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FROM: Dave Rico
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RE: Protest Comment Regarding March 2018 Lease Sale

Torreon/Starlake Chapter Interest In March 2018 Lease Sale

Torreon/Starlake Chapter (the "Chapter") has an interest in the leasing of any parcels that are within the Navajo Eastern Agency boundary, Navajo Nation, Traditional Navajo Territories, or of any location which can cause imbalances which may effect any of the previously listed Navajo areas. This in effect comes from traditional Navajo conceptions of relationships (K'é and K'é bikeyah) which is evident from Navajo Fundamental Law (Diné Bi Beenahaz'áanii) which is codified in Navajo Nation Code (1 N.N.C. §201 - §206). Additionally, Navajo Nation Code Title 26 which defines chapter members as "For purposes of services and benefits, all tribal members, young and old, who either reside within or are registered in the chapter. An individual may not be a member of more than one chapter"¹. Lastly, the Chapter passed resolution #TSL 11/2016-092 which is "against all pending and future federal fluid mineral BLM leases within Navajo Eastern Agency areas (or other lease sales which could directly or indirectly impact Eastern Agency Areas) until a reasonable revenue sharing mechanism is developed, the new Farmington Field Office Resource Management Plan Amendment is developed, and a full understanding of potential environmental and health impacts of horizontal hydraulic fracturing is developed"². Thus, the Chapter has interests any areas where leases exist where it has members who reside, its membership has provided (directly via resolution) concerns about federal oil/gas leasing within and impacting the Eastern Agency area, and also has interests via Navajo fundamental law in all of the proposed lease parcels.

1. Development at Periphery of the Lease Parcels

1. General

The Chapter is for the no surface occupancy stipulation on Tribal Trust split estate parcels. However, development will likely lead to increased activities at the periphery of

¹: 26 N.N.C. § 2.10.b

²: Torreon/Starlake Chapter Resolution #TSL 11/2016-092: Therefore Clause 1

the parcels. Also bordering BLM parcels will also likely increase development intensity within Navajo communities.

Although other stipulations would keep any development from occurring in potentially inopportune locations, the stipulation F-44-NSO is insufficient for the checkerboard area of the Navajo Nation. The stipulation disallows surface occupancy within 660' of an occupied structure.

First, the Chapter feels the impacts from hydraulic fracturing operations is too intense to be located only 660' from a household. Impacts from sound, traffic, and air quality are also concerning.

Second, the stipulation only protects inhabited households. Some households are not inhabited all of the time, and may become inhabited at a future time. The habitation status of the structure should not matter in the application of F-44-NSO.

Third, homesites may have been withdrawn but not currently occupied. These homesites have been cleared archaeologically and have been approved by the Navajo Nation to for homesite development. Stipulation F-44-NSO would not protect these homesites.

Fourth, tribal trust lands with infrastructure improvements such as water and electricity are extremely valuable for the communities in question. Any Navajo Nation member can ask for a homesite on tribal trust land. Many tribal lands in the Eastern Agency are Allotment. Acquiring a homesite on allotment land usually is based on familial relationships and can be difficult since it requires 51% approval from allotment interest holders. Tribal Trust lands tend to be much easier to acquire a homesite upon and does not have familial requirements. Considering that these parcels also have running water and electricity the value of these parcels for homesites is immense. Anything that would degrade this valuable tribal resource / asset is of grave concern to the chapter and should be of interest to the BLM. Additionally, there is an increased chance for drainage from allottee mineral estates by federal wells. (Please refer to 512 DM 2)

Fifth, it is possible that development along the periphery will impact developable zones within the tribal trust parcels, affecting future residential/economic/community purposes. Development along the perimeter will likely discourage new residential development within the parcels. The Chapter finds this very concerning since the quantity of lands for such development by Navajo Nation members is already limited.

