



ALL PUEBLO COUNCIL OF GOVERNORS

Officers:
E. Paul Torres, Chairman
Governor J. Michael Chavarria, Vice Chair
Governor Val Panteah, Sr., Secretary

April 3, 2019

Acoma **VIA EMAIL**
Tara Sweeney
Cochiti Assistant Secretary - Indian Affairs
Department of the Interior
Isleta 1849 C Street, N.W.
MS-4660-MIB
Jemez Washington, D.C. 20240

Laguna **RE: APCG Update on Chaco Canyon related Issues**

Nambe Dear Ms. Sweeney.

Ohkay Owingeh Thank you for taking the time to discuss with me issues related to Chaco Canyon at the 2019
Tribal Self-Governance Conference. As promised, here is a summary of issues related to oil
Picuris and gas development affecting Chaco Canyon.

Pojoaque **1. Background**

Sandia The All Pueblo Council of Governors (APCG) is comprised of the New Mexico Pueblos of
Acoma, Cochiti, Isleta, Jemez, Laguna, Nambe, Ohkay Owingeh, Picuris, Pojoaque, San
San Felipe Felipe, San Ildefonso, Sandia, Santa Ana, Santa Clara, Santo Domingo, Taos, Tesuque, Zia,
San Ildefonso and Zuni, and one Pueblo in Texas, Ysleta Del Sur.

Santa Ana APCG and individual Pueblos, have continuously voiced their concerns for the protection of
Chaco Canyon, and the Greater Chaco Region. The Greater Chaco Region describes the vast
Santa Clara archaeological, cultural, and natural Region(s) emanating from Chaco Canyon throughout the
Santo Domingo Four Corners Region to the existing Pueblos of today. Much of the Region has not been
Taos surveyed by the BLM. Existing surveys have not identified most of our cultural resources or
Tesuque traditional cultural properties (TCPs) that may be eligible historic properties under the National
Historic Preservation Act (NHPA). Federal agencies typically reach out to the Navajo Nation,
but not to the Pueblos, and have utterly failed to incorporate Pueblo ethnography into their
studies.

Ysleta Del Sur APCG is concerned that the BLM is failing in its Section 106 duties under the NHPA (and
through the National Environmental Policy Act review process) to identify and evaluate
Zia potential impact *prior to* selling leases for oil and gas development. We are also concerned
that the BLM is not engaging in truly meaningful consultation, a necessary component of the
Zuni federal trust responsibility to Indian tribes, with regard to how it should avoid or mitigate
damage to our cultural resources.



ALL PUEBLO COUNCIL OF GOVERNORS

Officers:
E. Paul Torres, Chairman
Governor J. Michael Chavarria, Vice Chair
Governor Val Panteah, Sr., Secretary

	2. Oil & Gas Lease Sales
Acoma	
Cochiti	APCG and individual Pueblos have protested the quarterly lease sales of parcels nominated by the BLM Farmington Field Office (FFO) and the Rio Puerco Field Office (RPFO) in the Greater Chaco Region.
Isleta	
Jemez	Beginning in March 2018, APCG and the Pueblos protested the nomination of parcels in the Greater Chaco Region, some of which come within ten miles of the Chaco Culture National Historical Park (CCNHP), for the reasons stated in paragraph 1, above. Pueblo representatives insisted on site visitations to view the parcels in order to determine the likelihood of the presence of their respective cultural resources. In the single sample field investigation Pueblo representatives, like those from the Pueblo of Acoma, witnessed archaeological features that they interpreted as cultural resources, with some resources having not been accounted for by archaeologists. Subsequently, the Department of the Interior chose to defer all leases in the BLM FFO due to concerns about the adequacy of its cultural resource analysis. ¹
Laguna	
Nambe	
Ohkay Owingeh	
Picuris	
Pojoaque	In December 2018, the BLM FFO and the BLM RPFO nominated additional parcels in Greater Chaco Region, with the BLM FFO having parcels within ten miles of the CCNHP. Again, APCG and individual Pueblos, protested for the same reasons stated above. No sample field investigations were offered, despite individual Pueblo requests and offers to provide Pueblo representatives to go into the field to assist the BLM in identifying critical cultural resources. As a result, the BLM FFO deferred all parcels, while the BLM RPFO arbitrarily sold leases for all its parcels. Many of the BLM FFO and BLM RPFO were in the same vicinity (some coming within ½ mile of each other), based on the district boundaries.
Sandia	
San Felipe	
San Ildefonso	
Santa Ana	
Santa Clara	Most recently, the BLM FFO and the BLM RPFO nominated parcels in their March 2019 Lease Sale. Again, the BLM FFO nominated parcels within ten miles of CCNHP. Based on initial scoping comments, and previous concerns, the BLM FFO removed nine parcels located within approximately ten miles of CCNHP. However, the BLM FFO retained nearly 22 parcels in its lease sale, many of these parcels are just outside ten miles of CCNHP and many are adjacent to, or nearby, parcels previously deferred in March and December of 2018 due to deficiencies in the agency's cultural resource analysis. No sample field investigations were offered, despite individual Pueblo requests and offers to provide Pueblo representatives to go into the field to assist the BLM in identifying critical cultural resources. To APCG's knowledge, no additional or substantive work or consultations had occurred to correct or address deficiencies in the agency's data relied upon in its Section 106 analysis. Compounding this request and any opportunity to conduct sample field investigations was the lapse in federal appropriations that foreclosed any opportunity for Section 106 consultation. The BLM March 2019 lease sale was not postponed commensurate with 35 days of the government shutdown.
Santo Domingo	
Taos	
Tesuque	
Ysleta Del Sur	
Zia	
Zuni	

