



ALL PUEBLO
COUNCIL OF
GOVERNORS

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

RECEIVED

OCT 30 2018

BLM, NMSO
SANTA FE

10/29/2018

Acoma

Cochiti

Isleta

Jemez

Laguna

Nambe

Ohkay Owingeh

Picuris

Pojoaque

Sandia

San Felipe

San Ildefonso

Santa Ana

Santa Clara

Santo Domingo

Taos

Tesuque

Ysleta del Sur

Zia

Zuni

JulieAnn Serrano
Bureau of Land Management
New Mexico State Office
301 Dinosaur Trail
Santa Fe, NM 87508

Re: Authorization for Submission of Protests

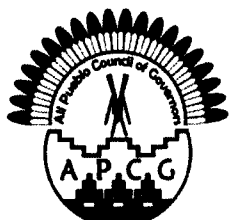
Dear Ms. Serrano,

In accordance with the Bureau of Land Management, New Mexico State Office's Notice of Competitive Oil and Gas Lease Sale for December 5-6, 2018; on behalf of the All Pueblo Council of Governors, I am notifying you that I, Chairman E. Paul Torres have been authorized by the All Pueblo Council of Governors to submit protests for all parcels as part of the December 5-6, 2018 Oil and Gas Lease Sale.

If you have any questions regarding their authorization to submit protests on behalf of the All Pueblo Council of Governors, please contact our Executive Director, Alicia Ortega at APCG@indianpueblo.org or 505.470.1732.

Sincerely,

E. Paul Torres, APCG Chairman



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October 29, 2018

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OCT 30 2018

BLM, NMSO
SANTA FE

Acoma **VIA Hand Delivery**
State Director
Cochiti Bureau of Land management
New Mexico State Office
Isleta 301 Dinosaur Trail
Santa Fe, NM 87508

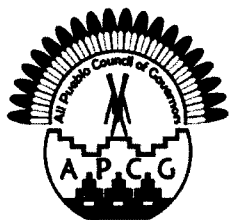
Re: All Pueblo Council of Governors' protest of December 5-6, 2018 Oil and Gas Lease Sale.

Nambe Dear State Director:

Ohkay Owingeh The All Pueblo Council of Governors (hereinafter "APCG") has directed me to
Picuris file this protest to the Bureau of Land Management's (hereinafter "BLM") Notice of
Competitive Oil and Gas Internet-Based Lease Sale (hereinafter "Notice") (see
Pojoaque authorization included as Attachment 1) for the following 37 parcels:

Sandia	NM-201812-060	NM-201812-079
	NM-201812-061	NM-201812-080
	NM-201812-062	NM-201812-081
San Felipe	NM-201812-063	NM-201812-082
	NM-201812-064	NM-201812-083
San Ildefonso	NM-201812-065	NM-201812-084
	NM-201812-066	NM-201812-085
Santa Ana	NM-201812-067	NM-201812-086
	NM-201812-068	NM-201812-087
Santa Clara	NM-201812-069	NM-201812-088
	NM-201812-070	NM-201812-089
Santo Domingo	NM-201812-071	NM-201812-090
	NM-201812-072	NM-201812-091
Taos	NM-201812-073	NM-201812-092
	NM-201812-074	NM-201812-093
Tesuque	NM-201812-075	NM-201812-094
	NM-201812-076	NM-201812-095
Ysleta Del Sur	NM-201812-077	NM-201812-096
	NM-201812-078	

Zia
Zuni APCG protests the parcels listed above, individually or when combined, and they should be denied from being offered in the December 5-6 2018 Oil and Gas Lease Sale for one or more of the following reasons.



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- Acoma (I) Interest of Protesting Party: The APCG is a consortium of 20 federally recognized Indian tribes, with significant interests under federal law that may be impacted by the lease sales.
- Cochiti
- Isleta (II) BLM's undertaking is in violation of the National Historic Preservation Act for failure to analyze and identify the Pueblos' respective historic properties and traditional cultural properties potentially located within the undertaking's areas of potential effect.
- Jemez
- Laguna (III) BLM should not permit the sale and issuance of leases, while the BLM is undergoing amendment to the Farmington Resource Management Plan.
- Nambe
- Ohkay Owingeh (IV) The sale and issuance of oil and gas leases, as described in the Notice is a violation of the Federal Land Policy and Management Act.
- Picuris (V) Chaco Culture Heritage Area Protection Act
- Pojoaque (VI) Inadequate Protest Period & Procedures

Sandia
San Felipe

These reasons for APCG's protest are discussed more fully below:

San Ildefonso

I. Interest of Protesting Party.

Santa Ana

The All Pueblo Council of Governors is comprised of 20 federally recognized Indian tribes. Our members include the Pueblos of Acoma, Cochiti, Isleta, Jemez, Laguna, Nambe, Ohkay Owingeh, Picuris, Pojoaque, San Felipe, San Ildefonso, Sandia, Santa Ana, Santa Clara, Santo Domingo, Taos, Tesuque, Zia, Zuni, and one pueblo in Texas, Ysleta Del Sur, each having the sovereign authority to govern their own affairs. The member Pueblos have significant historical and cultural ties to the Chaco Canyon National Historic Park and the surrounding regions described, in part, in the associated Farmington Oil and Gas Lease Sale, December 2018, Environmental Assessment DOI-BLM-NM-F010-2018-0069, and the December 2018 Competitive Oil and Gas Lease Sale RPFO Environmental Assessment, DOI-BLM-NM-A010-2018-0042-EA. Each Pueblo maintains a strong cultural affinity to Chaco Canyon National Historic Park and associated sites, as the primary ancestral homelands of the Pueblos.¹ The APCG further "recognize that the greater landscape of the Chaco Canyon region is not a resource to be managed parcel by parcel, but a complete, living landscape that since time immemorial

Santa Clara

Santo Domingo

Taos

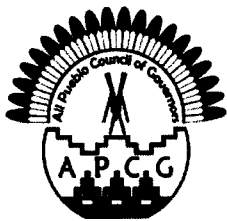
Tesuque

Ysleta Del Sur

Zia

Zuni

¹ See All Pueblo Council of Governors, Resolution No. APCG 2016-17 (on file with APCG).



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Cochiti

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Jemez

Laguna

Nambe

Ohkay Owingeh

Picuris

Pojoaque

Sandia

San Felipe

San Ildefonso

Santa Ana

Santa Clara

Santo Domingo

Taos

Tesuque

Ysleta Del Sur

Zia

Zuni

has sustained Pueblo people."² In addition, the APCG asserts that "preserving the traditional cultural properties and sacred sites that exist in the Chaco Canyon and in the Greater Chaco Region, including, but not limited to, the Great North Road, the West Road, and Pierre's Site, along with protection of the night skies, soundscapes, view shed and sight-lines within and surrounding Chaco Canyon is essential to the cultural and traditions of APCG members[.]"³ Undoubtedly, there exist Pueblo historic properties and traditional cultural properties, respective of each individual Pueblo, in the BLM Farmington Field Office's district. More importantly, these areas may exist within the area of potential effects for the proposed parcels.

Under the National Historic Preservation Act, these sites may be eligible under federal criteria for listing as historic properties on the National Register of Historic places.⁴ Therefore, the proposed parcels for leasing may directly or indirectly have adverse effects on the 20 Pueblos' respective historic properties or traditional cultural properties eligible for the National Register that have not yet been identified. Furthermore, the cumulative adverse effect of the oil and gas lease sales of dozens of parcels within close proximity to Chaco Culture NHP, including those deferred in the March 2018 Lease Sale, will likely increase significantly with these new lease sales, particularly since the BLM has yet to undergo a comprehensive cultural landscape analysis of the Greater Chaco Region. As a result, the APCG has significant interests under federal law for the purposes of this protest.

II. BLM's undertaking is in violation of the National Historic Preservation Act for failure to analyze and identify the Pueblos' respective historic properties and traditional cultural properties potentially located within the undertaking's areas of potential effect.

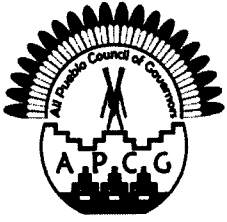
The BLM's sale and issuance of oil and gas leases for the 37 parcels, listed *supra*, is an undertaking as defined by 54 U.S.C. Section 300320 and 36 CFR Section 800.16(y). This finding has been recognized by federal courts.⁵ Upon becoming an undertaking, BLM must then fulfill its duties under Section 106 of the National Historic Preservation

² All Pueblo Council of Governors, Resolution No. APCG 2017-11 (on file with APCG).

³ All Pueblo Council of Governors, Resolution No. APCG 2017-12 (on file with APCG).

⁴ 36 C.F.R. § 60.4; *See also* 54 USC § 302706(a) (stating: "Properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization may be determined to be eligible for inclusion on the National Register").

See Montana Wilderness Ass'n v. Fry, 310 F. Supp. 2d 1127, at 1152 (D. MT. 2004) (stating "[t]he sale of oil and gas leases is a 'project activity or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency,' and may also be construed as a[sic] activity 'requiring a Federal permit, license or approval.' "); *See also, Pit River Tribe v. U.S. Forest Service*, 469 F.3d 768, 787 (9th Cir. 2006) (concluding that the issuance of lease extensions is an "undertaking" requiring National Historic Preservation Act analysis).



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Acoma

Act. This requires an analysis of the effect the undertaking may have on historic properties.⁶

Cochiti

A. BLM Must Complete the Section 106 process Prior to Committing Itself to a Course of Action.

Isleta

Jemez

Laguna

Nambe

Ohkay Owingeh

Picuris

Pojoaque

Sandia

San Felipe

San Ildefonso

Under the NHPA, BLM must initiate the Section 106 process “early in the undertaking’s planning, so that a broad range of alternatives may be considered during the planning process for the undertaking.” 36 C.F.R. § 800.1(c). “This directive makes it pellucid that agencies are not expected to delay NHPA review until all details of the proposal are set in cement.” *Safeguarding the Historic Hanscom Area’s Irreplaceable Res., Inc. v. Federal Aviation Admin.*, 651 F.3d 202, 215 (1st Cir. 2011). The Section 106 regulations also direct BLM to “consider [its] section 106 responsibilities as early as possible in the NEPA process, and plan [its] public participation, analysis, and review in such a way that they can meet the purposes and requirements of both statutes in a timely and efficient manner.” 36 C.F.R. § 800.8(a)(1). This “early coordination” requirement is designed to ensure that BLM fully engages consulting parties in the decision-making process, “when the purpose of and need for the proposed action as well as the widest possible range of alternatives are under consideration.” *Id.* § 800.8(a)(2). BLM must complete the Section 106 process “prior to” committing itself to a course of action that might affect historic properties. 54 U.S.C. § 306108.