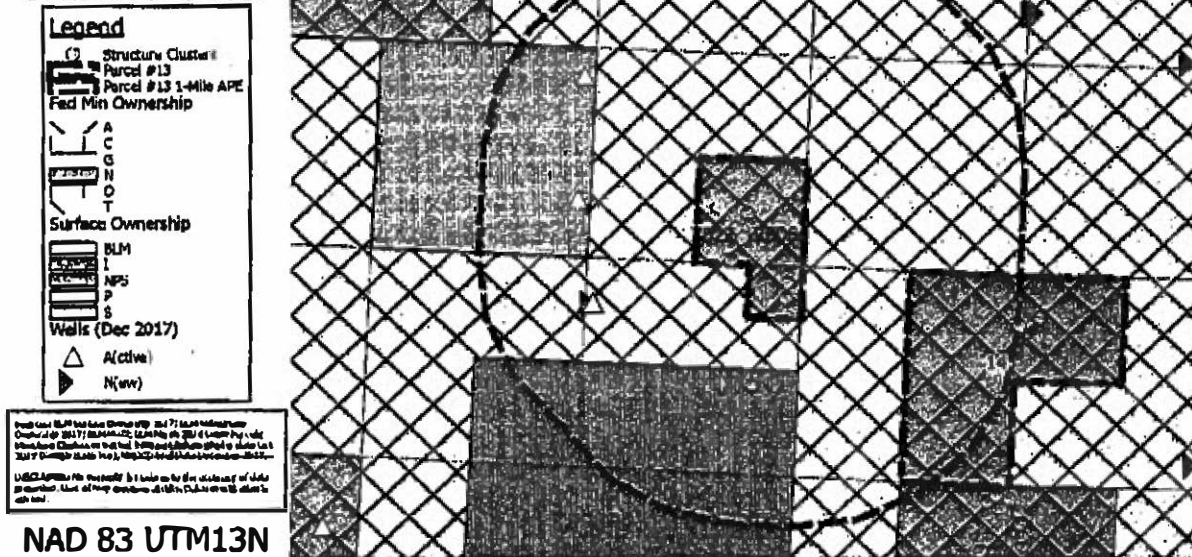
2. Tribal Trust / Federal mineral Split Estate within Eastern Agency Chapter Boundaries

1. For Eastern Agency Parcel Analysis the Chapter will use a 1-mile Area of Potential Effect as was used for the January 2017 lease sale. Although the Chapter feels that

this area should be larger, it will use an area similar to what the BLM has used in the past for similar parcels³.

2. Parcel 13 (NM-201803-13)

March 2018 Lease Sale
Structure Clusters within
1 mile APE of Parcel 13



Map 1: Map of Parcel 13 with Housing Clusters, Land/Mineral Status, Active/New Wells, and 1-Mile APE

The parcel itself is a tribal trust surface parcel with federal minerals underlying it encompassing 200 acres⁴ and is located within the Land Use Planning Boundaries of Counselor Chapter. The 1-mile Area of Potential Effect (APE) encompasses BLM, Tribal, and State lands. The tribal lands within the APE seem to include both Tribal Trust and Allottee lands. As a result, any development occurring in this area of parcel 13 will have effects on potential future settlement patterns of Navajos who may wish to seek to establish homesites either on or around parcel 13.

Parcel 13 has six structure clusters within it and seven total structure clusters within the 1-mile APE of the parcel. Structure Clusters are where there are clusters of structures (usually residences) and thus each point may represent a single or multiple households. The parcel is already inhabited and the likely allottee land to the south is also inhabited (within the 1-mile APE). Thus

3: DOI-BLM-NM-F010-2016-0001-EA: Page 31

4: NEPA Document #DOI-BLM-NM-0000-2018-0006: Page15

development occurring for this parcel (even with a NSO) will effect households already present in the area.

