

**Statement of
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**House Committee on Natural Resources
Hearing on**

H.R. 4374, *Energy Opportunities for All Act*

July 13, 2023

Thank you for the opportunity to provide testimony on H.R. 4374, the Energy Opportunities for All Act, which would nullify the force and effect of Public Land Order (PLO or Order) No. 7923, a withdrawal of certain public lands in northwest New Mexico to protect important Puebloan and Tribal cultural sites in the Greater Chaco Region.

Pursuant to Section 204 of the Federal Land Policy and Management Act (FLPMA), Secretary Haaland signed PLO 7923 into effect on June 2, 2023, withdrawing the public lands within a roughly 10-mile buffer around the Chaco Culture National Historical Park (the Park) from location and entry under the U.S. mining laws and from leasing under the mineral leasing laws for 20 years, subject to valid existing rights. The Order, 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, would protect more than 4,700 documented sites 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, which are of continual cultural and religious significance to regional Tribal communities.

H.R. 4374 would undermine these crucial protections within the Greater Chaco region, leaving sites, objects, and landscapes vulnerable to impacts from oil and gas and solid mineral extraction. The Administration strongly opposes H.R. 4374.

Overview

The tremendous cultural and religious importance of the Greater Chaco landscape has long been recognized nationally and internationally. President Theodore Roosevelt first protected the lands now known as the Chaco Culture National Historical Park in 1907, and the park and six other nearby sites were designated as a United Nations Educational, Scientific and Cultural Organization (UNESCO) World Heritage Site in 1987. The broader landscape of the Greater Chaco Region contains important cultural resources, sites sacred to many Native people, and is of high value to local and regional communities.

Between approximately AD 850 and 1150, the Chacoan peoples flourished, with Chaco Canyon serving as a social, cultural, and religious center. The Chacoan peoples erected great houses,

astronomical sites, and ceremonial kivas, set in a landscape of sacred mountains, mesas, and shrines that continue to have deep spiritual meaning to this day.

However, this important cultural landscape is at significant risk from impacts associated with oil and gas development and solid mineral development. The Greater Chaco Region sits within the San Juan Basin, which contains several heavily developed oil and gas bearing formations, and the potential for expanded exploration and development poses risks to the region and its important cultural landscapes.

Greater Chaco Landscape Cultural Resources

The richness of the Chacoan culture is clearly visible in the grand scale of the architecture set in a landscape of mountains, mesas, and shrines that are sacred to and have deep spiritual meaning for many people to this day. UNESCO has recognized increased threats to Chaco Canyon's "integrity from adjacent development (including associated utilities and roads), energy exploration, extraction, as well as transportation projects and proposals."

There are 2,800 documented archaeological sites in the Park and an additional 4,730 documented sites within the 10-mile withdrawal radius outside the Park. In conducting its environmental review, the Bureau of Land Management (BLM) considered several alternatives, including no withdrawal, a 5-mile withdrawal, and a 10-mile withdrawal. The BLM found that a 5-mile withdrawal would protect approximately 1,900 documented sites. The 10-mile withdrawal affords substantially greater protections, protecting approximately 2,830 more documented archaeological sites than the 5-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 4,730 documented sites protected by the 10-mile withdrawal area around the Park would otherwise be potentially impacted by additional mineral development. Fluid mineral development activities that cause ground disturbance, such as the construction of roads, pipelines, processing facilities, and earthworks have the potential to physically alter these cultural and historic sites. Where avoidance measures are not possible, these ground disturbing activities could destroy, displace, or otherwise physically alter aspects of integrity that qualify these sites for listing on the National Register of Historic Places. It can be especially challenging in an arid landscape. While the BLM seeks to minimize the impacts of mineral development on cultural sites, depending on where future mineral development occurred, it may not be possible for BLM stipulations to mitigate all adverse impacts to cultural resources.

Regional Oil & Gas Development

As noted previously, the Greater Chaco Region sits within the San Juan Basin, an area of significant oil and gas development. Currently, there are 79 existing oil and gas leases encompassing approximately 94,010 acres of Federal mineral estate within or partially within the proposed withdrawal area; approximately 71,260 of the leased acres lie within the proposed withdrawal area. As of April 1, 2023, 78 of the 79 leases are held by production (meaning there is one or more economically producing well on the lease, so the lease can continue to produce and remains valid beyond its primary term).

Given the longstanding interest in protecting the cultural sites of the Greater Chaco landscape, the BLM, under several administrations, has not issued an oil and gas lease within the 10-mile buffer for approximately 10 years. This approach has been reaffirmed by Congress over the past several years with the inclusion of language in annual appropriation bills prohibiting the Bureau from oil and gas leasing in same area. A moratorium on new mining claims has been in place since January 2022 while the BLM undertook the assessment of the proposed withdrawal.

This withdrawal does not affect existing leases, nor does it apply to minerals owned by private, State, or Tribal entities. During the term of the withdrawal, production from existing wells could continue, and additional wells could and would likely be drilled on existing leases and non-Federal land.

Significantly, much of the acreage in the withdrawal area identified as high or medium potential for oil and gas development is already under lease, and therefore not subject to the withdrawal. The BLM estimates that the larger region of the Mancos Gallup geologic formation in New Mexico is expected to have more than 3,200 new oil and gas wells drilled over the next 20 years, in addition to the 37,300 past and present wells. As a result of the withdrawal, operators might be expected to forgo the development of 47 new oil and gas wells on Federal minerals and 7 wells on allotments. The BLM conservatively estimates that the withdrawal would result in a roughly 2.5 percent decrease of oil production in the San Juan Basin, and an even smaller decrease in production of natural gas. At the same time, the BLM's analysis found a benefit to the health and quality of life of local communities from the reduction of development of Federal minerals in this area.