Santa Ana

B. BLM Must Assess the Potential for Adverse Effects.

Santa Clara

Santo Domingo

Taos

Tesuque

Ysleta Del Sur

BLM must fully assess the potential for adverse effects on Chaco Culture NHP, including Pueblo Pintado, the Great North Road, the Raton Well, and other significant cultural resources in the landscape surrounding Chaco Culture NHP and these known archaeological sites. Under Section 106, BLM must “apply the criteria of adverse effect to historic properties within the area of potential effects.” 36 C.F.R. § 800.5(a). Those criteria include “cumulative” effects, as well as effects on “the property’s setting that contribute to its historic significance” and “visual, atmospheric or audible” effects “that diminish the integrity of the property’s significant historic features. . . .” *Id.* § 800.5(a)(1), (a)(2)(iv), (v).

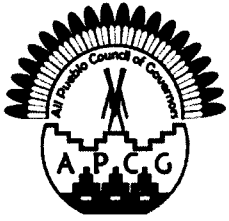
Zia

C. BLM Must Identify Traditional Cultural Properties & Historic Properties

Zuni

⁶ 54 U.S.C. § 306108; 36 C.F.R. 800.





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Nambe
Ohkay Owingeh

Under the Section 106 process, BLM must **first** identify traditional cultural properties and other historic properties within the area potentially affected by the leases.⁷ Importantly, this process is for the purposes of identifying any historic property for an "Indian tribe ... that might attach religious and cultural significant to properties within the area of potential effects."⁸ In this case, BLM therefore has a duty to identify traditional cultural properties and other historic properties, that may be eligible for the National Register, that are of religious and cultural significance to each of the 20 Pueblos. APCG has routinely reiterated that it has a significant interest due to the likely presence of its respective members' historic properties and traditional cultural properties located on land in the jurisdiction of the BLM Farmington and Rio Puerco Field Office.⁹ Under Section 106, the level of effort required of BLM in the identification process, is that of a "reasonable and good faith effort"¹⁰ This "may include background research, consultation, oral history interviews, *sample field investigation, and field survey.*"¹¹

Picuris
Pojoaque
Sandia
San Felipe

The BLM Rio Puerco Field Office conducted a "review of records" to meet its obligations to identify historic properties¹². The BLM Farmington Field Office relies on existing records analyzed as part of the 2003 Farmington PRMP/FEIS and 2003 Farmington RMP to arbitrarily conclude there will be no adverse effect to historic properties¹³. This is often referred to as a "Class I" inventory that examines currently available records and information for cultural resources found on each parcel or related areas. BLM often uses this approach in its oil and gas lease sales.¹⁴ As justification for

San Ildefonso

⁷ 36 C.F.R. §. 800.4(b).

⁸ *Id.*

Santa Ana

⁹ See All Pueblo Council of Governors, Resolution No. APCG 2014-04 (on file with APCG) (attached); All Pueblo Council of Governors, Resolution No. APCG 2015-17 (on file with APCG) (attached); All Pueblo Council of Governors, Resolution No. APCG 2016-17 (on file with APCG) (attached); All Pueblo Council of Governors, Resolution No. APCG 2017-11 (on file with APCG)(attached); All Pueblo Council of Governors, Resolution No. APCG 2017-12 (on file with APCG)(attached); See also, APCG Scoping Comments to the Farmington Field Office Proposed December 2018 Oil & Gas Leases (Jul. 20, 2018) (on file with the BLM and APCG); See also, APCG Scoping Comments to the Rio Puerco Field Office Proposed December 2018 Oil & Gas Leases (Jul. 20, 2018) (on file with the BLM and APCG); APCG has also made this point to the BLM Farmington Field Office in its related work in consultations, comments, and participation as a Cooperating Agency on the Bureau of Land Management and Bureau of Indian Affairs Farmington Mancos-Gallup Resource Management Plan Amendment/Environmental Impact Statement.

Santa Clara

Santo Domingo

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¹⁰ 36 C.F.R. § 800.4(b)(1).

¹¹ *Id.* (emphasis added).

Zia

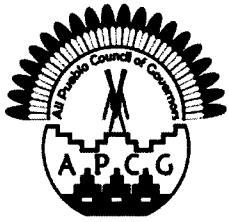
¹² See December 2018 Competitive Oil and Gas Lease Sale RPFO Environmental Assessment, DOI-BLM-NM-A010-2018-0042-EA (at Line 852).

Zuni

See Farmington Oil and Gas Lease Sale, December 2018, Environmental Assessment DOI-BLM-NM-F010-2018-0069, at page 10.

See Presentation, *Farmington Field Office March 2018 Lease Sale, 18-19* (Dec. 14, 2017) (BLM powerpoint presentation held at the BLM Farmington Field Office for interested organizations describing





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Acoma

only conducting a Class I inventory review, BLM has often cited to the United States Department of Interior Board of Land Appeals (hereinafter "IBLA") decision 2008-249, in similar undertakings such as the deferred March 2018 Lease Sale.¹⁵ However, IBLA 2008-249, should be limited to its facts and the particular issue in front of the IBLA at that time. BLM cites¹⁶ IBLA 2008-249 at 177 IBLA 98 stating:

Cochiti

Isleta

Jemez

BLM correctly notes that the Board in *Mandan* rejected the argument that BLM was required to survey the lease sale lands and found that BLM's review of available information (including cultural resource records, previous information from tribal consultations, existing ethnographic data, and archaeological and historic literature specific to the area) was sufficient NHPA analysis at the lease sale stage in that case.

Laguna

Nambe

Ohkay Owingeh

However, to assume in this undertaking for the December 2018 Lease Sale, that a Class I inventory is the maximum necessary action to identify the 20 Pueblos' respective historic properties and traditional cultural properties, at this stage, is a misread of the decision and an inflation of the proposition as applied to this undertaking. It may also not be a reasonable and good faith effort to rely solely on a Class I inventory. Rather, IBLA 2008-249 goes on to clearly state:

Picuris

Pojoaque

Sandia

To say that a Class I inventory always is sufficient at the lease sale stage in all cases without qualification would be an overstatement.

San Felipe

There may be circumstances in which there is such a paucity of available information that a Class I inventory is essentially meaningless.¹⁷

San Ildefonso

Santa Ana

Santa Clara

The BLM has not demonstrated that there is sufficient information, subject to a Class I inventory, that adequately identifies each of the 20 Pueblos' historic properties and traditional cultural properties at this stage of the undertaking. For example, the Rio Puerco Field Office states, on lines 852-865 of its Environmental Assessment that in its review of available records, "of the approximately 41,000 acres approximately 20 percent of the surface overlaying the proposed lease parcels has been inventoried for cultural

Santo Domingo

Taos

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BLM's Section 106 identification efforts to be completed through a literature review, with justification from cited Interior Board of Land Appeals decision, IBLA 2008-249) (on file with BLM and APCG).

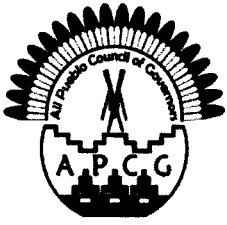
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See Presentation, *Farmington Field Office March 2018 Lease Sale*, 18-19 (Dec. 14, 2017) (BLM powerpoint presentation held at the BLM Farmington Field Office for interested organizations describing BLM's Section 106 identification efforts to be completed through a literature review, with justification from cited Interior Board of Land Appeals decision, IBLA 2008-249) (on file with BLM and the APCG).

Zuni

¹⁶ *Id.*

¹⁷ IBLA 2008-249, at 177 IBLA 100 (emphasis added).



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resources."¹⁸ Yet, the BLM Rio Puerco Field Office arbitrarily concludes that in the Rio Puerco Lease Parcels in total, "[s]ites are relative[ly] scarce within the area being analyzed [.]"¹⁹ without having inventoried the remaining 32,000 acres (approximately 52 square miles).

Cochiti

Isleta

Of the 20 percent that has been analyzed, the Rio Puerco Field Office arbitrarily concludes that "[n]o ancestral Puebloan sites have been documented ... and that RPFO archaeologists and volunteers have intensively scouted the area of the proposed lease sale for over 20 years without identifying Ancestral Puebloan remains." This arbitrary conclusion is without foundation, as the BLM has not demonstrated whether qualified experts able to identify individual Pueblo's historic properties were used, consulted, or contributed to such analysis. Continuously, APCG has asserted that insufficient data exists to adequately identify the respective Pueblo cultural resources.²⁰ For example, Pueblos maintain shrines, springs, other blessing places, plant and mineral gathering collection loci, hunting tracts, trails and viewsheds, in their cultural repertoire of relationship with Chaco Canyon and the Greater Chaco Region in the area of the proposed parcels. Archaeologists know few of these cultural resources because these types of cultural resources, that may be eligible historic properties, are not usually outside the common domain of archaeological training and experience. Their reliable identification and culturally appropriate evaluation under federal criteria for National Register eligibility, depends on the training and experience of traditional practitioners, who are qualified experts, from affiliated Pueblo communities during the time the cultural resource inventories were completed in the field.

Jemez

Laguna

Nambe

Ohkay Owingeh

Picuris

Pojoaque

Sandia

San Felipe

San Ildefonso

Santa Ana

As a result, there exists a "paucity" of information pertaining to the 20 Pueblos' respective historic properties and traditional cultural properties in this area of the proposed December 2018 Lease Sales. This should give rise to the BLM to conduct more intensive efforts, such as sample field investigations or field surveys, including Class III surveys with the collaboration or contribution by qualified experts able to identify the 20 Pueblos cultural resources.²¹ Any lack of information in a Class I inventory about the historic properties or traditional cultural properties of the 20 Pueblos, should not be

Santa Clara

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Tesuque

¹⁸ December 2018 Competitive Oil and Gas Lease Sale RPFO Environmental Assessment, DOI-BLM-NM-A010-2018-0042-EA, at Line 852-858.

Ysleta Del Sur

¹⁹ *Id.*

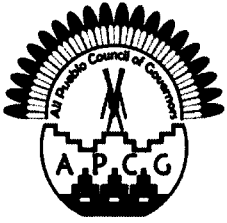
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²⁰ See e.g., APCG Scoping Comments to BLM Rio Puerco and Farmington Field Offices Re: December 2018 Oil and Gas Lease Sale (July 20, 2018) (on file with the BLM and APCG) (describing BLM's failure to identify historic properties in light of APCG resolutions identifying locations within the Greater Chaco Canyon region that may be considered traditional cultural properties and/or sacred sites.)

Zuni

This may also include the conducting of a district wide ethnographic study, for the Rio Puerco and Farmington Field Offices, to understand how the historic properties and traditional cultural properties, if any, fit into a larger cultural landscape that may be considered for protection.





