

# 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

# FAX

TO:	State Director BLM New Mexico State Office	FROM:	E. Paul Torres, Chairman All Pueblo Council of Governors
FAX:	505-954-2010	FAX:	505-842-6959
PHONE:		PHONE:	505-212-7041
SUBJECT:	APCG Protest of March 8, 2018 Oil and Gas Lease Sale		
DATE:	January 4, 2018		
COMMENTS:	Total number of pages: 23 (not including fax cover)		



# ALL PUEBLO COUNCIL OF GOVERNORS

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

January 4, 2018

Acoma **VIA Certified Mail Return Receipt & Fax**  
State Director  
Cochiti Bureau of Land Management  
Isleta New Mexico State Office  
Jemez 301 Dinosaur Trail  
Santa Fe, NM 87508

Laguna **Re: All Pueblo Council of Governors' Protest of March 8, 2018 Oil and Gas Lease Sale**

Nambe Dear State Director:

Ohkay Owingeh The All Pueblo Council of Governors (APCG) has directed me to file this protest to the  
Bureau of Land Management's (BLM) Notice of Competitive Oil and Gas Internet-Based  
Picuris Lease Sale (Notice) (see authorization included as Attachment 1) for the following 25 parcels:

Pojoaque	NM-201803-001	NM-201803-014
	NM-201803-002	NM-201803-017
Sandia	NM-201803-003	NM-201803-018
	NM-201803-004	NM-201803-020
San Felipe	NM-201803-005	NM-201803-021
	NM-201803-006	NM-201803-029
San Ildefonso	NM-201803-007	NM-201803-030
	NM-201803-008	NM-201803-031
Santa Ana	NM-201803-009	NM-201803-032
	NM-201803-010	NM-201803-033
Santa Clara	NM-201803-011	NM-201803-034
	NM-201803-012	NM-201803-035
Santo Domingo	NM-201803-013	

Taos The APCG protests the parcels listed above, individually or when combined, and they  
Tesuque should be denied from being offered in the March 8, 2018, Oil and Gas Lease Sale for one  
or more of the following reasons.

Ysleta Del Sur (I) Interest of Protesting Party: The APCG is a consortium of 20 federally  
Zia recognized Indian tribes, with significant interests under federal law that may be  
impacted by the lease sales.

Zuni

(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.

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

(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.

These reasons are discussed more fully in the following:

#### **I. Interest of Protesting Party**

The APCG 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, Zuñi, 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 December 2017 Environmental Assessment DOI-BLM-NM-0000-2017-006-EA, as the "Greater Chacoan landscape" and the "Gallina Culture area."<sup>1</sup> Each Pueblo maintains a strong cultural affinity to Chaco Canyon National Historic Park and associate sites, as the primary ancestral homelands of the Pueblos.<sup>2</sup> 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 has sustained Pueblo people."<sup>3</sup> 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[.]"<sup>4</sup> 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.<sup>5</sup> Therefore, the

<sup>1</sup> Environmental Assessment at 30.

<sup>2</sup> See All Pueblo Council of Governors, Resolution No. APCG 2016-17 (on file with APCG).

<sup>3</sup> All Pueblo Council of Governors, Resolution No. APCG 2017-11 (on file with APCG).

<sup>4</sup> All Pueblo Council of Governors, Resolution No. APCG 2017-12 (on file with APCG).

<sup>5</sup> 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").

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. 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 25 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.<sup>6</sup> Upon becoming an undertaking, BLM must then fulfill its duties under Section 106 of the National Historic Preservation Act. This requires an analysis of the effect the undertaking may have on historic properties.<sup>7</sup>

Under the Section 106 process, BLM must identify traditional cultural properties and other historic properties within the area potentially affected by the leases.<sup>8</sup> 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."<sup>9</sup> 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. The 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 Field Office.<sup>10</sup> Under Section 106, the level of effort required of BLM in the identification process, is that of a "reasonable and good faith effort"<sup>11</sup> This "may include background research, consultation, oral history interviews, *sample field investigation, and field survey*."<sup>12</sup>

<sup>6</sup> 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).

<sup>7</sup> 54 U.S.C. § 306108; 36 C.F.R. 800.

<sup>8</sup> 36 C.F.R. §. 800.4(b).