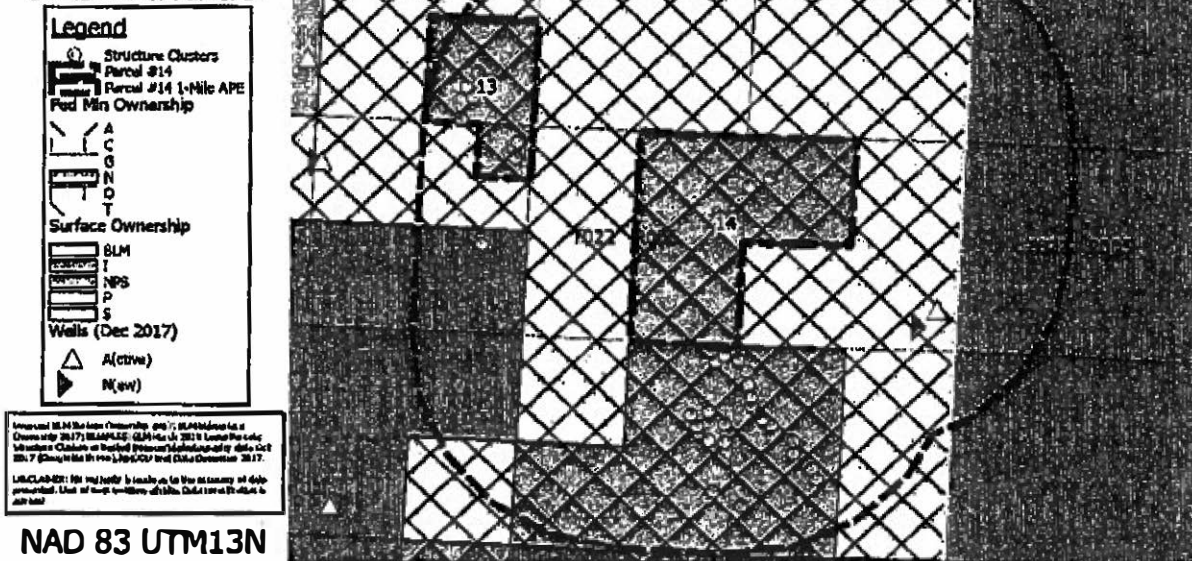
Currently within the 1-mile APE there are three active wells and a new well. Development of this parcel will likely mean an increase of intensity of one of the well pads or the development of a new well pad. If a well pad has a new well developed to access parcel 13 it will intensify the effects of an existing well pad. If a new well pad is constructed it will create more impacts upon the area also. These development impacts will effect current residents and influence future homesite placement by future homesite seekers.

The Chapter feels that the BLM has not conducted adequate Tribal consultation regarding these impacts and that it has not fully considered its options via the Resource Management Plan amendment to ensure that negative impacts have been fully analyzed and potentially mitigated. Thus, it is the opinion of the Chapter that parcel 13 should be deferred for further tribal consultation and better parcel analysis, which then can be integrated into a fuller Environmental Justice Analysis.

3. Parcel 14 (NM-201803-14)

March 2018 Lease Sale

Structure Clusters within
1 mile APE of Parcel 14



The parcel itself is a tribal trust surface parcel with federal minerals underlying it encompassing 480 acres⁵ and is located within the Land Use Planning Boundaries of Counselor Chapter. The 1-mile Area of Potential Effect (APE) encompasses BLM and Tribal Lands. The tribal lands within the APE seem to include both Tribal Trust and Allottee lands as well as Jicarilla Nation lands. As a result, any development occurring in this area of parcel 14 will have effects on potential future settlement patterns of Navajos who may wish to seek to establish homesites either on or around parcel 14.