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Ysleta Del Sur
Zia
Zuni

construed to mean they do not exist within the APE. A literature review only, may have the unintended effect of privileging archaeological resources over cultural resources that may only be known to or through the analysis of qualified Pueblo cultural experts who are able to distinguish the cultural resources of a respective Pueblo.²² This is especially the case when the APCG has conveyed its belief that there is the potential for Pueblo historic properties and traditional cultural properties to be identified in the parcels' area of potential effect, warranting further field surveys and perhaps the need for an analysis of a larger cultural landscape.²³

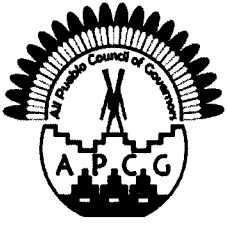
Although it is arguable that in accordance with the timing guidelines of 36 C.F.R. Section 800.1(c), that the inclusion of stipulations in the Notice, such as NM-11-LN, RP-3 NSO, RP-6, WO-NHPA, and F-40-CSU, would accomplish the Section 106 identification requirements at a later time in the undertaking; that however, is not the manner in which the National Historic Preservation Act is required to be complied with. In *Montana Wilderness Ass'n v. Fry*, 310 F. Supp.2d 1127 (D. MT. 2004), one of the issues the Court examined was whether during the sale of oil and gas leases, could lease stipulations alone, be sufficient to avoid adverse effects and meet the BLM's duties to identify historic properties. The Court stated in pertinent part²⁴:

If the lease sales are an undertaking, BLM is required to initiate the NHPA process in accordance with the regulations... NHPA is a procedural statute. The process of identifying properties and consulting with affected tribes as well as members of the public is the goal sought

For further discussion, see generally Kurt F. Anschuetz & Kurt E. Dongoske, *Hadiya:wa: Hearing What Traditional Pueblo Cultural Advisors Talk About*, (Paper presented in the Symposium, *Collaborative and Community Archaeology*, 82nd Annual Meeting of the Society for American Archaeology, Apr. 2, 2017) (on file with authors). Anschuetz and Dongoske go on to state: "Administrative subscription to a worldview in which individual parts of living, dynamic cultural process lack distinction is especially problematic in Section 106 consultation. This approach enables federal agency management professionals to impose their preferred contexts for assessing integrity and evaluating the information potential of historic properties, which they can recognize based on *their* training and experience." *Id* at 5. In addition, Anschuetz and Dongoske state: "Federal agency managers, who are often trained and experienced archaeologists, tend to privilege archaeology's scientific values over those of Native peoples." *Id.* at 7.

This is similar to the assertion of the Pueblo of Sandia in the case, *Pueblo of Sandia v. United States*, 50 F.3d 856 (10th Cir. 1995). There, the Pueblo of Sandia did not provide specific information describing location of traditional cultural properties and associated cultural activities, even though the area was of great importance to the Pueblo. The Court found that the information the tribes did communicate to the agency "was sufficient to require the Forest Service to engage in further investigations, especially in light of regulations warning that tribes might be hesitant to divulge the type of information sought." 50 F.3d at 860.

²⁴ 310 F. Supp.2d at 1152-53 (emphasis added).



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by the statute. *Lease stipulations do not accomplish the same goal, and cannot replace the BLM's duties* under NHPA. moreover, it is conceivable that *different lease stipulations would evolve* from a larger discussion of possible effect on historic tribal lands from oil and gas leasing.

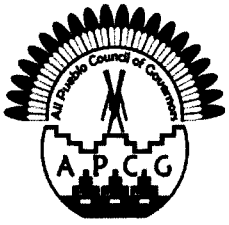
This finding by the Court is consistent even with the latitude that an agency is afforded under 36 C.F.R. Section 800.1(c) which allows for an agency to conduct "nondestructive project planning activities before completing compliance with section 106[.]" It cannot be emphasized enough that this latitude is capped in that an agency may do such activities, provided that:

[S]uch actions do not restrict the subsequent consideration of alternatives to avoid, minimize or mitigate the undertaking's adverse effects on historic properties. The agency official shall ensure that the section 106 process is initiated early in the undertaking's planning, so that a broad range of alternatives may be considered during the planning process for the undertaking.²⁵

By kicking the can down the road, so to speak, to identify historic properties when triggered by stipulations, *after* a lease has been sold is a violation of the procedural duties described in *Montana Wilderness Ass'n.* and BLM's trust responsibility to *each* of the 20 Pueblos.²⁶ By waiting until *after* a parcel has been leased for BLM to fulfill its Section 106 obligations is too late; as the very legal nature of the parcel has fundamentally been altered. At that point, the owner of the lease has obtained a real property interest, subject to the BLM's stipulations. It is conceivable that if BLM were to identify historic properties and traditional cultural properties at this stage, prior to the parcels being leased, different outcomes could be had entirely based on the analysis of adverse effects on historic properties not previously determined. These may include the development and consideration of different alternatives, the development of different stipulations as suggested in *Montana Wilderness Ass'n.*, 310 F. Supp.2d at 1152-53, a different finding of significant impact, or even the decision by the BLM to not offer a lease for sale in its entirety.

²⁵ 36 C.F.R. §800.1(c).

²⁶ See Executive Order No. 13084; see also Executive Order No. 13175.



ALL PUEBLO COUNCIL OF GOVERNORS

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

- Acoma
- Cochiti
- Isleta
- Jemez
- Laguna
- Nambe
- Ohkay Owingeh
- Picuris
- Pojoaque
- Sandia
- San Felipe
- San Ildefonso
- Santa Ana
- Santa Clara
- Santo Domingo
- Taos
- Tesuque
- Ysleta Del Sur
- Zia
- Zuni

More broadly, the National Historic Preservation Act “has been characterized as a 'stop, look and listen' provision.”²⁷ Yet, the duties conferred by the National Historic Preservation Act, are procedural in nature. Here, these duties can only be accomplished if the BLM fulfills its procedural obligations under Section 106 to identify the 20 Pueblos' respective historic properties and traditional cultural properties by qualified experts who can assess the significance of any such properties for each of the Pueblos. For the arguments presented above, this must be completed as part of this undertaking and prior to the sale and issuance of oil and gas leases in the December 2018 Lease Sale. Doing otherwise is a failure of BLM’s duty and a violation of the National Historic Preservation Act.

III. BLM should not permit the sale and issuance of leases for the parcels, while the BLM is undergoing amendment to the Farmington Resource Management Plan.

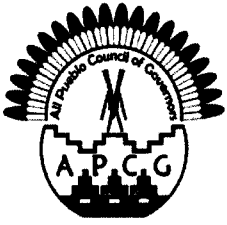
Currently, the BLM, and BIA as co-lead agency, is engaged in amending the 2003 Resource Management Plan. Under the forthcoming Farmington Mancos-Gallup Resource Management Plan Amendment (hereinafter “RMPA”) and Environmental Impact Statement (hereinafter “EIS”), a wide range of impacts from oil and gas development to various resources, including cultural resources, are being considered.²⁸ The current sale of oil and gas leases, and their associated development, may run contrary to the eventual management alternatives that are being considered in the RMPA. BLM should not issue these oil and gas leases without finalizing the RMPA, in order to give full consideration and time for the development of a comprehensive and fully analyzed set of alternatives.

Under NEPA, BLM must evaluate the “reasonably foreseeable” site-specific impacts of oil and gas leasing, prior to making an “irretrievable commitment of resources.” *New Mexico ex rel. Richardson, New Mexico ex rel. Richardson v. BLM*, 565 F.3d 683, 718 (10th Cir. 2009); *see also Sierra Club v. Hodel*, 848 F.2d 1068, 1093 (10th Cir. 1988) (agencies are to perform hard look NEPA analysis “before committing themselves irretrievably to a given course of action so that the action can be shaped to account for environmental values”); *Sierra Club v. Peterson*, 717 F.2d 1409, 1411 ([o]n land leased without a No Surface Occupancy Stipulation the Department cannot deny the permit to drill; it can only impose 'reasonable' conditions which are designed to mitigate the environmental impacts of the drilling operations.). Courts have held that BLM makes

²⁷ *Montana Wilderness Ass'n*, 310 F. Supp.2d at 1150, citing *Apache Survival Coalition v. United States*, 21 F.3d 895 (9th Cir. 1994); *Muckleshoot Indian Tribe v. U.S. Forest Svc.*, 177 F.3d 800, 805 (9th Cir. 1999).

²⁸ *See*, Notice of Intent, 79 Fed. Reg. 10548 (Feb. 25, 2014).





ALL PUEBLO COUNCIL OF GOVERNORS

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

Acoma

such a commitment when it issues an oil and gas lease without reserving the right to later prohibit development. *New Mexico ex rel. Richardson*, 565 F.3d at 718.

Cochiti

Isleta

Jemez

Laguna

Nambe

Ohkay Owingeh

Picuris

Under 40 C.F.R. Section 1506.1(c)(3), an agency should refrain from taking interim major federal actions, while a program environmental impact statement is in progress. Although the BLM is relying upon the 2003 Resource Management Plan and associated environmental impact statement; its development of the 2014 RMPA and EIS should give the agency pause. Issuing the oil and gas leases now prejudices the RMPA and EIS, by “determin[ing] subsequent development” inherently “limit[ing] alternatives”²⁹ that the parcels would otherwise be subject to under the 2014 RMPA and EIS. Therefore, issuing the leases in the current sale is prejudicial to the 2014 RMPA and EIS, and BLM is prohibited from undertaking this action, as described in the Notice, until the completion of the 2014 RMPA and EIS.

IV. The sale and issuance of oil and gas leases, as described in the Notice is a violation of the Federal Land Policy and Management Act.

Pojoaque

Sandia

San Felipe

San Ildefonso

Under the Federal Land Policy and Management Act (hereinafter “FLPMA”), BLM is tasked with managing public land and their resources, including cultural property. FLPMA specifically requires BLM to conduct its management “in a manner that will protect the quality of scientific, scenic, *historical*, ecological, environmental, air and atmospheric, water resource, and *archaeological* values.”³⁰ This management of public land must be done under the basis of “multiple use and sustained yield.”³¹

Santa Ana

Santa Clara

Santo Domingo

Taos

Tesuque

Ysleta Del Sur

Here, the BLM Farmington Field Office has already leased the vast majority of its lands for oil and gas development, with significant development already taking place. Given the mandate BLM is ordered with under FLPMA to balance development with “nonrenewable resources” under the multiple use framework, BLM’s decision to offer the sale of additional oil and gas leases, as described in the Notice, violates the FLPMA mandate. This violation is compounded in consideration of the lack of full analysis under BLM’s duties under the National Historic Preservation Act to identify the respective historic properties and traditional cultural properties of the 20 Pueblos that may be affected by this undertaking (discussed *supra*). Full analysis under the National Historic Preservation Act may further contribute to the balancing of “nonrenewable resources” under the FLPMA mandate.

Zia

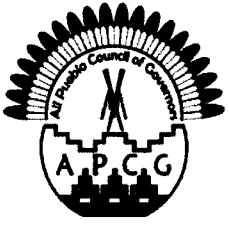
V. Chaco Culture Heritage Area Protection Act

Zuni

²⁹ 40 C.F.R. § 1506(c)(3).

³⁰ 43 U.S.C. § 1701(a)(8)(emphasis added).

³¹ *Id.* at §1701(a)(7).