<sup>9</sup> *Id.*

<sup>10</sup> 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 Comments to the Draft Environmental Assessment, DOI-BLM-NM-0000-2017-0006-EA (Nov. 27, 2017) (on file with the BLM and APCG). The 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.

<sup>11</sup> 36 C.F.R. § 800.4(b)(1).

<sup>12</sup> *Id.* (emphasis added).

BLM has stated that it is currently conducting an “intensive literature review” to meet its obligations to identify historic properties.<sup>13</sup> 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. As justification for only conducting a Class I inventory review, BLM cites to the United States Department of Interior Board of Land Appeals (IBLA) decision 2008-249.<sup>14</sup> However, IBLA 2008-249, should be limited to its facts and the particular issue in front of the IBLA at that time. The BLM cites<sup>15</sup> IBLA 2008-249 at 177 IBLA 98 stating:

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.

However, to assume from this decision 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:

*To say that a Class I inventory always is sufficient at the lease sale stage in all cases without qualification would be an overstatement.* There may be circumstances in which there is such a paucity of available information that a Class I inventory is essentially meaningless.<sup>16</sup>

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. Rather, the APCG has continuously asserted that insufficient data exists to adequately identify the respective Pueblo cultural resources.<sup>17</sup> This

<sup>13</sup> 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 APCG).

<sup>14</sup> 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).

<sup>15</sup> *Id.*

<sup>16</sup> IBLA 2008-249, at 177 IBLA 100 (emphasis added).

<sup>17</sup> See e.g., APCG Comments to the Draft Environmental Assessment, DOI-BLM-NM-0000-2017-0006-EA, at 5-6 (Nov. 27, 2017) (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.)

"paucity" of information that exists pertaining to the 20 Pueblos' respective historic properties and traditional cultural properties, should give rise to the BLM to conduct more intensive efforts, such as sample field investigations or field surveys (including Class III surveys) to identify Pueblo resources.<sup>18</sup> Any lack of information in a Class I inventory about the historic properties or traditional cultural properties of the 20 Pueblos, should not be construed to mean they do not exist within the area of potential effect (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.<sup>19</sup> 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' APE, warranting further field surveys and perhaps the need for an analysis of a larger cultural landscape.<sup>20</sup>

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, 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 compliance with the National Historic Preservation Act is required. In *Montana Wilderness Ass'n v. Fry*, 310 F. Supp.2d 1127 (D. MT. 2004), one issue 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 part<sup>21</sup>:

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 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*

<sup>18</sup> This may also include the conducting of a district wide ethnographic study to understand how the historic properties and traditional cultural properties, if any, fit into a larger cultural landscape that may be considered for protection.

<sup>19</sup> 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 approached 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.

<sup>20</sup> 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.

<sup>21</sup> 310 F. Supp.2d at 1152-53 (emphasis added).



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) that 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.<sup>22</sup>

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.<sup>23</sup> Waiting for BLM to fulfill its Section 106 obligations until *after* a parcel has been leased is too late; the very legal nature of the parcel has fundamentally been altered. At that point, the owner of the lease has obtained additional rights, 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.

More broadly, the National Historic Preservation Act “has been characterized as a ‘stop, look and listen’ provision.”<sup>24</sup> 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 March 2018 Lease Sale. Doing otherwise is a failure of BLM’s duty and a violation of the National Historic Preservation Act.

<sup>22</sup> 36 C.F.R. §800.1(c).

<sup>23</sup> See Executive Order No. 13084; see also Executive Order No. 13175.

<sup>24</sup> *Montana Wilderness Ass’n*, 310 F. Supp.2d at 1150, citing *Apache Survival Coalition v. United States*, 21 F.3d 895 (9<sup>th</sup> Cir. 1994); *Muckleshoot Indian Tribe v. U.S. Forest Svc.*, 177 F.3d 800, 805 (9<sup>th</sup> Cir. 1999).

**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 (RMPA) and Environmental Impact Statement (EIS), a wide range of impacts from oil and gas development to various resources, including cultural resources, are being considered.<sup>25</sup> 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. The 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 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 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”<sup>26</sup> that the parcels would otherwise be subject to under the RMPA and EIS. Therefore, issuing the leases in the current sale is prejudicial to the RMPA and EIS, and BLM is prohibited from undertaking this action, as described in the Notice, until the completion of the 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**

Under the Federal Land Policy and Management Act (FLPMA), BLM is tasked with managing public land and their resources, including cultural property. The 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.”<sup>27</sup> This management of public land must be done under the basis of “multiple use and sustained yield.”<sup>28</sup>

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 with which BLM is ordered 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

<sup>25</sup> See, Notice of Intent, 79 Fed. Reg. 10548 (Feb. 25, 2014).

