



Chaco Area Withdrawal FAQs

Terminology

- Withdrawal area (aka FRN acreage of 351,479.97) – area described by the Federal Register Notice intended to be comprised of federal subsurface estate within the withdrawal boundary.
- Withdrawal boundary – contiguous surface area consisting of ~10-mile proximity buffer, aliquoted, with additional areas derived from H.R.2181 and S.1079 (116th Congress, “Chaco Cultural Heritage Area Protection Act[s] of 2019” – not passed), totaling ±958,824.8 acres

Questions

1. Which agencies are involved?

The Bureau of Land Management (BLM) manages the Federal government’s onshore subsurface mineral estate thus is the lead agency on the withdrawal.

2. What exactly is happening?

The proposal is to withdraw the identified public lands from entry under the **Mining Law of 1872** and the **Mineral Leasing Act of 1920** for 20 years. The withdrawal is specific to certain minerals, depending on which law they are regulated under. Minerals under the Mining Law, such as uranium, silver, gold, etc., as well as minerals that are regulated under the Mineral Leasing law, such as coal, oil and natural gas will be restricted—this means no new leasing and no new mines will be allowed within the withdrawal area. The segregation and withdrawal do not apply to minerals regulated under the mineral materials law, such as humate, sand, gravel and clinker. These materials can continue to be extracted from public lands. The withdrawal is subject to **valid existing rights**. This means Applications for Permit to Drill (APDs) and/or other permits for activities associated with valid existing leases may continue to be submitted and approved. The BLM may also authorize rights-of-way, easements, non-oil/gas leases, permits, or any other activity consistent with the existing 2003 RMP and ROD (as amended).

3. Why 20 years?

Federal Land Policy and Management Act (FLPMA) Section 204 (C)(1) limits internally proposed withdrawals to 20 years.

4. What happens after 20 years?

The withdrawal is lifted and lands will be managed according to the Farmington Field Office's (FFO) Resource Management Plan (RMP) and Record of Decision (ROD), as amended.

5. Of the federal mineral within the withdrawal area, how much land is already leased and how does the withdrawal affect these lands?

80 valid existing leases, encompassing ±94,523.74 acres, of which ±71,746.51 lie within the proposed withdrawal area. ±264,989.23 acres are unleased.

The withdrawal is subject to valid existing rights. Existing leases are allowed to continue operating under the terms of their lease until the lease is expired or cancelled.

6. What does "valid existing rights" mean?

Valid existing rights means that the rights associated with existing fluid mineral leases, coal mining leases or mining claims will not be impacted by the withdrawal, and activity that is authorized under a valid lease can continue. In other words, APDs, rights-of-way (ROWs), etc. can continue to be processed in conformance with the Farmington Field Office (FFO) RMP and ROD, as amended.

7. How many wells already exist within this region?

There are 194 existing well locations within the proposed withdrawal area. 177 are characterized as active, with 17 characterized as plugged. This includes 6 injection disposal wells.

There are 338 wells (222 active/116 plugged) within the withdrawal boundary. This includes 16 injection water disposal wells and 9 water injection wells for enhanced oil recovery.

8. Will there be additional measures placed on permitting actions on the surface?

The segregation and withdrawal are specific to restricting entry and leasing that is authorized under the US mining and US leasing laws (e.g., no new oil and gas leases, no new coal mines, no new uranium mines). Other activities are allowed, including activity on existing leases. All activity must be in conformance with the FFO's RMP and ROD, as amended.

9. Does this withdrawal include the use or development of new sandstone pits that are often used for road building/maintenance?

No. The withdrawal is specific to minerals regulated under the US mining laws (for example: uranium, silver, gold) and the US mineral leasing laws (for example: coal, oil, natural gas). The withdrawal does not include the Materials Act of 1947, which provides for the

disposal of mining materials on public lands, both saleable and leasable. Sand and gravel fall under the Materials Act of 1947.

10. Will there be a protest period for the decision?

No. The Secretary of Interior is the highest level so there is no higher position to appeal or protest to. Any challenges would go through Federal court.

11. How does this impact split estate lands?

The proposed withdrawal only affects the ability to develop federal minerals and does not affect how other agencies manage their surface.

12. What are the next steps in the withdrawal process?

We will continue to accept comments until April 6; continue to conduct Tribal consultation as requested by Tribes; begin developing an environmental assessment in accordance with the National Environmental Policy Act (NEPA) as well as develop reports required by 43 CFR 2310.3-2.

Once completed, the package will be submitted to the Secretary of Interior, who will either approve or deny the withdrawal. If approved, a Public Land Order would be issued, placing the withdrawal in effect for 20 years.

13. Where did the boundary come from?

The withdrawal boundary is the contiguous area consisting of ~10-mile proximity buffer, aliquoted, with additional areas derived from H.R.2181 and S.1079 (116th Congress, "Chaco Cultural Heritage Area Protection Act[s] of 2019" – not passed) comprising ±958,824.8 acres

14. How many Individual Indian Allotments and Allottee-owned minerals are in or adjacent to lands that will be withdrawn?