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On May 22, with support from the All Pueblo Council of Governors and Navajo Nation, New Mexico Senators Udall and Heinrich introduced the Chaco Culture Heritage Area Protection Act, which would permanently withdraw federal lands and minerals within ten miles of Chaco Culture NHP and its outlying units, including Pueblo Pintado, from future oil and gas leasing. Out of respect for this recent legislative proposal, BLM should abstain from leasing in the Greater Chaco Region.

VI. Inadequate Protest Period & Procedures

The APCG objects to the procedures used in administering the December 2018 Lease Sale, and its inadequate protest period and method of submission.³² Arbitrarily, the BLM issued a 10-day protest period with the receipt of protests by mail or hard copy, only. This is in contrast to the 31-day protest period and the delivery of protests by mail, hard copy and fax that the agency used in its previous March 2018 Lease Sale Notice.³³ Receipt of protests in order to provide adequate time for mailing or hand delivery further truncate the time period in which to protest.

The result of this decision unduly prejudices submission and the content of protests as the necessary documents that are highly technical, cannot be sufficiently and meaningfully analyzed in 10 days. Documents like the Rio Puerco and the Farmington Field Office's Environmental Impact Statements and unsigned FONSI's were posted the same day.³⁴ Further, the removal of certain parcels within the Farmington Field Office from the proposed list and the final listing was not made clear and the information was not released concurrently with the sale notice.³⁵ This effectively truncated the protest period to 9-days while the available information was not readily available by the BLM. In addition, analysis in the BLM Farmington Field Office's Environmental Assessments used the BLM's proposed parcel numbers in the original proposed listing. Compared

Santo Domingo

Taos ³² See BLM New Mexico, Oklahoma, Texas & Kansas Competitive Oil and Gas Lease Sale Notice (Dec. 5-6, 2018) (available at https://eplanning.blm.gov/epl-front-office/projects/nepa/116415/160176/195838/DEC_2018_FINAL_SALE_NOTICE_107_PARCELS_508_.pdf).

Tesuque

Ysleta Del Sur

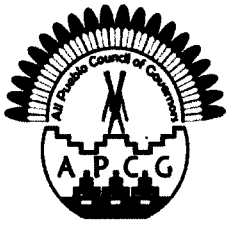
See BLM Farmington Field Office March 2018 Lease Sale eplanning page (available at: <https://eplanning.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?methodName=dispatchToPatternPage¤tPageId=133953>).

Zia

See BLM Eplanning Page (release dates 10/22/2018) (available at: <https://eplanning.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?methodName=dispatchToPatternPage¤tPageId=163286>) (available at: https://eplanning.blm.gov/epl-front-office/eplanning/docset_view.do?projectId=110287¤tPageId=162878&documentId=160171).

Zuni

See Map of New Mexico Nominated Parcels Northwest (release date 10/23/2018); compare with Final Sale Notice of December 2018 Competitive Oil and Gas Lease Sale (release date 10/22/2018).



ALL PUEBLO COUNCIL OF GOVERNORS

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Governor Val Panteah, Sr., Secretary

with the listing numbers in the Final Sale Notice, which do not align, and indicate "Formerly Lease No." without referencing the parcel's old proposed number, the corresponding application of the Environmental Assessment's analysis to specific parcels is unclear.

Acoma

Cochiti

Isleta

Jemez

Laguna

Nambe

Ohkay Owingeh

Picuris

Pojoaque

Sandia

San Felipe

San Ildefonso

Santa Ana

Santa Clara

Santo Domingo

Taos

Tesuque

Ysleta Del Sur

Zia

Zuni

The requirement of a 10-day protest period while simultaneously providing voluminous technical information, incomplete information, and requiring an archaic means of filing protests in the restricted time period (when the agency has accepted protests by more accessible means just in the last Lease Sale) is arbitrary, capricious, and prejudicial to the APCG and violative of the agency's discretion and trust responsibility to the APCG.

CONCLUSION

BLM's decision to lease parcels, without fully complying with its legal obligations is unjustifiable. The All Pueblo Council of Governors protests the sale and issuance of leases for the parcels listed *supra*, and their sale should be denied for the above stated reasons. APCG hopes to see BLM fully comply with its obligations and responsibilities under the National Historic Preservation Act, and other statutes.

If you should have any questions or require additional information, please contact APCG or its members for further information.

Sincerely,

E. Paul Torres, Chairman
All Pueblo Council of Governors

Attachments:

1. APCG Authorization
2. All Pueblo Council of Governors, Resolution No. APCG 2014-04
3. All Pueblo Council of Governors, Resolution No. APCG 2015-16
4. All Pueblo Council of Governors, Resolution No. APCG 2015-17
5. All Pueblo Council of Governors, Resolution No. APCG 2016-17
6. All Pueblo Council of Governors, Resolution No. APCG 2017-11
7. All Pueblo Council of Governors, Resolution No. APCG 2017-12
8. All Pueblo Council of Governors, Resolution No. APCG 2018-10
9. All Pueblo Council of Governors, Resolution No. APCG 2018-27

All Pueblo Council of Governors

2401 12th Street NW Suite 200 N Albuquerque NM 87104

Officers

Governor *E. Paul Torres, Chairman*

Governor *Arlen Quetawki, Vice Chairman*

Governor *Terry Aguilar, Secretary*

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RESOLUTION

ALL PUEBLO COUNCIL OF GOVERNORS

RESOLUTION NO. APCG 2014-04

SUPPORT FOR THE PROTECTION OF CHACO CANYON AND ALL TRADITIONAL CULTURAL PROPERTIES AND SACRED SITES AFFILIATED WITH CHACO CANYON

Acoma

Cochiti

Isleta

Jemez

Laguna

Nambe

Ohkay

Owingeh

Picuris

Pojoaque

Sandia

San

Felipe

San

Ildefonso

Santa Ana

Santa Clara

Santo

Domingo

Taos

Tesuque

Ysleta Del Sur

Zia

Zuni

WHEREAS, the All Pueblo Council of Governors ("APCG") is comprised of the Pueblos of Acoma, Cochiti, Isleta, Jemez, Laguna, Nambe, Ohkay Owingeh, Picuris, Pojoaque, San Felipe, San Ildefonso, Sandia, Santa Ana, Santa Clara, Santo Domingo, Taos, Tesuque, Zia and Zuni, and one pueblo in Texas, Ysleta del Sur, each having the sovereign authority to govern their own affairs;

WHEREAS, the purpose of the All Pueblo Council of Governors is to advocate, foster, protect, and encourage the social, cultural & traditional well-being of the Pueblo Nations; and

WHEREAS, through their inherent & sovereign rights, the All Pueblo Council of Governors will promote the language, health, economic, and educational advancement of all Pueblo people; and

WHEREAS, each APCG members is an indigenous nation within the United States with its own cultural territory and sovereign right to protect its traditional cultural properties and sacred sites, whether or not they are located within each pueblo's current exterior boundaries;

WHEREAS, the protection of each pueblo's traditional cultural properties and sacred sites is necessary to each pueblo's cultural preservation now and into the future;

WHEREAS, the protection of night skies, soundscapes, view sheds and sight-lines within and surrounding Chaco Canyon is essential to preserving the traditional cultural values and sacred sites that exist in Chaco Canyon and in the landscape surrounding Chaco Canyon;

WHEREAS, the federal Bureau of Land Management and Bureau of Indian Affairs are currently evaluating proposals to issue additional oil and gas leases in the landscape surrounding Chaco Canyon, and are actively developing long-term management plans that will govern oil and gas development and the protection of traditional cultural properties and sacred sites in the landscape surrounding Chaco Canyon for the next fifteen to twenty years; and

WHEREAS, the issuance of oil and gas leases, drilling permits and approvals for oil and gas roads, pipelines and other types of oil and gas infrastructure in the landscape surrounding Chaco Canyon, which includes traditional cultural properties and sacred sites, and the development of long-term management plans for the landscape surrounding Chaco

Canyon threatens irreparable degradation and impairment to that landscape and to the traditional cultural values and sacred sites present within that landscape.

NOW, THEREFORE, BE IT RESOLVED THAT the All Pueblo Council of Governors supports the requirement for meaningful government-to-government consultation for all federal undertakings and management plans affecting each pueblo's traditional cultural properties and sacred sites, as mandated by the National Historic Preservation Act, the Archaeological Resources Protection Act, the Native American Graves Protection and Repatriation Act, the Federal Land Policy and Management Act, the National Environmental Policy Act and Executive Orders 12898 and 13007.

CERTIFICATION

We, the undersigned officials of the All Pueblo Council of Governors hereby certify that the foregoing Resolution No. APCG 2014-04 was considered and adopted at a duly called council meeting held on the 16th day of April 2014, and at which time a quorum was present and the same was approved by a vote of 16 in favor, 0 against, 0 abstain, and 4 absent.

ALL PUEBLO COUNCIL OF GOVERNORS

By: 
Governor Edward Torres, APCG Chairman

ATTEST:

 4/16/14
Governor Terry Aguilar, APCG Secretary

RESOLUTION

ALL PUEBLO COUNCIL OF GOVERNORS

RESOLUTION NO. APCG 2015-16

Support for Chaco Culture National Historical Park Loan Request to the National Museum of Natural History For the Purposes of Exhibiting Artifacts in Chaco Canyon

WHEREAS, the All Pueblo Council of Governors (“APCG”) is comprised of the Pueblos of Acoma, Cochiti, Isleta, Jemez, Laguna, Nambe, Ohkay Owingeh, Picuris, Pojoaque, San Felipe, San Ildefonso, Sandia, Santa Ana, Santa Clara, Santo Domingo, Taos, Tesuque, Zia and Zuni, and one pueblo in Texas, Ysleta del Sur, each having the sovereign authority to govern their own affairs;

WHEREAS, the purpose of the All Pueblo Council of Governors is to advocate, foster, protect, and encourage the social, cultural & traditional well-being of the Pueblo Nations; and

WHEREAS, through their inherent & sovereign rights, the All Pueblo Council of Governors will promote the language, health, economic, and educational advancement of all Pueblo people; and

WHEREAS, all Pueblo people recognize a cultural relationship with their ancestors who lived in Chaco Canyon centuries ago; and

WHEREAS, the members of the All Pueblo Council of Governors have been invited to participate in consultation with Chaco Culture National Historical Park on various topics for the past 25 years, and specifically on the topic of a new exhibit to be installed in the park’s visitor Center for the past three years; and

WHEREAS, the new exhibit planned at Chaco Culture National Historical Park will focus on the artistry and craftsmanship of the remarkable artifacts that were found in archaeological sites in the park, particularly Pueblo Bonito, the largest and most impressive of the great houses in Chaco Canyon; and

WHEREAS, artifacts from Pueblo Bonito are stored in institutions in New York City and Washington, D.C. and have not been readily available to Pueblo people for decades; and

WHEREAS, Chaco Culture National Historical Park has requested a loan of 84 artifacts from the National Museum of Natural History for the new exhibit; and

WHEREAS, Chaco Culture National Historical Park believes that the support of the All Pueblo Council of Governors would be beneficial in supporting its loan request to the National Museum of Natural History; and

WHEREAS, the artifacts from Pueblo Bonito were made by the ancestors of the Pueblo people; and

WHEREAS, the priority of the All Pueblo Council of Governors be to address this repatriation and protection of sacred objects through research, strategy and commitment so in the future we have a guide on addressing those sensitive matters; and

WHEREAS, supporting this resolution is a first step of the All Pueblo Council of Governors towards a commitment to recover these objects that belong to the Pueblo people and that these sacred objects be returned to their rightful resting place as the Pueblos direct; and

WHEREAS, the inclusion of the artifacts from Pueblo Bonito in an exhibit at Chaco Culture National Historical Park will benefit Pueblo people, particularly Pueblo schoolchildren who visit the park on field trips to learn more about their history in Chaco Canyon;

NOW, THEREFORE, BE IT RESOLVED THAT by the All Pueblo Council of Governors that it reaffirms its commitment to the protection of Native sacred and cultural sites located on federal lands. As part of this commitment, the All Pueblo Council of Governors requests that the National Museum of Natural History approve the loan request of artifacts to Chaco Culture National Historical Park so that these artifacts can be exhibited in the place they were created and used.

