



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

SEP 28 2023

The Honorable Pete Stauber  
Chairman  
Natural Resources Subcommittee  
on Energy and Mineral Resources  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Chairman Stauber:

Enclosed are responses prepared by the Bureau of Land Management to questions for the record submitted to the Department's witness, Nada Wolff Culver, Principal Deputy Director, BLM, following her appearance at the July 13, 2023, legislative hearing on H.R. 4374, the *Energy Opportunities for All Act*.

Thank you for the opportunity to provide this material to the Committee.

Sincerely,

Christopher P. Salotti  
Legislative Counsel  
Office of Congressional and  
Legislative Affairs

Enclosure

cc: The Honorable Alexandria Ocasio-Cortez  
Ranking Member

Questions for the Record  
Energy and Mineral Resources Subcommittee  
House Natural Resources  
H.R. 4374, Energy Opportunities for All Act  
July 13, 2023

**Questions from Rep. Westerman**

- 1. Before Secretary Haaland issued Public Land Order 7923 withdrawing thousands of acres of land around Chaco Park from mineral development, did she meet and consult with the Navajo allottees whose lands will be negatively affected by the Order?**
  - a) Can you tell us when those meetings or consultations took place?**
  - b) Can you state when, where and who was hired as Navajo language interpreter when DOI, or its departments met with Navajo individuals? Please provide the record?**
  - c) Was Chaco Buffer Zone discussed in any meetings by Secretary Haaland's family members, individually or in their capacities as consultants? Please provide the record.**

**Response:** As discussed below in a response to Congressman Grijalva, the Department of the Interior (DOI) consulted and met with the Navajo Nation, Allottees, and the broader public on the proposed withdrawal. All public meetings and the specific meetings held with the Allottees included Navajo translators and a court reporter to make sure comments were accurately recorded.

On April 25, 2023, Secretary Haaland convened a meeting at the request of Navajo Nation President Buu Nygren and Navajo Nation Council to discuss the withdrawal proposal. While President Nygren did not attend this meeting, multiple members of the Navajo Nation Council as well as Allottees attended this meeting.

- 2. President Biden and Sec. Haaland have repeatedly stressed the importance of the Federal Trust Responsibility to Indian tribes.**
  - a) Is it the Administration's position that Public Land Order 7923 is consistent with the Trust Responsibility when it comes to the Navajo Nation and its tribal members?**

**Response:** Yes, the Administration's position is that PLO 7923 is consistent with the Department of the Interior's Trust responsibilities. PLO 7923, which responds to decades of efforts from Tribal Nations, elected officials, and the public to better protect the sacred and historic sites and Tribal communities currently living in northwest New Mexico, protects more than 4,700 known and documented sites located on Federal lands within

the withdrawal area from the impacts of new oil and gas leasing and solid mineral development. These protections are essential to ensure the integrity of irreplaceable cultural sites that continue to have deep cultural and religious significance to regional Tribal communities. The withdrawal under PLO 7923 applies only to Federal lands and minerals and would have no significant impact on the rights associated with lands and minerals owned by the State of New Mexico, Tribal Nations, private landowners, or individual allotment holders.

Further, while the BLM has not leased Federal lands within 10 miles of the Chaco Culture National Historical Park over the last decade, the Department has continued to issue drilling permits on existing Federal leases in the area as well as hold lease sales and issue drilling permits on nominated allotment parcels. This includes a sale held in January 2022 for allotment parcels and a payment of more than \$15 million to Allottees made in the first quarter of fiscal year 2023. This activity will continue.

**Question from Rep. Grijalva**

- 1. Ms. Culver, can you expand on the Bureau of Land Management's outreach to the Navajo Nation and Navajo Allottees prior to issuing Public Land Order No. 7923?**

**Response:** Below is a detailed timeline of the Department's consultations and meetings with the Navajo Nation, Allottees, and the broader public, prior to issuing PLO 7923, for your reference. All public meetings and the specific meetings held with the Allottees included Navajo translators and a court reporter to make sure comments were accurately recorded.