¹ See BLM's Press Release and statement on its March 2018 deferral: <https://www.blm.gov/press-release/blm-defers-oil-and-gas-lease-sale-parcels-new-mexico>.



ALL PUEBLO COUNCIL OF GOVERNORS

Officers:
E. Paul Torres, Chairman
Governor J. Michael Chavarria, Vice Chair
Governor Val Panteah, Sr., Secretary

Despite APCG and individual Pueblo protests and requests for deferral, the BLM FFO and RPFO moved forward with sale of their leases.

Acoma

APCG has already submitted comments on the BLM FFO and RPFO June 2019 Lease Sale. If the Section 106 analysis and deficient tribal consultation occurs in a similar fashion as the previous three sales, the APCG anticipates it will once again be forced to protest this lease sale.

Cochiti

Isleta

3. BLM Farmington Field Office – Resource Management Plan Amendment

Jemez

The BLM FFO covers an area that was thought to be fully exploited several decades ago; over 90% of the available lands have been leased. Due to developments in horizontal drilling and hydraulic fracturing technologies, the BLM FFO in 2014 began the process of amending its 2003 Resource Management Plan. The BLM FFO's 2003 Resource Management Plan did not account for this new technology, and the subsequent interest in development in what was perceived as previously fully developed, or inaccessible development areas. The BLM FFO is trying to complete a Resource Management Plan Amendment (RMPA) intended to guide land management policy for the field office over the next several decades. Despite this, leasing activity is still occurring while the RMPA is not complete, significantly prejudicing the alternatives proposed in the RMPA and allowing for more and more leases to be sold under the 2003 Resource Management Plan, despite their use of new technologies and development in previously unforeseen areas. APCG has acted in the capacity as a cooperating agency to review and comment on the RMPA.

Laguna

Nambe

Ohkay Owingeh

Picuris

Pojoaque

Sandia

San Felipe

4. APCG Proposed Chaco Ethnographic Study

San Ildefonso

On September 26, 2018, a delegation consisting of leadership from the All Pueblo Council of Governors, Eight Northern Indian Pueblos Council, and the Ten Southern Pueblos Council met with key lawmakers in Washington, DC to discuss the ongoing threat to the Greater Chaco Region. They also met with officials in the Interior Department, including Deputy Secretary James Cason and Assistant Secretary John Tahshuda to discuss ongoing lease-sales of parcels likely to contain or affect our cultural resources in the Greater Chaco Region.

Santa Ana

Santa Clara

Santo Domingo

Taos

The Department of the Interior requested the APCG to prepare a proposal for assisting the BLM and BIA in analyzing the impacts to cultural resources from the proposed BLM's December 2018 Oil and Gas Lease Sale in the Farmington and Rio Puerco Field Offices.