All Pueblo Council of Governors

2401 12th Street NW Suite 200 N Albuquerque NM 87104

Officers
Governor *E. Paul Torres, Chairman*
Governor *Val Panterh Si, Vice Chairman*
Governor *Jeery Aguilar, Secretary*

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RESOLUTION

ALL PUEBLO COUNCIL OF GOVERNORS RESOLUTION NO. APCG 2015-17

COMPANION RESOLUTION FOR THE PROTECTION OF CHACO CANYON AND ALL TRADITIONAL CULTURAL PROPERTIES AND SACRED SITES AFFILIATED WITH CHACO CANYON

WHEREAS, the All Pueblo Council of Governors (“APCG”) is comprised of the Pueblos of Acoma, Cochiti, Isleta, Jemez, Laguna, Nambe, Ohkay Owingeh, Picuris, Pojoaque, San Felipe, San Ildefonso, Sandia, Santa Ana, Santa Clara, Santo Domingo, Taos, Tesuque, Zia and Zuni, and one pueblo in Texas, Ysleta del Sur, each having the sovereign authority to govern their own affairs;

WHEREAS, the purpose of the All Pueblo Council of Governors is to advocate, foster, protect, and encourage the social, cultural & traditional well-being of the Pueblo Nations; and

WHEREAS, through their inherent & sovereign rights, the All Pueblo Council of Governors will promote the language, health, economic, and educational advancement of all Pueblo people; and

WHEREAS, this resolution is companion to All Pueblo Council of Governors Resolution No. 2014-04, which supports and requests meaningful government-to-government consultation with federal agencies, the Department of the Interior (“DOI”), which includes the Bureau of Land Management (“BLM”), Bureau of Indians Affairs (“BIA”), and National Park Service (“NPS”), over actions or management plans that may affect Chaco Canyon and traditional cultural properties, sacred sites, and night skies in the surrounding landscape; and

WHEREAS, the All Pueblo Council of Governors reiterates its request for meaningful government-to-government consultation, but now believes that the Department of the Interior (“DOI”) must take additional steps to ensure that Chaco Canyon, traditional cultural properties and sacred sites in the surrounding landscape are fully protected from the potential impacts of oil and gas development and night skies are protected from flaring; and

WHEREAS, the All Pueblo Council of Governors thanks Senator Tom Udall, Senator Martin Heinrich, and Congressman Lujan for honoring the important cultural connections between our members and Chaco Canyon by working to ensure that federal agencies are coordinating and fulfilling their legal duties to manage and protect Chaco Canyon and the surrounding landscape.

Acoma

Cochiti

Isleta

Jemez

Laguna

Nambe

Ohkay

Owingeh

Picuris

Pojoaque

Sandia

Santa

Felipe

Santa

Ildefonso

Santa Ana

Santa Clara

Santo

Domingo

Taos

Tesuque

Ysleta Del Sur

Zia

Zuni

NOW, THEREFORE, BE IT RESOLVED THAT the All Pueblo Council of Governors supports the creation of a protection zone around Chaco Canyon where the Department of the Interior (“DOI”) will prioritize the protection of traditional cultural properties and sacred sites, including, but not limited to, the Great North Road, the West road, and Pierre’s Site;

BE IT FURTHER RESOLVED THAT the All Pueblo Council of Governors requests that the DOI, BLM, BIA, and NPS, pursuant to their authorities and responsibilities to our members under the National Historic Preservation Act, the Archeological Resources Protection Act, the Native American Graves Protection and Repatriation Act, the Federal Land Policy and Management Act, the National Environmental Policy Act, and Executive Orders 12898 and 13007, formally adopt and cooperate on the management of the aforesaid protection zone, and furthermore that they engage and work closely with the Navajo Nation on these efforts; and

BE IT FINALLY RESOLVED THAT the All Pueblo Council of Governors supports ongoing efforts to secure stronger protections for the landscape surrounding Chaco Canyon, including the proposed “master leasing plan.”

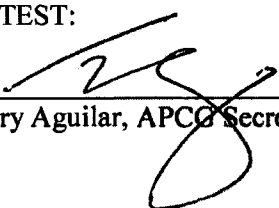
CERTIFICATION

We, the undersigned officials of the All Pueblo Council of Governors hereby certify that the foregoing Resolution No. APCG 2015-17 was considered and adopted at a duly called council meeting held on the 19th day of November 2015, and at which time a quorum was present and the same was approved by a vote of 13 in favor, 0 against, 0 abstain, and 7 absent.

ALL PUEBLO COUNCIL OF GOVERNORS

By: 
Governor E. Paul Torres, APCG Chairman

ATTEST:


Terry Aguilar, APCG Secretary

All Pueblo Council of Governors

Officers
Governor *E. Paul Torres, Chairman*
Governor *Val Panteah, Sr. Vice Chairman*
Governor *J. Michael Chavarna, Secretary*

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BLM, NMSO
SANTA FE

Acoma

RESOLUTION

Cochiti

ALL PUEBLO COUNCIL OF GOVERNORS

RESOLUTION NO. APCG 2016-17

Isleta

SUPPORT FOR THE PROTECTION AND PRESEVATION OF CHACO CANYON NATIONAL HISTORIC PARK FROM ENERGY DEVELOPMENT

Jemez

WHEREAS, the All Pueblo Council of Governors (“APCG”) is comprised of the Pueblos of Acoma, Cochiti, Isleta, Jemez, Laguna, Nambe, Ohkay Owingeh, Picuris, Pojoaque, San Felipe, San Ildefonso, Sandia, Santa Ana, Santa Clara, Santo Domingo, Taos, Tesuque, Zia and Zuni, and one pueblo in Texas, Ysleta del Sur, each having the sovereign authority to govern their own affairs;

Laguna

Nambe

Ohkay

Owingeh

WHEREAS, the purpose of the All Pueblo Council of Governors is to advocate, foster, protect, and encourage the social, cultural & traditional well-being of the Pueblo Nations; and

Picuris

Pojoaque

WHEREAS, through their inherent & sovereign rights, the All Pueblo Council of Governors will promote the language, health, economic, and educational advancement of all Pueblo people; and

Sandia

San

Felipe

WHEREAS, the 20 Pueblos possess government authority and sovereignty over our lands and which include the protection of our language, culture, and tradition; and

San

Ildefonso

WHEREAS, the APCG recognizes the outstanding cultural and historical resources in the Chaco Canyon National Historic Park as direct descendants of the Chacoan cultures, each and every Pueblo maintains a strong cultural affinity to Chaco Canyon sites as primary ancestral homelands since time immemorial; and

Santa Ana

Santa Clara

WHEREAS, the All Pueblo Council of Governors Council desires to preserve all valuable tribal and cultural resources that originated on these lands not only for human but also the four-legged, finned and winged beings, and

Santo

Domingo

WHEREAS, the All Pueblo Council of Governors believes these cultural and historical resources have special importance to all Native Americans in New Mexico; and

Taos

Tesuque

WHEREAS, the All Pueblo Council of Governors appreciates the Government to Government Relationship that was founded upon a unique Trust Responsibility from the Federal Government to Indian Country; and

Ysleta Del Sur

Zia

WHEREAS, the All Pueblo Council of Governors understand that the Government to Government relationship is based upon strong and on-going communication that requires constant and consistent communication and a physical “sign-off” to assure that silence cannot be taken as consent as part of defensible communication; and

Zuni

WHEREAS, the All Pueblo Council of Governors appreciates the opportunity to comment on the Bureau of Land Management Resource Management Plan; and

WHEREAS, the All Pueblo Council of Governors believes the fact that access to reliable and affordable energy resources as part of building strong stable Tribal communities is essential to keep up with the more than four percent population growth of our Native Nations; and

WHEREAS, the All Pueblo Council of Governors require energy, proclaim that the development of that energy should not be in our ancestral graveyards, scared sites or water resources, and

WHEREAS, the All Pueblo Council of Governors understand that with the advent of newer technologies such as Hydraulic Fracturing inside the Mancos Shale Horizons, water storage and reinjection of "spent water" bring efficiencies to the Oil & Gas sector for energy development, and

WHEREAS, the All Pueblo Council of Governors have considered the "Cost Benefit Analysis" of energy development weighed against the risks to the Cultural Resources, and

WHEREAS, the All Pueblo Council of Governors believes Native Tribes should participate in the management of the Chaco Canyon National Historic Park based on their cultural, historical and modern day connection to the Cultural Resources and surrounding former Tribal lands;

NOW THEREFORE IT BE RESOLVED, that the All Pueblo Council of Governors supports the All Pueblo Council of Governors Council support and approve the following measures to protect the Greater Chaco Landscape:

Continue to support the Master Leasing Plan (MLP) approach, from the July 2015 resolution;

Urge BLM to defer all oil-gas leasing in the remaining 9% of BLM surface-controlled lands in the Farmington Field Office;

If no. 2 is not possible, then BLM and BIA are urged to make permanent the current, temporary 10-mile cultural protection or buffer zone that is in place surrounding Chaco Culture National Historic Park.

Support expansion of protected, no-lease areas around significant Chacoan Outlier communities in the Greater Chaco Landscape, and

BE IT FURTHER RESOLVED, that the All Pueblo Council of Governors request to become Co-Lead Agency and Cooperating Agencies under 40 CFR 1500 to assure on-going participation in future activities, and

BE IT FURTHER RESOLVED, that the All Pueblo Council of Governors advocate the utilization of Tribal and Native professionals to participate as leaders in the preservation, management and monitoring of cultural, air and water resources at the expense of the energy industry, and

BE IT FURTHER RESOLVED, that the All Pueblo Council of Governors welcomes the permanent protection of these historical and cultural resources to be preserved now and for all future generations; and

BE IT FINALLY RESOLVED, that a copy of this resolution shall be forwarded to the President of the United States Barack Obama, the United States Secretary of the Interior Sally Jewell, the Governor of New Mexico Susana Martinez, and the entire New Mexico Congressional Delegation to show support for the protection and preservation of the Chaco Canyon National Historic Park Complex.