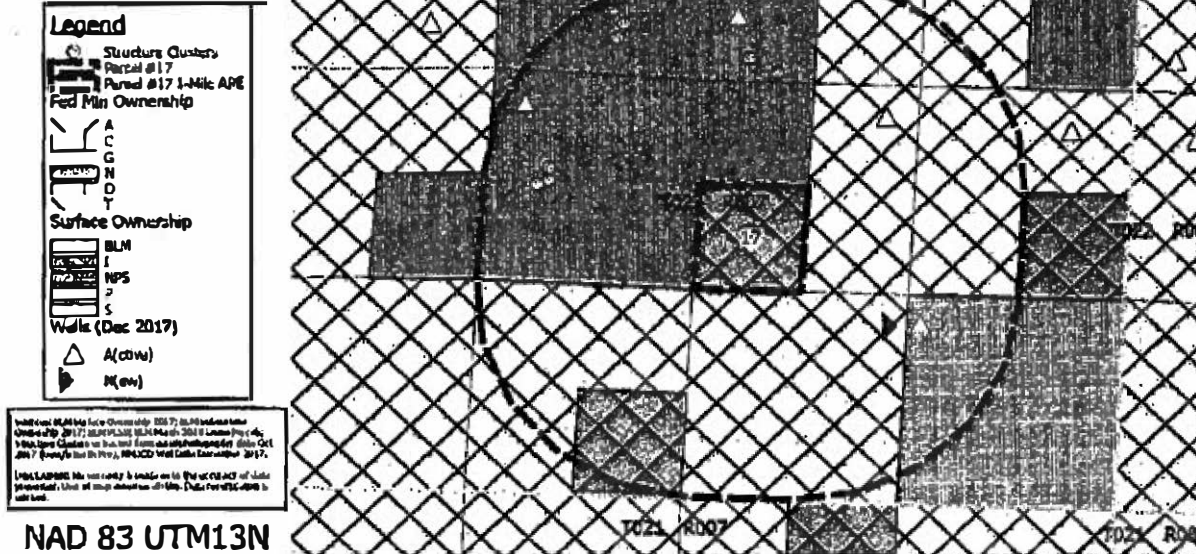
Parcel 14 has two structure clusters within it and 32 total structure clusters within the 1-mile APE of the parcel. Structure Clusters are where there are clusters of structures (usually residences) and thus each point may represent a single or multiple households. The parcel is already inhabited and the likely allottee land to the west is also inhabited (within the 1-mile APE). Additionally, there is a Navajo housing cluster (sub-community) located within the 1-mile APE on tribal trust lands to the south of the parcel. Thus development occurring for this parcel (even with a NSO) will effect households already present in the area.

Currently within the 1-mile APE there are two active wells and a new well. Development of this parcel will likely mean an increase of intensity of one of the well pads or the development of a new well pad. If a well pad has a new well developed to access parcel 14 it will intensify the effects of an existing well pad. If a new well pad is constructed it will create more impacts upon the area as well. These development impacts will effect current residents and influence future homesite placement by future homesite seekers.

The Chapter feels that the BLM has not conducted adequate Tribal consultation regarding these impacts and that it has not fully considered its options via the Resource Management Plan amendment to ensure that negative impacts have been fully analyzed and potentially mitigated. Thus, it is the opinion of the Chapter that parcel 14 should be deferred for further tribal consultation and better parcel analysis, which then can be integrated into a fuller Environmental Justice Analysis.

4. Parcel 17 (NM-201803-17)

March 2018 Lease Sale
Structure Clusters within
1 mile APE of Parcel 17



Map 3: Map of Parcel 17 with Housing Clusters, Land/Mineral Status, Active/New Wells, and 1-Mile APE