July 28, 2021	Assistant Secretary for Indian Affairs (AS-IA) Bryan Newland meets with former Navajo Nation Vice President Myron Lizer and members of the Navajo Nation Council in Crownpoint, NM.
July 28, 2021	AS-IA Newland hosts a roundtable discussion with Allottees in Crownpoint, NM.
October 26, 2021	The Federal Indian Mineral Office releases the Environmental Assessment for Lease Sale No. 135 (parcels comprised of individual Navajo allotments) for public comment.
January 5, 2022	The Bureau of Land Management announces the proposal to withdraw approximately 351,000 acres of public lands surrounding Chaco Culture National Historical Park in the Federal Register.
February 23-24, 2022	BLM hosts three public meetings to share information on the proposed withdrawal. Two are in-person in Farmington, NM, and one is virtual. Political appointees from the Department attended an in-person session.
February 23, 2022	AS-IA Newland and BLM Director Tracy Stone-Manning host a closed meeting with Allottees. Attendees included a Navajo Nation chapter President and political leadership from the Navajo Nation.
February 24, 2022	AS-IA Newland meets with then Navajo Nation President Jonathan Nez in Window Rock, AZ.
February 24, 2022	AS-IA Newland meets with members of the Navajo Nation Council in Window Rock, AZ.
April 6, 2022	The Federal Indian Mineral Office issues a decision to move forward with Lease Sale No. 135 (parcels comprised of individual Navajo allotments).
April 27, 2022	BLM and AS-IA host a public meeting in Farmington, NM. Political appointees from the Department attended this session. Allottees attend this meeting and offer comments.
April 28, 2022	BLM and AS-IA host a Tribal consultation and public meeting in Nageezi, NM. Political appointees from the Department attended this session, which lasted over seven hours. Allottees attend this meeting and offer comments.
April 29, 2022	BLM and AS-IA advisors and staff host a public meeting in Albuquerque, NM. Political appointees from the Department attended this session. <i>Allottees attend</i> this meeting and offer comments.

April 29, 2022	BLM and AS-IA host a tribal consultation in Albuquerque, NM. Political appointees from the Department attended this session. Former Navajo President Jonathan Nez attends this session and offers comments.
July 14, 2022	Department contractors interview leadership of the Navajo Nation Heritage & Historic Preservation Department for the situation assessment of the Greater Chaco Landscape that will inform the Honoring Chaco Initiative.
September 9, 2022	BLM and AS-IA convene a planning session to inform the Honoring Chaco Initiative meetings. Representatives of the Navajo Nation Heritage & Historic Preservation Department are invited but do not attend.
October 4, 2022	BLM and AS-IA convene a second planning session to inform the Honoring Chaco Initiative meetings. Representatives of the Navajo Nation Heritage & Historic Preservation Department are invited but do not attend.
October 18-20, 2022	BLM and AS-IA convene the Honoring Chaco Initiative to conduct a broader assessment of the Greater Chaco cultural landscape, ensuring that public land management better reflects the sacred sites, stories, and cultural resources in the region. Representatives of the Navajo Nation Heritage & Historic Preservation Department attend this meeting.
October 19, 2022	AS-IA Newland and BLM Director Stone-Manning host a closed meeting with Tribal participants in the Honoring Chaco Initiative. Representatives of the Navajo Nation Heritage & Historic Preservation Department attend this meeting.
November 10, 2022	BLM releases the draft Environmental Assessment for the Proposed Chaco Area Withdrawal.
November 14, 2022	BLM hosts a public meeting to share information on the Environmental Assessment and receive comments in Farmington, NM. Allottees participate in this meeting.
November 15, 2022	BLM hosts a public meeting to share information on the Environmental Assessment and receive comments in Bernalillo, NM. Allottees participate in this meeting.
April 3, 2023	BLM and AS-IA convene a Tribal Consultation at the request of newly-elected Navajo Nation President Buu Nygren to hear concerns about the proposed withdrawal. President Nygren and his staff attend this meeting.
April 25, 2023	Secretary Haaland convenes a meeting at the request of Navajo Nation President Nygren and the Navajo Nation Council to hear concerns about the proposed withdrawal.  President Nygren does not attend this meeting. Multiple members of the Navajo Nation Council attend this meeting. Allottees attend this meeting.
June 7, 2023	BLM publishes Public Land Order No. 7923 for Public Lands Withdrawal Surrounding Chaco Culture National Historical Park Boundary