CERTIFICATION

We, the undersigned officials of the All Pueblo Council of Governors hereby certify that the foregoing Resolution No. APCG 2016-17 was considered and adopted at a duly called council meeting held on the 17th day of November 2016, and at which time a quorum was present and the same was approved by a vote of 11 in favor, against, 0 abstain, and 9 absent.

ALL PUEBLO COUNCIL OF GOVERNORS

By: E. Paul Torres
Governor E. Paul Torres, APCG Chairman

ATTEST:

Michael Chavarria
Governor J. Michael Chavarria, APCG Secretary



ALL PUEBLO
COUNCIL OF
GOVERNORS

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

RESOLUTION

ALL PUEBLO COUNCIL OF GOVERNORS

RESOLUTION NO. APCG 2017-11

**AUTHORIZATION FOR THE ALL PUEBLO COUNCIL OF GOVERNORS TO BE
A COOPERATING AGENCY WITH BUREAU OF LAND MANAGEMENT
FARMINGTON FIELD OFFICE AND THE BUREAU OF INDIAN AFFAIRS
NAVAJO REGION**

Acoma

Cochiti

Isleta

Jemez

Laguna

Nambe

Ohkay Owingeh

Picuris

Pojoaque

Sandia

San Felipe

San Ildefonso

Santa Ana

Santa Clara

Santo Domingo

Taos

Tesuque

Ysleta Del Sur

Zia

Zuni

WHEREAS, the All Pueblo Council of Governors (APCG) is comprised of the Pueblos of Acoma, Cochiti, Isleta, Jemez, Laguna, Nambe, Ohkay Owingeh, Picuris, Pojoaque, San Felipe, San Ildefonso, Sandia, Santa Ana, Santa Clara, Santo Domingo, Taos, Tesuque, Zia and Zuni, and one pueblo in Texas, Ysleta Del Sur, each having the sovereign authority to govern their own affairs; and

WHEREAS, the purpose of the APCG is to advocate, foster, protect, and encourage the social, cultural and traditional well-being of the Pueblo Nations; and

WHEREAS, through their inherent and sovereign rights, the APCG will promote the language, health, economic, cultural and natural resources, and educational advancement of all Pueblo people; and

WHEREAS, the 20 Pueblos possess inherent government authority and sovereignty over their lands, and

WHEREAS, the protection of land, cultural and water resources is critical to the Pueblos; and

WHEREAS, the cultural rights of the Pueblos on lands traditionally used for subsistence and cultural activities from time immemorial should be protected and preserved; and

WHEREAS, the 20 Pueblos recognize that the greater Chaco Canyon region has been greatly impacted by oil and gas production that creates environmental degradation, damage to cultural resources and creates human, animal, and plant health issues; and

WHEREAS, the 20 Pueblos recognize that the greater landscape of the Chaco Canyon region is not a resource to be managed parcel by parcel, but a complete, living landscape that since time immemorial has sustained Pueblo people; and

WHEREAS, the Bureau of Land Management (BLM) Farmington Field Office and the Bureau of Indian Affairs (BIA) are preparing the Farmington Field Office Resource

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**BLM, NMSO
SANTA FE**

Management Plan Amendment (RMPA) and Environmental Impact Statement (EIS) for the Mancos-Gallup Formations, to address changing patterns of land use and impacts from increasing oil and gas development in Mancos-Gallup shale within the planning area of the BLM Farmington Field Office; and

WHEREAS, the BLM and BIA have invited various tribes as Cooperating Agencies to contribute to the RMPA and EIS land use planning; and

WHEREAS, to be eligible for Cooperating Agency status, a Cooperating Agency may be recognized by having jurisdiction by law or special expertise, as defined at 40 CFR 1508.5; and

WHEREAS, by consisting of the 20 Pueblos, the APCG has special expertise, as defined at 40 CFR 1508.26, as a facilitator and disseminator of information related to the RMPA and EIS to its member Pueblos, and from its member Pueblos to the BLM and BIA; and

WHEREAS, the APCG acknowledges its special expertise as a Cooperating Agent to facilitate and disseminate information related to the RMPA and EIS to its member Pueblos, neither augments nor diminishes tribal jurisdiction and authority of each of its member Pueblos.

NOW THEREFORE BE IT RESOLVED, the 20 Pueblos recognize that the APCG, in the capacity as Cooperating Agency, does not override any jurisdiction of individual Pueblo authority; and

BE IT FURTHER RESOLVED, the participation of APCG as Cooperating Agency does not relieve either the BLM or BIA or other federal agency of the duty of government-to-government consultation and other trust responsibilities to the individual Pueblos of the APCG during the RMPA and EIS process; and

BE IT FURTHER RESOLVED, the 20 Pueblos support the APCG in obtaining the status of "Cooperating Agency" applicable to the RMPA/EIS effort of BLM/BIA's Farmington Field Office planning area; and


BE IT FURTHER RESOLVED, that the APCG Chairman, the APCG Natural Resources Committee Co-Chairs, and the APCG Executive Director shall be the designated representatives of the APCG for the purposes of the Memorandum of Understanding for the Farmington Field Office RMPA and EIS for the Mancos-Gallup Formations; and

BE IT FURTHER RESOLVED, the APCG hereby authorizes the APCG Chairman, and his designees(s), to execute all actions and documents necessary to initiate the intent of this resolution.

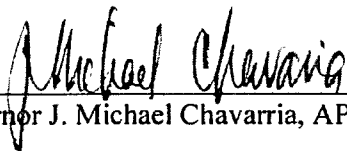
CERTIFICATION

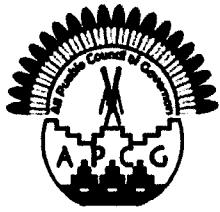
We, the undersigned officials of the All Pueblo Council of Governors hereby certify that the foregoing Resolution No. APCG 2017-11 was considered and adopted at a duly called council meeting held on the 17th day of August 2017, and at which time a quorum was present and the same was approved by a vote of 17 in favor, 0 against, 0 abstain, and 3 absent.

ALL PUEBLO COUNCIL OF GOVERNORS

By: 
APCG Chairman E. Paul Torres

ATTEST:


Governor J. Michael Chavarria, APCG Secretary



**ALL PUEBLO
COUNCIL OF
GOVERNORS**

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

RESOLUTION

ALL PUEBLO COUNCIL OF GOVERNORS

RESOLUTION NO. APCG 2017-12

**CALLING FOR A MORATORIUM ON ALL PERMITTING AND LEASING FOR
OIL AND GAS DEVELOPMENT IN AREAS THAT WOULD
IMPACT TRADITIONAL CULTURAL PROPERTIES AND SACRED SITES IN
GREATER CHACO REGION**

Acoma

Cochiti

Isleta

Jemez

Laguna

Nambe

Ohkay Owingeh

Picuris

Pojoaque

Sandia

San Felipe

San Ildefonso

Santa Ana

Santa Clara

Santo Domingo

Taos

Tesuque

Ysleta Del Sur

Zia

Zuni

WHEREAS, the All Pueblo Council of Governors is comprised of the Pueblos of Acoma, Cochiti, Isleta, Jemez, Laguna, Nambe, Ohkay Owingeh, Picuris, Pojoaque, San Felipe, San Ildefonso, Sandia, Santa Ana, Santa Clara, Santo Domingo, Taos, Tesuque, Zia and Zuni, and one pueblo in Texas, Ysleta Del Sur, each having the sovereign authority to govern their own affairs; and

WHEREAS, the purpose of the All Pueblo Council of Governors is to advocate, foster, protect, and encourage the social, cultural and traditional well-being of the Pueblo Nations; and

WHEREAS, through their inherent and sovereign rights, the All Pueblo Council of Governors will promote the language, health, economic and natural resources, and educational advancement of all Pueblo people; and

WHEREAS, each APCG member is an indigenous nation within the United States with its own cultural territory and sovereign right to protect its traditional cultural properties and sacred sites, whether or not they are located within each Pueblo's current exterior boundaries; and

WHEREAS, the protection of each Pueblo's traditional cultural properties and sacred sites is necessary to each Pueblo's cultural preservation now and into the future; and

WHEREAS, preserving the traditional cultural properties and sacred sites that exist in Chaco Canyon and in the Greater Chaco Region, including, but not limited to, the Great North Road, the West Road, and Pierre's Site, along with protection of the night skies, soundscapes, view shed and sight-lines within and surrounding Chaco Canyon is essential to the cultures and traditions of APCG members; and

WHEREAS, this resolution is a companion resolution to APCG Resolutions No. 2014-04 and No. 2015-17 that call for the protection of Chaco Canyon and all traditional cultural properties and sacred sites affiliated with Chaco Canyon and request meaningful government-to-government consultations with federal agencies over actions or management plans that may affect the Greater Chaco Canyon region; and

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SANTA FE**

WHEREAS, in 1907, President Theodore Roosevelt created the 36,000-acre Chaco Culture National Historical Park to protect significant ancient ruins for future generations but thousands of traditional cultural properties and sacred sites are located throughout the Greater Chaco Canyon region and are unprotected; and

WHEREAS, the Greater Chaco Canyon region was historically a center of Puebloan culture and economic life where Pueblo people built great houses, astronomical observation sites, and ceremonial kivas, and these areas continue to be places of prayer, pilgrimage and living connections to our ancestors; and

WHEREAS, the Chaco Culture National Historical Park and other sites in the Greater Chaco Canyon region, administered by the federal Bureau of Land Management Farmington Field Office (BLM) and the Bureau of Indian Affairs, Navajo Region (BIA), have been designated a World Heritage Site by the United Nations Educational, Scientific and Cultural Organization (UNESCO) due to the world-wide cultural and physical significance of these sites to humanity; and

WHEREAS, it is the responsibility of a federal agency to make the determination of whether a traditional cultural property exists prior to taking federal action, and it is likely that the Greater Chaco Region contains, in addition to other cultural properties, at least one, if not more, Cultural Landscapes that could qualify as traditional cultural property; and

WHEREAS, the BLM and BIA have not initiated any ethnographic work with the Pueblos to determine whether one, if not more, cultural landscapes exist in the Greater Chaco Region that may qualify as a traditional cultural property, but are proposing leasing of lands, and considering the issuance of permits for development at this time; and

WHEREAS, oil and gas drilling and related infrastructure, including roads and pipelines, in the Greater Chaco Region negatively impact and harm Pueblo traditional cultural properties and sacred sites and degrade and impair the cultural landscape(s) that include these traditional cultural properties and sacred sites; and

WHEREAS, the BLM has leased over 91% of public lands in northwest New Mexico, including in the Greater Chaco Canyon Region, for oil and gas development with over 40,000 wells; and

