The Rio San Jose provides the only surface water in the entire drainage basin. The Pueblo derives all domestic and commercial use water from groundwater wells.

The New Mexico State Water Plan “The Pueblo View of Their Role in the State Water Planning Process.”

When public meetings were held throughout New Mexico on the potential for regional water planning in the early 1980s, Harold Ranquist, the attorney for the Pueblo of Acoma, spoke on behalf of the Pueblo in support of water planning for the Pueblo’s non-Indian neighbors, with the idea that the communities surrounding the Pueblo and other Indian lands should consider the existence of tribal water rights in their water planning efforts. The planning process would be a means of quantifying its federally recognized and protected water rights.

At that time, however, Ranquist was very careful to state explicitly that the Pueblo of Acoma would not be actively joining in the planning process as a means of quantifying its federally recognized and protected water rights. In 1996 and 1998, the Pueblos of Acoma and Laguna jointly participated only as observers in the ongoing planning process, consistent with Mr. Ranquist’s statement of almost a decade ago.

Several reasons exist for the Pueblo to take this position. The Pueblo people have made use of the region’s water for several centuries. Acoma Pueblo is recognized by many to be the oldest continually inhabited area on the continent. Before the Spanish arrived, before the State of New Mexico even existed, the Pueblo people of the region were regulating water use through a formalized system based upon cultural concepts of what was a valid use of a very scarce but essential resource. The United States, as did their predecessors Spain and Mexico, recognizes that the Pueblos have a right of self-governance, and part of that right is that others cannot impose their definitions of what is and what is not a valued use of waters on the Pueblos.

The reason is very fundamental: beneficial use of water is tied to what is considered to be the public welfare of the state, the values that are important to the people of the state. The Pueblos’ treatment of water for their public welfare is not always consistent with the State of New Mexico. Acoma has never been comfortable with the notion that values concerning the use of their water resources can be left solely to

privately driven economic trends or the populations at any one time.

Their long history in the region and cultural concepts about the importance of the physical location of their lands require that a high value be placed on sustainability long into the future. The fact that this traditional system remains undefined in the written law does not mean that there is no water use regulation at the Pueblos. Instead, there is an ongoing system that looks to sustainability as a primary concern: sustainability of amount, quality and in some cases, sustainability of a source. Sustainability as to water quality should be evident; the Pueblos were some of the first tribes in the country to bring action against a state municipality for water pollution.

Acoma Pueblo and Water Planning

Our approach to the state water planning process is based upon the very fundamental principal of tribal sovereignty that was recognized long before the inquisition by the United States, long before the inquisition by the Mexican government, and long before the inquisition by Spain. Based upon these concepts, our traditional concepts of management of water resources goes into the very practice of how we manage our water resources at the Pueblo.

We are one of the very few Pueblos located downstream from a major municipality and from some very major uranium mining operations. In the heyday of uranium mining in the early 1970s and 1960s, we had a little over 30 to 40 mining operations upstream from us. During this period, a lot of our springs that were on Pueblo lands dried up, they were gone. We have seen the resurgence of these water resources in the past five years. We have seen water that had been gone for nearly 20 years come back to life. It was at this very time that the Pueblo began to look at a water resource management plan in 1994. I must give credit to the Pueblo for this unique approach. As with any of Pueblo tribes, we have a very traditional, formalized system of water resources management. The Pueblo has taken the approach that the value we place upon our water can be a value that can sustain us into the future by bringing these values to the forefront. I give credit and really appreciate past tribal governors, councilmen, and chairmen who had the foresight, the courage, and the vision to look at what water resources were about in the early 1970s, early 1980s, and early 1990s.