Tesuque

Ysleta Del Sur

Zia

Based on estimates of time, funding, project area and other factors – the APCG, through its Natural Resources Committee, developed two proposals and submitted these to the BLM in October 2018. The first proposal was for a joint Pueblo ethnographic study of the BLM FFO and RPFO December 2018 Lease Sales. A secondary proposal was for a joint Pueblo ethnographic study of the Greater Chaco Region intended to be a comprehensive analysis of the New Mexico portions of the Greater Chaco Region. This second proposal was intended to address concerns that such a study could lead to better planning decisions. Both studies were not intended to be exhaustive cultural resource inventories, but were designed to assist the

Zuni



ALL PUEBLO COUNCIL OF GOVERNORS

Officers:
E. Paul Torres, Chairman
Governor J. Michael Chavarria, Vice Chair
Governor Val Panteah, Sr., Secretary

Acoma	BLM in identifying critical areas of concern to be avoided, and the types of cultural resources important to Pueblos located in the Greater Chaco Region. These two studies were modeled and vetted by qualified Pueblo archaeologists and ethnographers who worked on similar efforts locally, most notably the Mount Taylor Traditional Cultural Property Analysis and the Pueblo of Acoma's Limited Ethnographic Assessment of Chaco Canyon.
Cochiti	
Isleta	APCG has not received a formal response, and only began discussion with DOI officials in February 2019. We have had two conference calls and one meeting since. DOI officials have said they will offer a counterproposal for an ethnographic study covering a discrete area of land tied to the area in which DOI foresees future development rather than the entire Greater Chaco Region. APCG representatives have expressed willingness to explore such a compromise, as APCG's position has always been focused on the protection of cultural resources where development is anticipated to occur. Additionally, the parties have discussed this smaller study as a pilot project for future studies that could cover larger areas or the entirety of the Greater Chaco Region.
Jemez	
Laguna	
Nambe	
Ohkay Owingeh	
Picuris	Unfortunately, APCG has not received essential maps to assist us advancing this discussion. At our last call on March 22nd, Brian Steed from the BLM indicated he would send maps showing DOI's area of interest for a study. We have not yet received this map.
Pojoaque	
Sandia	Additionally, DOI has suggested that its counter proposal of land could fall completely within the approximately 10-mile withdrawal area ² that that is set to be withdrawn from such development by legislation. This is not acceptable because that particular area is not where the greatest potential for leasing will occur based on known resources.
San Felipe	
San Ildefonso	
Santa Ana	There may be a misperception that the study of <i>only</i> a 10-mile area around CCNHP would be sufficient. But APCG takes the position that even for development outside this area but within the Greater Chaco Region, federal laws like the National Historic Preservation Act (NHPA) and the National Environmental Policy Act (NEPA), not to mention the federal trust responsibility, require rigorous identification and analysis of cultural resources before any steps toward oil and gas development occur. That Chaco Canyon and the Greater Chaco Region are widely understood to contain large concentrations of important cultural resources makes conducting these studies even more important.
Santa Clara	
Santo Domingo	
Taos	
Tesuque	
Ysleta Del Sur	Additionally, APCG is concerned that any study proposal from DOI needs to be in those areas where leasing is anticipated to occur. However, based on BLM assessments and the location of a majority of lease parcels, it is clear that highly reasonable foreseeable development will actually occur on lands where Pueblo cultural resources exist and deserve protection, even though the lands are outside the 10-mile area. An ethnographic study of where reasonable
Zia	
Zuni	

² APCG and DOI have until recently discussed a general area of approximately 10-miles surrounding the Park as making up the withdrawal area. In recent years, as part of work on the Chaco Cultural Heritage Area Protection Act, congressional members along with input from DOI and the Pueblos have created more clarity on the boundaries of the withdrawal area by specifying its parameters and producing an associated map. The Act's boundaries are now the best description of the withdrawal area—which has shifted slightly over time.



ALL PUEBLO COUNCIL OF GOVERNORS

Officers:
E. Paul Torres, Chairman
Governor J. Michael Chavarria, Vice Chair
Governor Val Panteah, Sr., Secretary

foreseeable development is set to occur is critical to filling the information gap the BLM suffers from in its current Section 106 analysis in its quarterly lease sales of parcels in the Greater Chaco Region.

Acoma

Cochiti

5. Conclusion

Isleta

If you have any further questions, please feel free to contact myself or APCG's Executive Director, Alicia Ortega

Jemez

Laguna

Sincerely,

Nambe

Ohkay Owingeh

J. Michael Chavarria
Governor, Santa Clara Pueblo
Vice-Chairman, All Pueblo Council of Governors

Picuris

Pojoaque

CC: E. Paul Torres, APCG Chairman
Alicia Ortega, APCG Executive Director

Sandia

San Felipe

San Ildefonso

Santa Ana

Santa Clara

Santo Domingo

Taos

Tesuque

Ysleta Del Sur

Zia

Zuni