WHEREAS, much of the remaining 9% of unleased lands in northwest New Mexico administered by the BLM or the BIA is in the Greater Chaco Canyon region; and

WHEREAS, the oil and gas industry has developed new extraction technologies by combining horizontal drilling with industrialized hydraulic fracturing (“fracking”), creating increased industry interest in the Mancos shale in the Greater Chaco Canyon region; and

WHEREAS, the BLM and the BIA acknowledge that the agencies have not analyzed the impacts of fracking in the Greater Chaco Canyon region and yet have approved over 400 fracking wells since 2013, which have already harmed the cultural landscape(s) in the region and threatens other traditional cultural properties and sacred sites within cultural landscape(s); and

WHEREAS, the BLM and the BIA are working jointly to amend the BLM's 2003 Resource Management Plan to include consideration of the impacts of fracking in the Greater Chaco Canyon region and further agreed to halt all leases within a 10-mile radius of Chaco Canyon until it finished amending its Resource Management Plan, which it expects to issue in late 2018, and until completion of tribal consultations and community outreach; and

WHEREAS, in January 2017, over the opposition of the Pueblos, the BLM Farmington field office issued leases on 843 acres of public lands for fracking activities within 19 miles of Chaco Culture National Historical Park; and

WHEREAS, the New Mexico House of Representatives passed House Memorial 70 in March 2017 in the 53rd Legislature, First Session, reaffirming New Mexico's commitment to protecting and preserving tribal, cultural and historical sites and resources in the Greater Chaco Canyon landscape and "requesting that the BLM and BIA desist from any leasing or issuance of permits without prior tribal consultation in the greater Chaco landscape" throughout the process for completion of amendments to the BLM's resource management plan in accordance with federal law; and

WHEREAS, despite its previous agreement not to do so, and without completion of any ethnographic study to determine the existence of one, if not more, traditional cultural landscapes within the Greater Chaco Region, the BLM and BIA have been issuing permits and recently began a process to lease areas adjacent to the 10-mile radius of Chaco Culture National Historic Park, and in close proximity to known sites of importance on the Great North Road; and

WHEREAS, the continuation of permitting and leasing of lands by BLM and BIA for fracking activities in increasingly closer and closer proximity to Chaco Culture National Historic Park and other known sites of cultural significance threatens irreparable and irreversible harm to Chaco Canyon and traditional cultural properties and sacred sites, including existing traditional cultural landscape(s) in the Greater Chaco Region.

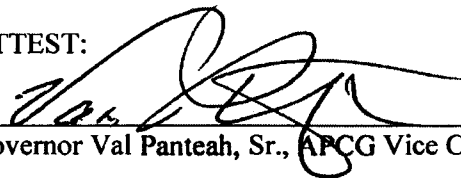
NOW, THEREFORE, BE IT RESOLVED that the All Pueblo Council of Governors calls upon the BLM and the BIA to immediately institute a moratorium on all oil and gas related permitting and leasing in the Greater Chaco Canyon region to protect traditional cultural properties and sacred sites in the region until the BLM and BIA initiate and complete an ethnographic study of cultural landscape(s) within the Greater Chaco Region, and the Farmington Field Office Resource Management Plan Amendment and Environmental Impact Statement (RMPA/EIS) for the Mancos-Gallup Formations 2003 Regional Management Plan.

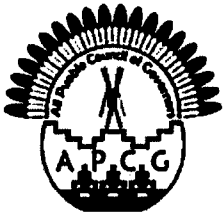
CERTIFICATION

We, the undersigned officials of the All Pueblo Council of Governors hereby certify that the foregoing Resolution No. APCG 2017-12 was considered and adopted at a duly called council meeting held on the 21st day of September 2017, and at which time a quorum was present and the same was approved by a vote of 12 in favor, 0 against, 0 abstain, and 8 absent.

ALL PUEBLO COUNCIL OF GOVERNORS

By: 
APCG Chairman E. Paul Torres

ATTEST:

Governor Val Panteah, Sr., APCG Vice Chairman



**ALL PUEBLO
COUNCIL OF
GOVERNORS**

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

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OCT 30 2018

**BLM, NMSO
SANTA FE**

Acoma

Cochiti

Isleta

Jemez

Laguna

Nambe

Ohkay Owingeh

Picuris

Pojoaque

Sandia

San Felipe

San Ildefonso

Santa Ana

Santa Clara

Santo Domingo

Taos

Tesuque

Ysleta Del Sur

Zia

Zuni

RESOLUTION

ALL PUEBLO COUNCIL OF GOVERNORS

RESOLUTION NO. APCG 2018-10

**RESOLUTION SUPPORTING LEGISLATION WITHDRAWING CERTAIN
FEDERAL LAND IN THE STATE OF NEW MEXICO SURROUNDING CHACO
CULTURE NATIONAL HISTORIC PARK FROM ALL FORMS OF MINERAL AND
GEOTHERMAL LEASING .**

WHEREAS, the All Pueblo Council of Governors is comprised of the Pueblos of Acoma, Cochiti, Isleta, Jemez, Laguna, Nambe, Ohkay Owingeh, Picuris, Pojoaque, San Felipe, San Ildefonso, Sandia, Santa Ana, Santa Clara, Santo Domingo, Taos, Tesuque, Zia and Zuni, and one pueblo in Texas, Ysleta Del Sur, each having the sovereign authority to govern their own affairs;

WHEREAS, the purpose of the All Pueblo Council of Governors is to advocate, foster, protect, and encourage the social, cultural and traditional well-being of the Pueblo Nations; and,

WHEREAS, through their inherent and sovereign rights, the All Pueblo Council of Governors will promote the language, health, economic and natural resources, and educational advancement of all Pueblo people; and

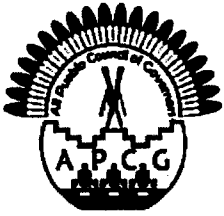
WHEREAS, the 20 Pueblos possess inherent government authority and sovereignty over their lands; and

WHEREAS, each All Pueblo Council of Governors member possesses its own cultural territory and sovereign right to protect its traditional cultural properties and sacred sites, whether or not they are located within each Pueblo's current exterior boundaries; and

WHEREAS, the protection of each Pueblos' traditional cultural properties and sacred sites is necessary to each Pueblos' cultural preservation now and into the future; and

WHEREAS, preserving the traditional cultural properties and sacred sites that exist in Chaco Canyon and in the Greater Chaco Region, including, but not limited to, the Chaco Roads, and Pierre's Site, along with protection of the night skies, soundscapes, view sheds, and sight-lines within and surrounding Chaco Canyon is essential to the cultures and traditions of the 20 Pueblos;





ALL PUEBLO COUNCIL OF GOVERNORS

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

Acoma

WHEREAS, the 20 Pueblos recognize that the Greater Chaco region has been greatly impacted by oil and gas production that creates environmental degradation and creates human, animal, and plant health issues; and

Cochiti

WHEREAS, oil and gas drilling and related infrastructure, including roads and pipelines, in the Greater Chaco Region negatively impact and harm Pueblo traditional cultural properties and sacred sites and impair the cultural landscape(s) that include these traditional cultural properties; and

Isleta

Jemez

WHEREAS, the Bureau of Land Management and the Bureau of Indian Affairs has leased over 91% of public lands and federal minerals in northwest New Mexico, including those areas surrounding Chaco Culture National Historic Park, for oil and gas development; and

Laguna

Nambe

Ohkay Owingeh

WHEREAS, part of the remaining 9% of un-leased federal lands in northwest New Mexico administered by the Bureau of Land Management and Bureau of Indian Affairs surrounds Chaco Culture National Historic Park; and

Picuris

Pojoaque

WHEREAS, the All Pueblo Council of Governors has opposed ongoing oil and gas leasing affecting Chaco Culture National Historic Park and the 20 Pueblos' cultural resources, traditional cultural properties, and sacred sites in the Greater Chaco Region by protesting the postponed March 2018 Oil and Gas lease sale, and voiced its concerns by acting as a Cooperating Agency to the Bureau of Land Management's Resource Management Plan Amendment; and

Sandia

San Felipe

San Ildefonso

Santa Ana

WHEREAS, Senator Tom Udall intends to introduce legislation during the in the 115th Congress, Second Session titled the "Chaco Cultural Heritage Area Protection Act of 2018"; and

Santa Clara

Santo Domingo

WHEREAS, the "Chaco Cultural Heritage Area Protection Act of 2018" will withdraw federal land from all forms of location, entry, and patent under the mining laws and disposition of federal land under all laws relating to mineral leasing and geothermal leasing in an area surrounding Chaco Culture National Historic Park; and

Taos

Tesuque

Ysleta Del Sur

WHEREAS, protection of core area described in the proposed "Chaco Cultural Heritage Area Protection Act of 2018" attached map, described as the "Chaco Cultural Heritage Withdrawal Area", is an important step in protecting the 20 Pueblos cultural resources, traditional cultural properties, and sacred sites in the Greater Chaco Region; and

Zia

Zuni

WHEREAS, the withdrawal of these federal lands from future mineral leasing and development will assist in the protection and preservation of Chaco Culture National Historic Park and those cultural resources, traditional cultural properties, and sacred sites immediately surrounding the National Park.



ALL PUEBLO
COUNCIL OF
GOVERNORS

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

NOW THEREFORE BE IT RESOLVED, the 20 Pueblos express their emphatic support for the proposed "Chaco Cultural Heritage Area Protection Act of 2018" planned to be introduced by Senator Tom Udall; and

Acoma

BE IT FURTHER RESOLVED, the All Pueblo Council of Governors does hereby request the five members of New Mexico's Congressional delegation to take such actions to support the "Chaco Cultural Heritage Area Protection Act of 2018" as they reasonably can to ensure the introduction and passage of this bill; and

Cochiti

Isleta

Jemez

BE IT FURTHER RESOLVED, hereby authorizes the APCG Chairman, and his designees(s), to execute all actions and documents necessary to initiate the intent of this resolution.

Laguna

Nambe

CERTIFICATION

Ohkay Owingeh

We, the undersigned officials of the All Pueblo Council of Governors hereby certify that the foregoing Resolution No. APCG 2018-10 was considered and adopted at a duly called council meeting held on the 17th day of May, and at which time a quorum was present and the same was approved by a vote of 17 in favor, 0 against, 0 abstain, and 3 absent.