There are 18 Individual Indian Allotments exist within the withdrawal area described by the Federal Register Notice. In other words, these are Individual Indian Allotments that overlay federally owned minerals.

1,233 Individual Indian Allotments (overlying Allottee-owned minerals) exist either within the withdrawal boundary or exterior to the withdrawal boundary but are adjacent to the federal subsurface estate. Of those, 837 allotments can be characterized as being adjacent the federal subsurface estate described as the proposed withdrawal area by the Federal Register Notice.

15. What is the acreage of Tribal split estate (Tribal Surface/BLM-managed minerals)?

A total of 127,833.22 Tribal (Trust, Fee, Allotted) acres lie within the withdrawal boundary.

16. What is the high/med/low development potential area (from the 2019 RFD) within the withdrawal area?

- *Note the RFD does not include Bisti / De-Na-Zin Wilderness, Ah-Shi-Sle-Pah Wilderness, or Chaco Culture National Historical Park (CCNHP)*
- High (10+ wells per township, likely horizontal): ±20,104.55 acres (±3,129.65 unleased)
- Medium (6-9 wells per township, likely horizontal): ±93,219.78 (±40,183.7 unleased)
- Low (4-8 wells per township, likely vertical): ±67,654.94 acres (entirety unleased)
- ±180,979.27 acres total (110,968.29 unleased)

17. When you consider active leases with valid existing rights along with areas that are already withdrawn within this proposed boundary, how many acres of the withdrawal area will this actually affect?

- Currently withdrawn:
 - CCNHP ±32,622.57 acres
 - Ah-Shi-Sle-Pah Wilderness ±7,045.07 acres
 - Bisti / De-Na-Zin Wilderness ±1,515.42 acres
 - Fossil Forrest RNA ±2,770.55 acres
- Currently Leased ±70,648.38 acres
- Remaining Effective Protection ±222,133.75 acres **(65.97%)**

18. My minerals are identified in the legal description in the Federal Register notice, does this mean my minerals are being withdrawn? What should I do?

The proposed withdrawal would not change any mineral ownership. If an error occurs in the identification of federal minerals and the legal description is incorrect, it is only a clerical error and can be corrected. Please notify Sarah Scott at the Farmington Field Office BLM at 505-564-7689.

19. How are the congressional actions (proposed legislation) related to this withdrawal?

Proposed legislation by members of Congress is related only in the subject matter; proposed legislation is independent of this withdrawal

20. Is there a concern regarding drainage of Federally owned minerals that are in the withdrawal area?

No. The State of NM has established setbacks to protective correlative rights

21. What is the preliminary indication of minerals in the withdrawal area:

In addition to oil and gas resources, the area under consideration also has mineral potential for coal, humate, clinker, sand and gravel.

- Locatable Minerals:
 - Uranium is prospectively present. Low potential
- Salable Minerals (not impacted by withdrawal; future permits will be discretionary):
 - Humate: There are four active humate mines in the area and additional potential exists in the area with expressed interest from current operators.
 - Clinker: With the low availability of suitable road base or gravel in the area and the cost of transporting it, clinker is an alternate. Natural clinker with its diversity in quality is sometimes used as a substitute by local landowners.
 - Sand and Gravel: There are currently no commercial sand and gravel operations in the area. There is no obvious feedstock for gravel operations with little river cobble available. The NPS does use sand from the area for ruins stabilization.
- Leasable Minerals:
 - Oil and Gas: Recent activities involve drilling horizontal wells over a mile in length which necessitates drilling through several leaseholds in the “checkerboard” land ownership area. Target formation for oil gets saturated as you get closer to Chaco Park, Chaco is in the “low potential area”
 - Coalbed methane: potential for coalbed methane production exists.
 - Coal: Both the Fruitland and the Menefee Coal Formation are present in the area, but the beds in the Menefee are thin and are not a viable development target.

22. Will there be an environmental analysis?

Yes. The NEPA document will be developed concurrently with other required reports. There will be an additional opportunity for the public to comment on the NEPA document.

23. Where can I get more information about the withdrawal process?

- FLPMA Section 204
- 43 CFR 2310

24. Where can I submit my comments on the proposed withdrawal?

- By mail to: Chaco area withdrawal

c/o Sarah Scott, Project Manager

6251 College Blvd., Suite A

Farmington, NM 87402

- Through the project's ePlanning page:

<https://eplanning.blm.gov/eplanning-ui/project/2016892/510>

- By email: blm_nm_fm_ccnhp_area_withdrawal_comments@blm.gov

25. I still have questions, who can I contact?

Sarah Scott, BLM FFO Project Manager at 505-564-7689 or sscott@blm.gov.