For many years the Navajo Nation, along with other Tribal interests, supported a 10-mile buffer zone around Chaco Culture National Historical Park.<sup>1</sup> When discussions commenced at the beginning of this Administration, the Department understood this to be the Nation's position. Later in 2021, the Navajo Nation expressed interest in a 5-mile buffer zone. In 2022, the Navajo Nation indicated they were no longer interested in the 5-mile buffer zone, passing a formal resolution that, for the first time, opposed any buffer zone around Chaco. Consistent with all input received, the BLM proceeded to analyze the potential benefits and impacts of no withdrawal, a withdrawal in a 5-mile radius, and a withdrawal in a 10-mile radius around the Chaco Culture National Historical Park. This analysis, discussed in detail in the BLM's Environmental Assessment,<sup>2</sup> showed that a 5-mile radius withdrawal would not provide a comparable level of protection for the cultural and natural resources in the area. As noted in the provided testimony, the BLM found that a 10-mile withdrawal would protect 4,730 documented sites, whereas a 5-mile withdrawal would protect approximately 1,900 documented sites, protecting approximately 2,830 fewer documented archaeological sites than the 10-mile withdrawal. In addition, the 10-mile withdrawal would afford greater protection to Chacoan outliers, which are archaeological sites, such as roads and structures like those in Chaco Canyon that were constructed in and around the San Juan Basin.

The Department respects the government of the United States' government-to-government relationship with the Navajo Nation and followed the Department's accountability process to ensure meaningful and timely input by Navajo Nation officials and Allottees in the development of this withdrawal proposal. The Department took every opportunity to consult formally and meet informally with the Navajo Nation and with Allottees. In addition to the formal meetings discussed above, the BLM continued in-person outreach to Allottees between the publication of the Environmental Assessment and the announcement of the withdrawal.

Following the April 2023 meetings, the Department ensured that its analysis fully considered and addressed the Navajo Nation's and Allottees' continued concerns. Appendix C to the Environmental Assessment shows the detailed evaluation of the economic impacts, finding that, with the most conservatively high assumptions, 47 new wells (approximately 1.3 percent of the 3,200 wells projected in the area) could be foregone in the 20 years of the withdrawal, with 7 new wells not drilled on allotment lands. Actual impacts would likely be lower. Similarly, this analysis found that the leaseability of more than 90 percent of unleased allotments would not be affected by the withdrawal. The analysis is discussed in further detail in the Environmental Assessment, which can be accessed at:  
[https://eplanning.blm.gov/public\\_projects/2016892/200507928/20070044/250076226/ChacoWithdrawalEA\\_Compiled\\_508V3.pdf](https://eplanning.blm.gov/public_projects/2016892/200507928/20070044/250076226/ChacoWithdrawalEA_Compiled_508V3.pdf)

---

<sup>1</sup> <https://www.congress.gov/116/meeting/house/109319/witnesses/HHRG-116-II06-Wstate-LizerM-20190415.pdf> (“With regards to BLM’s development of a management plan for the area, the Navajo Nation supports the BLM’s development of a sustainable management plan that would prevent federal oil and gas extraction in a 10-mile radius or Protection Zone from the epicenter of the Chaco Cultural National Historical Park.”)

<sup>2</sup> [https://eplanning.blm.gov/public\\_projects/2016892/200507928/20079943/250086125/20230531\\_ChacoWithdrawalEA\\_Final\\_508.pdf](https://eplanning.blm.gov/public_projects/2016892/200507928/20079943/250086125/20230531_ChacoWithdrawalEA_Final_508.pdf)