<sup>26</sup> 40 C.F.R. § 1506(c)(3).

<sup>27</sup> 43 U.S.C. § 1701(a)(8)(emphasis added).

<sup>28</sup> *Id.* at §1701(a)(7).



## CONCLUSION

BLM's decision to lease parcels, without fully complying with its legal obligations is unjustifiable. The APCG protests the sale and issuance of leases for the parcels listed *supra*, and their sale should be denied for the above stated reasons. The 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 our APCG Executive Director, Alicia Ortega at 505.470.1732 or [apcg@indianpueblo.org](mailto:apcg@indianpueblo.org) 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 2015-17
4. All Pueblo Council of Governors, Resolution No. APCG 2016-17
5. All Pueblo Council of Governors, Resolution No. APCG 2017-11
6. All Pueblo Council of Governors, Resolution No. APCG 2017-12



# ALL PUEBLO COUNCIL OF GOVERNORS

## ATTACHMENT 1

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

December 19, 2017

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 March 8, 2018; on behalf of the All Pueblo Council of Governors, I am notifying you that I, Chairman E. Paul Torres have been directed by the All Pueblo Council of Governors Pueblo at a duly called meeting on December 14, 2017 to submit protests for all parcels as part of the March 8, 2018 Oil and Gas Lease Sale.

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

Sincerely,

A handwritten signature of E. Paul Torres in black ink, written over a horizontal line.

E. Paul Torres, Chairman  
All Pueblo Council of Governors

# All Pueblo Council of Governors

## Officers

Governor *E. Paul Torres, Chairman*

Governor *Arlen Quetavski, Vice Chairman*

Governor *Terry Aguilar, Secretary*

2401 12th Street NW Suite 200 N Albuquerque NM 87104

## 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

Owinge

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 Owinge, 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

# All Pueblo Council of Governors

Officers:

Governor E. Paul Torres, Chairman

Governor Val Panteah Sr. Vice Chairman

Governor Terry Aguilar, Secretary

2401 12th Street NW Suite 200 N Albuquerque NM 87104

Acoma

## RESOLUTION

Cochiti

### ALL PUEBLO COUNCIL OF GOVERNORS

Isleta

### RESOLUTION NO. APCG 2015-17

Jemez

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

Laguna

Nambe

Ohkay

Owinge

**WHEREAS**, the All Pueblo Council of Governors ("APCG") is comprised of the Pueblos of Acoma, Cochiti, Isleta, Jemez, Laguna, Nambe, Ohkay Owinge, 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;

Picuris

**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

Pojoaque

Sandia

**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

San

Felipe

San

Ildefonso

Santa Ana

**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

Santa Clara

Santa

Domingo

Taos

**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

Tesuque

Ysleta Del Sur

Zia

Zuni

**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.

**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 19<sup>th</sup> 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 2 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 Chavama, *Secretary*

2401 12th Street NW Suite 200 N Albuquerque NM 87104

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

Laguna

Nambe

**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;

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**

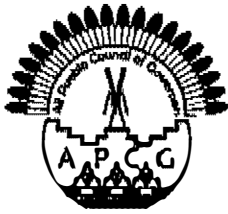
We, the undersigned officials of the All Pueblo Council of Governors hereby certify that the foregoing Resolution No. APCG 2016-17 was considered and adopted at a duly called council meeting held on the 17<sup>th</sup> day of November 2016, and at which time a quorum was present and the same was approved by a vote of 11 in favor, against, 2 abstain, and 9 absent.

#### **ALL PUEBLO COUNCIL OF GOVERNORS**

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

**ATTEST:**

J. 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

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.

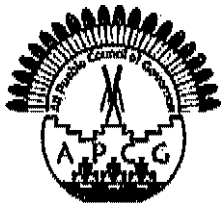
**ALL PUEBLO COUNCIL OF GOVERNORS**

By:   
APCG Chairman E. Paul Torres

**ATTEST:**

  
Governor J. Michael Chavarria, APCG Secretary

19



# 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

**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

21

**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 53<sup>rd</sup> 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

23