Credit also goes to the Haaku Water Office. On a side note, I must applaud John Leeper, who has been the only person I have heard give lectures across the country who has been able to say “Haaku” and not some other word. Haaku, basically, in our traditional language, means a place that always was prepared and a place that is always going to be. That is the traditional name of Acoma, Haaku, and we have been there for quite a number of years, quite a number of generations and centuries. The approach the Pueblo took was to create an agency, an office within the tribal structure that would begin to look at re-importing the values, the traditional values of the Pueblo into a modern-day vision. That vision is born out of the protection of our natural resources. The Haaku Water Office is an agency with primary responsibility over all the water resources within the 900 square miles of tribal and Pueblo land. I sometimes have to correct people when I refer to our lands as Pueblo lands and not as reservation lands. We were never removed from our homelands, hence, we consider it to be traditional Pueblo lands as with many of the other Pueblo and sister tribes in New Mexico.

One of the first things the Pueblo did was to create its water office to insure that water quality enforcement took place not only within tribal lands but outside of tribal lands. It was a long process that included review by the State of New Mexico and the EPA. At times, tribes are very hesitant to work with federal or state agencies. However, the Pueblo took the initiative to protect its water resources. We operate a water resources program and we have several components to this program. We operate in the same manner as State Engineer John D’Antonio does on behalf of the State of New Mexico.

Part of our Pueblo protection program is for our water resources to meet water quality standards. In the early 1980s, the Pueblo was involved in a federal water quality lawsuit. The municipality above the Pueblo, the City of Grants, had been discharging raw effluent for a number of years into the Rio San Jose, which basically was used by the Pueblo. At the end of a long, hard battle between the tribe, the EPA, the State and the state’s Environmental Improvement Division, the Pueblo had a very hard choice to make. Were we going to continue to have our water degraded by Grants through their discharging (we had a flow of a little over six-cubic-feet-per-second that sustained several thousand acres of Pueblo farming lands adjacent to the river)? After the decision was made, we lost three-cubic-feet-per-second but it also meant

that the Pueblo had to take some initiative on its own. We had to look at how we were going to sustain our agrarian society, which basically is our identity as a tribe.

One of the programs that the Pueblo runs is a solid-waste or point-source protection program. I have to say that I feel for my rural communities out there because they have to deal with these problems each and every day. Part of our responsibility is to look at point-source discharges, point-source pollution.

We also deal with non-point source (NPS) protection and are running a Section 319 program, including an assessment and management watershed protection program. We have been successful in restoration efforts. For example, an erosion channel located adjacent to tribal lands was very over-grazed after the Pueblo purchased a ranch. Through our restoration efforts, cows are now grazing as part of our successful program.

We deal a lot with of public education and involve the public in our NPS program.

We run a wellhead protection and assessment program. Some of the wells on the Pueblo had to actually be purchased from adjacent tribal lands. We are a very unique tribe; we are probably one of a very few tribes throughout the country that operates these types of programs, while taking into account the cultural concepts of management. Traditional value management practices exist for tribes and Pueblos. We are careful not to take away from cultural values; we enhance the cultural values of water resources management.

We also are involved in well development and we make sure that quality management and quality assurance take place, whether they are public wells or livestock wells.

Part of our obligation to the Pueblo is to conduct surface water quality and wastewater quality sampling. On our casino and business enterprise property, we have primacy and enforcement power to do wastewater quality sampling. We also go one step further. Currently the Pueblos and most tribes are beginning to look at economic development as a very first source in order to bring forth protection for the environment. The Pueblo assures that the primacy over our economic development takes place.

One of the most important things we do is infrastructure development. Most rural communities that I have seen or traveled to are Pueblos in the very same situation. About two months ago, I was giving a talk at an EPA meeting. We were talking about

asbestos and the scary thought that many Pueblos and tribes in rural communities still have asbestos-lined main water lines. This would cause an uproar in most communities but because of a lack of funding to the Bureau of Indian Affairs as well as to the Indian Housing Services, we are having to take a band-aid approach to a lot of these projects.

The good thing about the Pueblo of Acoma with our economic development process is that we have been able to generate some revenue and that revenue goes back into community infrastructure. I really applaud the Pueblo for taking the initiative. The Pueblo believes that it is essential to create a safe environment for its people on Pueblo lands. It is something that has kept us going for ages.