Picuris

Pojoaque

Sandia

ALL PUEBLO COUNCIL OF GOVERNORS

San Felipe

San Ildefonso

By: E. Paul Torres
APCG Chairman E. Paul Torres

Santa Ana

Santa Clara

Santo Domingo ATTEST:

Taos

Val Panteah
Governor Val Panteah, APCG Secretary

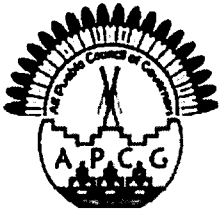
Tesuque

Ysleta Del Sur

Zia

Zuni





ALL PUEBLO
COUNCIL OF
GOVERNORS

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

RESOLUTION

**ALL PUEBLO COUNCIL OF GOVERNORS
RESOLUTION NO. APCG 2018-27**

**AUTHORIZATION FOR THE ALL PUEBLO COUNCIL OF GOVERNORS TO
SUBMIT TO THE DEPARTMENT OF THE INTERIOR BUREAU OF LAND
MANAGEMENT A PROPOSAL FOR A JOINT PUEBLO ETHNOGRAPHIC STUDY
OF THE GREATER CHACO REGION**

Acoma

Cochiti

Isleta

Jemez

Laguna

Nambe

Ohkay Owingeh

Picuris

Pojoaque

Sandia

San Felipe

San Ildefonso

Santa Ana

Santa Clara

Santo Domingo

Taos

Tesuque

Ysleta Del Sur

Zia

Zuni

WHEREAS, the All Pueblo Council of Governors (APCG) is comprised of the Pueblos of Acoma, Cochiti, Isleta, Jemez, Laguna, Nambe, Ohkay Owingeh, Picuris, Pojoaque, San Felipe, San Ildefonso, Sandia, Santa Ana, Santa Clara, Santo Domingo, Taos, Tesuque, Zia and Zuni, and one pueblo in Texas, Ysleta Del Sur, each having the sovereign authority to govern their own affairs;

WHEREAS, the purpose of the APCG is to advocate, foster, protect, and encourage the social, cultural and traditional well-being of the Pueblo Nations; and,

WHEREAS, through their inherent and sovereign rights, the All Pueblo Council of Governors will promote the language, health, economic and natural resources, and educational advancement of all Pueblo people; and

WHEREAS, each All Pueblo Council of Governors member possesses its own cultural territory and sovereign right to protect its traditional cultural properties and sacred sites, whether or not they are located within each Pueblo's current exterior boundaries;

WHEREAS, the protection of each Pueblos' traditional cultural properties and sacred sites is necessary to each Pueblos' cultural preservation now and into the future;

WHEREAS, preserving the traditional cultural properties and sacred sites that exist in Chaco Canyon and in the Greater Chaco Region is essential to the cultures and traditions of the 20 Pueblos; and

WHEREAS, the 20 Pueblos as the direct descendants of the ancestral Puebloan People that occupied Chaco Canyon and the Greater Chaco Region maintain significant ties to cultural resources and the cultural landscapes that exist in the Greater Chaco Region;

WHEREAS, the All Pueblo Council of Governors recognize that the Greater Chaco region has been greatly impacted by oil and gas production that creates environmental degradation, health issues, and the impact and destruction to important Pueblo cultural resources;





ALL PUEBLO COUNCIL OF GOVERNORS

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

WHEREAS, the All Pueblo Council of Governors, in addition to individual member Pueblos, have raised concerns related to the impact of future oil and gas development upon cultural resources, traditional cultural properties, sacred sites, and cultural landscapes in the Greater Chaco Region by comment and participation in the Bureau of Land Management's 2014 Farmington Mancos-Gallup Resource Management Plan Amendment and Draft Environmental Impact Statement that has yet to be complete;

Acoma

Cochiti

Isleta

Jemez

Laguna

Nambe

Ohkay Owingeh

Picuris

Pojoaque

Sandia

San Felipe

San Ildefonso

Santa Ana

Santa Clara

Santo Domingo

Taos

Tesuque

Ysleta Del Sur

Zia

Zuni

WHEREAS, the All Pueblo Council of Governors, in addition to individual member Pueblos, have opposed ongoing oil and gas leasing affecting the Chaco Culture National Historic Park and the 20 Pueblos' cultural resources, traditional cultural properties, sacred sites, and cultural landscapes in the Greater Chaco Region by protesting the Bureau of Land Management Farmington Field Office's March 2018 Oil and Gas lease sale;

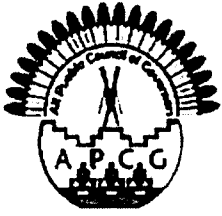
WHEREAS, the All Pueblo Council of Governors, in addition to individual member Pueblos, have opposed ongoing oil and gas leasing affecting the Chaco Culture National Historic Park and the 20 Pueblos' cultural resources, traditional cultural properties, sacred sites, and cultural landscapes in the Greater Chaco Region by comment in the Bureau of Land Management Farmington Field Office's December 2018 Oil and Gas lease sale and the Rio Puerco Field Office's December 2018 Oil and Gas lease sale;

WHEREAS, the All Pueblo Council of Governors, and individual member Pueblos, have repeatedly informed the Bureau of Land Management of the existence of Pueblo cultural resources, traditional cultural properties, sacred sites, and cultural landscapes in the Greater Chaco Region that have not been documented, but may be identified and determined to be historic properties eligible for the National Register of Historic Places;

WHEREAS, the Bureau of Land Management must comply with its duties under Section 106 of the National Historic Preservation Act to evaluate undertakings that may affect historic properties prior to approving an undertaking;

WHEREAS, the Bureau of Land Management, as an agency of the United States has the duty to conduct meaningful consultation with APCG member Pueblos concerning proposed federal actions that may affect sacred sites and other areas of importance to each Pueblo, and meaningful consultation requires identification and cultural conceptualization of these sites;

WHEREAS, the Bureau of Land Management must make a reasonable and good faith effort to identify traditional cultural properties and other historic properties of the 20 Pueblos of the All Pueblo Council of Governors;



ALL PUEBLO COUNCIL OF GOVERNORS

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

Acoma

WHEREAS, the Bureau of Land Management has a duty to review existing information, in addition to conducting background research, consultation, oral history interviews, sample field investigations, and field surveys when the Pueblos have indicated the existence of traditional cultural properties and the paucity of Pueblo ethnographic information about these properties and the role they have within each Pueblo's cultural world view;

Cochiti

Isleta

Jemez

WHEREAS, despite these indications made by the All Pueblo Council of Governors, and individual Pueblos, the Bureau of Land Management continues to rely exclusively on information, studies, and analyses devoid of individual Pueblo co-authorship or contribution;

Laguna

Nambe

WHEREAS, the All Pueblo Council of Governors, and individual Pueblos, have informed the Bureau of Land Management by resolution, comment, protest, and consultation of the need for a comprehensive identification and analysis of individual Pueblos' cultural landscapes, cultural and historic properties that may be eligible for the National Register of Historic Places;

Ohkay Owingeh

Picuris

Pojoaque

WHEREAS, a delegation consisting of the All Pueblo Council of Governors Chairman, the Eight Northern Indian Pueblos Council Chairman, the Ten Southern Pueblos Council Chairman, and the Governor and former Governor of the Pueblo of Tesuque, met with Department of the Interior Deputy Assistant Secretary James Cason and the Deputy Assistant Secretary of Indian Affairs John Tashuda on September 26, 2018;

Sandia

San Felipe

San Ildefonso

WHEREAS, the delegation discussed issues related to the identification of Pueblo historic properties that may be affected by the Bureau of Land Management – New Mexico Office's proposed December 2018 Oil and Gas Lease Sale ("December 2018 Lease Sale"), with parcels near the Chaco Culture National Historic Park;

Santa Ana

Santa Clara

Santo Domingo

WHEREAS, Assistant Secretary James Cason invited the submission of a joint Pueblo proposal for study related to the identification of Pueblo historic properties, traditional cultural properties, and other cultural resources and the development of related Pueblo ethnographic information in the areas affected by the proposed December 2018 Lease Sale;

Taos

Tesuque

Ysleta Del Sur

WHEREAS, the development of this ethnographic information demonstrating individual Pueblos' ties to Chaco Canyon and the Greater Chaco Region is essential for the protection of Pueblos' cultural resources, traditional cultural properties, and sacred sites that are integral components to our connection to and maintenance of our identity, culture, and way of life.

Zia

Zuni





ALL PUEBLO COUNCIL OF GOVERNORS

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

Acoma

NOW, THEREFORE, BE IT RESOLVED, the All Pueblo Council of Governors authorizes the submission of a joint Pueblo proposal, substantially similar to the proposal attached to this resolution, that identifies and develops Pueblo ethnographic information

Cochiti

Isleta

BE IT FURTHER RESOLVED, the All Pueblo Council of Governors supports the working group of Pueblos, to be identified in the proposal, in their limited analyses of their connections to Chaco Canyon and the Greater Chaco Region; and

Jemez

Laguna

BE IT FURTHER RESOLVED, the All Pueblo Council of Governors also authorizes the submission of a joint Pueblo proposal, substantially similar to the proposal attached to this resolution, that provides a comprehensive analysis of the Greater Chaco Region through an analysis of individual Pueblo cultural landscapes for the determination of a shared cultural landscape and areas of concern;

Nambe

Ohkay Owingeh

Picuris

BE IT FURTHER RESOLVED, the All Pueblo Council of Governors recommends the dissemination, as appropriate, the results of these two ethnographic studies, proposed in the attached proposals, to the Bureau of Land Management and the Bureau of Indian Affairs;

Pojoaque

Sandia

BE IT FURTHER RESOLVED, the All Pueblo Council of Governors requests the Bureau of Land Management and Bureau of Indian Affairs, immediately institute a moratorium on all oil and gas related permitting and leasing in the Greater Chaco Region until the initiation and completion of a studies that are part of the attached proposals; and

San Felipe

San Ildefonso

BE IT FURTHER RESOLVED, the All Pueblo Council of Governors does hereby request the five members of New Mexico's Congressional delegation to take such actions to support the intent of this resolution.

Santa Ana

Santa Clara

Santo Domingo

Taos

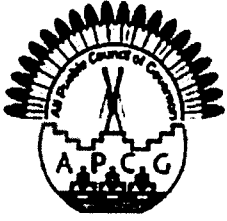
Tesuque

Ysleta Del Sur

Zia

Zuni





ALL PUEBLO COUNCIL OF GOVERNORS

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

CERTIFICATION

Acoma

Cochiti

Isleta

Jemez

Laguna

Nambe

Ohkay Owingeh

Picuris

Pojoaque

Sandia

San Felipe

San Ildefonso

Santa Ana

Santa Clara

Santo Domingo

Taos

Tesuque

Ysleta Del Sur

Zia

Zuni

We, the undersigned officials of the All Pueblo Council of Governors hereby certify that the foregoing Resolution No. APCG 2018-27 was considered and adopted at a duly called council meeting held on the 18th day of October, 2018, and at which time a quorum was present and the same was approved by a vote of 17 in favor, 0 against, 0 abstain, and 0 absent.

ALL PUEBLO COUNCIL OF GOVERNORS

By:

APCG Chairman E. Paul Torres

ATTEST:

Governor Val Panteah, Sr., APCG Secretary

Hand Delivered

RECEIVED

OCT 30 2018

BLM, NMSO
SANTA FE

ALL PUEBLO COUNCIL OF GOVERNORS
2401 12TH ST. NW, SUITE 2145
ALBUQUERQUE, NM 87104

STATE DIRECTOR
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