Navajo Allottee Mineral Development

The BLM recognizes the particular concern regarding the withdrawal's potential impacts on Navajo Allottee Mineral Owners, and takes those concerns seriously; however, the Bureau's analysis demonstrates the withdrawal under PLO 7923 will have a relatively small and indirect impact on Navajo Allotees and other non-Federal mineral owners.

The withdrawal under PLO 7923 only applies 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.

The BLM's environmental analysis of the withdrawal considered the potential impact of limiting development of Federal lands and minerals. The BLM analyzed 1,233 base allotments within or intersecting the proposed withdrawal area boundary as well as 35 base allotments adjacent to, but outside of, the withdrawal area. These 1,268 base allotments consist of 1,358 simple, geographic, and resource fractionated allotments. Overall, 98, or just over 8 percent, of the unleased 1,186 allotments analyzed may see a high or moderate impact on future leaseability. The proposed withdrawal would likely not adversely affect the leaseability of the vast majority (over 92 percent) of these allotments within or adjacent to the withdrawal area. The Department of the Interior (Department) has continued to hold lease sales for allottee minerals in the area, including most recently on January 13, 2022. Of the 40 tracts up for lease, a single tract received a market value lease. Six other leases were issued after negotiations for below market value.

Consultation, Outreach & Engagement

The withdrawal under PLO 7923 is the result of nearly a decade of continual BLM and Department engagement with Tribal Nations, regional communities, and elected officials, many of them seeking elevated protections for the important cultural sites and landscapes of the Greater Chaco Region. Since at least 2014, resource management planning efforts have demonstrated a deep concern regarding the impacts of oil and gas development on Tribal cultural resources within the region, culminating in direct advocacy, including a 2014 resolution from the All Pueblo Council of Governors seeking protections for the landscape, a 2017 request from the Navajo Nation seeking a moratorium on leasing and activities related to hydraulic fracturing in the Greater Chaco area, and a 2017 resolution from the National Congress of American Indians seeking explicit protections from oil and gas development within the withdrawal area.

The development of PLO 7923 reflects and continues this long history of engagement with those seeking enhanced protections for the Greater Chaco Region and those seeking clarity on what protections would mean on the ground. In July 2021, political leadership from the Department visited the Greater Chaco Region to tour the Chaco Culture National Historical Park, meet with Pueblo leadership, and meet with Navajo Nation leadership and allottees. After concluding these meetings, BLM published a notice of proposed withdrawal in the Federal Register in January 2022, opening a 120-day public comment period that included 6 public meetings, including meetings in Farmington, Nageezi, and Albuquerque, New Mexico. More than 110,000 verbal and written comments were received during the public outreach and review period. The BLM continued that engagement, including two in-person public meetings during a 30-day review period of the environmental assessment. The BLM also invited 24 Tribal Nations to conduct government-to-government consultations on the proposal. Department leadership and the BLM also met with Navajo allotment holders several times in 2022 and 2023, and Secretary Haaland engaged directly with Tribal leaders, including President Nygren of the Navajo Nation.

The All Pueblo Council of Governors, representing the 19 Pueblos in New Mexico, has consistently called for the withdrawal of Federal lands in the Greater Chaco region that hold immense cultural significance to them. Since 2018, the New Mexico Congressional delegation has introduced legislation to permanently protect Federal lands around Chaco Canyon with a 10-mile buffer. The State of New Mexico halted leasing of their minerals around Chaco Canyon through a state-level moratorium in 2019.

In addition to the 20 year withdrawal under PLO 7923, the Department is undertaking a broader assessment of the Greater Chaco cultural landscape to ensure that public land management better reflects the importance of sacred sites, stories, and cultural resources in the region. The BLM and the Bureau of Indian Affairs are co-leading discussions with Tribes, communities, elected officials, and interested parties to explore ways the Department can manage existing energy development, honor sensitive areas important to Tribes, and build collaborative management frameworks toward a sustainable economic future for the region. The first phase of this larger effort, known as the Honoring Chaco Initiative, included a set of 45 broader interviews, as well as planning sessions that culminated in 2.5 days of meetings with approximately 30 participants comprised of Tribal Historic Preservation Officers, Tribal organizations, Tribally-led non-governmental organizations, and representatives of the State of New Mexico to discuss the future of management in the Greater Chaco region.

Conclusion

The Greater Chaco region protects sites and landscapes of unique cultural and religious significance for Tribal Nations. The area remains an ancestral homeland and a place of continued spiritual practice and connection for many. However, thousands of sites within this region remain at risk from the impacts of oil and gas development. PLO 7923 would provide this landscape with 20 years of protection, responding to community calls for protection for the cultural landscape, as well as health and safety, while providing space to consider the appropriate and ongoing management of this unique region. These protections, the result of nearly a decade of ongoing engagement with Tribal Nations, elected officials, and regional and local communities, offer meaningful benefits for cultural protection, air quality improvements, and reduced disturbance from oil and gas development.

H.R. 4374 would inappropriately undermine these important protections, putting this irreplaceable landscape at risk once again. For these reasons, the Department strongly opposes H.R. 4374. Thank you again for the opportunity to present this testimony, and I look forward to your questions.