We have our own engineering department to ensure that construction inspections and safety assurance occurs. It is amazing to see some of the equipment we have.

It is important in the water planning process that the state recognize that the tribes are just barely beginning to look at development in their own communities to sustain them. To have a well-defined state water plan, the tribes and the state must come to some conclusion. I feel the state must recognize the tribes for what they are. It is very, very important, otherwise, as one of my governors used to say, "one week you sure plan long." Many of our planning books are up on the shelf collecting dust and I hope that does not happen in this instance.

Let me discuss control measures as part of the planning process. Our program management plans deal with non-point source pollution. One of the biggest concerns for the Pueblo has been to look at how to manage its growth whether it is economical, social, or cultural. As you travel onto Acoma land, you see evidence of growth and I applaud the efforts of all our planning and cooperative team members who are able to bring quality drinking water to our Pueblo members.

The Pueblo of Acoma is identified by its agrarian practices. We dry-farm chile plants, meaning there is no irrigation system used. We basically depend on the rain. The plants are healthy because of good agrarian practices and good management. We have leadership from not only our traditional ditch bosses, but the community in general. We place a high value on sustainable crops. The Pueblo has been able to focus its entire existence for centuries, through droughts, on good agrarian practices. We have been able to survive and have developed very good financial practices, traditional and modern.

We are trying to provide better sustainable surface flow and are working on a salt cedar eradication project in joint partnership with the Bureau of Indian Affairs Forestry Department. The Rio San Jose covers a little over 14 miles right down the center of Pueblo lands. We have to shear through this area to clear out five miles of the salt cedar. It has been a very interesting process to see and affects not only quality but return flow. We hope to finish the entire 13 mile stretch by March of 2004. Through the efforts of the non-point source program and Environmental Protection Agency Region 6 and the National Watershed Protection Program, we are going to rehabilitate the entire 13 miles with re-vegetation, native trees and native grasses in the area.

We depend on the river for our farming, but a lot of our farmers no longer farm. By the time our diversion at the head of the river comes in, we are lucky if we can get one day of irrigation, at least for those of us who are on the eastern half of the Pueblo lands, which is more than the water delivery on the Rio San Jose to our sister Pueblo, Laguna, who receives none during the entire summer.

Another thing we do is wildlife habitat preservation and restoration. We have an abundance of wildlife: turkeys, elk, deer, bear and antelope. We have trophy elk and are currently ranked fourth in the top 10 in the world for our elk. We have cougars and bobcats. I think wildlife is an unheard voice when it comes to water planning. We forget that we are not the only ones in this community of ours. We forget there are other species that have a right to water also. It is unfortunate that in today's political climate we often forget that. Instead we concentrate on urban sprawl and the economical forces that are out there.

The Haaku Water Office operates as the enforcement arm of the Pueblo through the following laws: Acoma Water Quality Standards, the USEPA Clean Water Act, Acoma Wellhead and Groundwater Protection, Source Water Assessment Protection Program, Aquifer Protection Program Regulations, Section 319 – Non-Point Source Protection Program, MS-4 Storm Water/NPDES Permitting, and the Safe Drinking Water Act.

After all is said and done, the Pueblo has a regional plan and we are coming to the conclusion or at least the beginnings of a state water plan. Where do we go from here? I think it is a question that we all need to ask one another. Municipalities must be looked at on an equal footing with their rural community neighbors, the Hispanic communities, and the small rural towns

like Datil and Reserve, that have basically no economic development. If these communities are not considered on equal footing with growing municipalities like the City of Rio Rancho, the City of Albuquerque, or Santa Fe, can a plan really work?

Our luncheon speaker, Ambassador Székely, talked about international institution and what is happening in Mexico. I mentioned to one of my colleagues that it is the same song that the Pueblo tribes have been singing since the early 60s and 70s. The Pueblos can be a force, and if the State truly wants us to become a partner in water planning, it must recognize tribal water rights for what they are.

Concerning the State's water compacts that require water deliveries to Texas and Mexico, the tribes were left out of the process, which is good, in our opinion, because it does not bind us to any delivery compact obligations. However, we can be a partner, if the State so chooses. Water is a scarce resource in New Mexico, it must be respected. The Pueblo of Acoma, unlike any other community, cannot leave and remain a federally recognized sovereign Indian nation. Under federal law, the United States has a compelling duty to protect sufficient resources for the Pueblos so as to enable them to not only survive, but to thrive where they are located. An important component of this is the duty to support the Pueblos' governance of their resources, the determination what is a valid use, and the identification of value trade-offs as perceived by each Pueblo. In looking to water use in this state for the next 40, 50 or 100 years, it is essential that the surrounding non-Pueblo communities understand the constraints placed on their potential uses, where there exists a tribal presence.

I would like to conclude by saying in matters of State vs. State, in matters between Tribes vs. the State, or the State vs. the International Community, we must give reverence to that life sustaining force that makes each and every one of us who we are.

Laura Watchempino

Thank you Fidel. I am Laura Watchempino, Water Quality Specialist for the Pueblo of Acoma. I would like to welcome all of you here this afternoon, and Councilman Ray as well.

I am here today to be a voice for the earth and her lifeblood, water. I want to share with you some guiding principles that we use as indigenous peoples, indigenous peoples all over the earth. I think there is

I always like to take these opportunities to ask the gentlemen from the Bureau of Reclamation if there will be a line item in the mark-up that is going to Congress this year concerning the Pueblos need for over \$30 million dollars for irrigation delivery systems. A study done by the Bureau of Reclamation several years ago regarding Pueblo irrigation needs indicated that \$30 million is the level of assistance required.

Also, concerning *Water 2025*, I hope the Bureau of Reclamation has taken into consideration the Pueblo of Acoma's recommendation that in order to address water planning and water resources and sustainability, it request additional funding to begin the process of adjudicating water rights. It must be done, there is no way around it. It is a federally protected right, a right that the United States Government took into trust for each sovereign government.

Our tribe is a very unique tribe. It is very progressive not only concerning management but also what we do in developing our surroundings to make sure it is environmentally friendly and that it does not impact what we have as a traditional community.

I would like to recognize Acoma Councilman Ray who is here today. He is one of our best supporters, along with our tribal council government.

I want to emphasize to state water planners: please do not take our comments as confrontational. They are very real to us, our needs are very real, our wants are very real, our sustainability is very real. If you come to our community, you will see and realize that. I invite each and every one of you to visit a Pueblo tribe next to you and see their needs regarding water resources and water planning. I hope that someday here in the near future that we can all sit at the table and share a glass of water and say, "yes, the state water plan was a success." But that can only come about by recognizing tribal water rights.

My colleague, Laura Watchempino, is a water quality specialist and the in-house attorney for the Haaku Water Office. She will be speaking next.

Thank you very much.

no denying that we are in the midst of global climate change. This year it has been evident to all of us. As I drove up here and looked at the mountains and the vegetation, I realized that we are in a very, very critical point because of the lack of moisture. At the same time I realized that the earth still has a lot of power and a lot of beauty. I think we are all here today to protect that resource and do our best to protect the waters of the earth.

What I wanted to share with you today was a declaration that was put together at the third world water forum at Kyoto, Japan, in March of this year. Some of these basic guiding principles are the introduction to the Pueblo of Acoma water quality standards. Indigenous people all over the world share basic beliefs. Indigenous peoples of the world want to share this with the rest of the world because we do feel that we are at such a critical time.

The first few statements that I will make describe our relationship to water. As indigenous peoples of all parts of the world were assembled in Kyoto, Japan, they re-affirmed our relationship to Mother Earth and responsibility to future generations. We realize that we are placed in a sacred manner on the Earth, in our own sacred way, and on sacred and traditional lands and territories to care for all of creation and to care for water. We honor and respect water as sacred and sustaining all life and our relationship with our lands, territories, and water is the physical, cultural and spiritual basis for our existence. This relationship requires us to conserve our fresh waters and oceans for the survival of present and future generations. We assert our role as caretakers with rights and responsibilities to defend and insure the protection, availability, and purity of water.

The next few statements that I will make describe the current conditions of our waters throughout the world. We realize that the ecosystems of the world have been compounding and in change and in crisis. In our generation, we see our waters being polluted with chemicals, pesticides, sewage, diseases, radioactive contamination, and ocean dumping from mining to shipping waste. We see our waters being depleted or converted into destructive uses through diversion and damming, mining and mineral excavation, and mining our groundwater for industrial and commercial processes and unsustainable economic resources and recreational development. In the tropical southern and northern region, deforestation has resulted in soil erosion and thermal contamination of our water.

Another statement summarizes that the burning of oil, gas, and coal, known collectively as fossil fuels, is the primary source of human-induced climate change. If we do not halt the climate change, it will result in increased frequency and severity of storms, floods, drought, and water shortage. Global climate change is worsening. Desertification has occurred. It is polluting and drying up our subterranean water sources and causing the extinction of precious flora

and fauna. Many countries in Africa have been suffering from unprecedented droughts. The most vulnerable communities to climate change are indigenous peoples, impoverished local communities occupying marginal rural and urban environments.

We see our water increasingly governed by outside sources such as economic and foreign domination as well as trade agreements and commercial practices that disconnect us from the ecosystem. Water has been treated as a commodity and a property interest that can be bought, sold, and traded in the global markets. These inhumane practices do not respect that all life is sacred, and that water is sacred. When water is misused or poorly managed, we see the life threatening impacts on all of creation. We do recognize our responsibility to protect water throughout the indigenous territories and worldwide. Since Fidel also mentioned interstate and international agreements and compacts, it is important to note that tribal communities do assert the right to self-determination and by that we mean that we have the right and the responsibility to control and protect our natural resources, especially water. When we refer to our sovereignty we are also referring to that responsibility to protect water.

Most of the principles that I just shared with you are pretty much a summary of what is our customary and traditional law and I think that most of you or probably all of you can agree that it is a shared ideal. I do not think that there is anyone in this room who does not agree that we do need to protect water, each and everyone of us.

One of the recommendations that came out of the gathering in Kyoto, Japan, was to protect our traditional practices as dynamically regulated systems that are based on natural laws that ensure sustainable use through traditional resource conservation. Our traditional knowledge has been developed over millennia and should not be compromised by an over reliance on narrowly defined scientific methods and standards. We support the implementation of strong measures to allow full and equal participation of indigenous knowledge throughout the world.

The bottom-line really is a common goal: we want to protect water for future generations and sustainable development. We realize that over reliance, even at Acoma where we over rely on pumping groundwater, can be disastrous. I think many communities who are now relying on groundwater as their primary domestic water source are seeing that their practices must be sustainable. We cannot just go in and act as if groundwater resources are infinite, because they are

not. There is a certain amount of water for the world that continues circulating through the clouds, and as precipitation falls back to the ocean, then evaporates - the entire hydrologic cycle. Each and every part of the cycle has to be protected, including air quality.

I thank you for allowing me to share these ideals with you and I think it will help you to understand that when tribes are asserting their water rights in the Rio Grande Basin and throughout New Mexico, that it is really nothing to be feared. It is something that can be used as guidance for all of us, because I think that the impacts of the crisis in water management and protection of that finite resource have yet to be felt. I think we are all sensing that we are at a critical crossroads in the Earth's geologic time, and time as we know it. I hope that we will all take on that responsibility in our particular professions and jobs so that we can ensure that water is there for our children and our children's children, and as Fidel said, for all species. If you go outside and look at how beautiful it is, I think you will all realize that we all are connected. It is pretty easy to sense and feel and that is why I came here today, to share that with all of you.

Thank you.