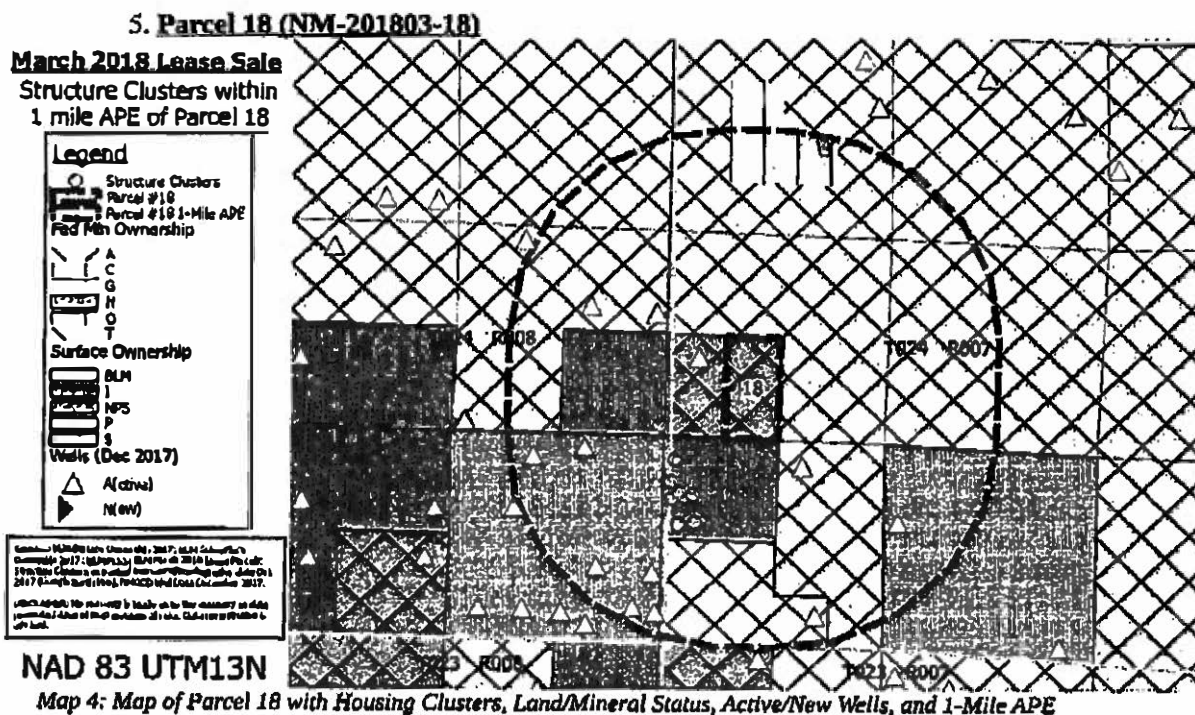
The parcel itself is a tribal trust surface parcel with federal minerals underlying it encompassing 160 acres⁶ and is located within the Land Use Planning Boundaries of Counselor Chapter. The 1-mile Area of Potential Effect (APE) encompasses BLM, State, Tribal Lands. The tribal lands within the APE seem to include both Tribal Trust and Allottee lands. As a result, any development occurring in this area of parcel 17 will have effects on potential future settlement patterns of Navajos who may wish to seek to establish homesites either on or around parcel 17.

Parcel 17 has nine total structure clusters within the 1-mile APE of the parcel. Structure Clusters are where there are clusters of structures (usually residences) and thus each point may represent a single or multiple households. The allottee lands north and west of the parcel are already inhabited. The tribal trust lands do not appear to be currently inhabited, but could at sometime be used for homesites. Thus development occurring for this parcel (even with a NSO) will effect households already present in the area.

⁶ NEPA Document #DOI-BLM-NM-0000-2018-0006: Page16

Currently within the 1-mile APE there are four active wells and a new well. Development of this parcel will likely mean an increase of intensity of one of the well pads or the development of a new well pad. If a well pad has a new well developed to access parcel 17 it will intensify the effects of an existing well pad. If a new well pad is constructed it will create more impacts upon the area as well. These development impacts will effect current residents and influence future homesite placement by future homesite seekers.

The Chapter feels that the BLM has not conducted adequate Tribal consultation regarding these impacts and that it has not fully considered its options via the Resource Management Plan amendment to ensure that negative impacts have been fully analyzed and potentially mitigated. Thus, it is the opinion of the Chapter that parcel 17 should be deferred for further tribal consultation and better parcel analysis, which then can be integrated into a fuller Environmental Justice Analysis.



The parcel itself is a tribal trust surface parcel with federal minerals underlying it encompassing 80 acres⁷ and is located within the Escavada Ranch infill area. Parcel 18 is the eastern half of a tribal trust quarter section which directly abuts Nageezi Chapter's eastern boundary. The 1-mile Area of Potential Effect (APE) encompasses BLM, State, Private, and Tribal Lands. The tribal lands within the APE seem to include both Tribal Trust and Allottee lands. As a result, any development occurring in this area of parcel 18 will have effects on potential future settlement patterns of Navajos who may wish to seek to establish homesites either on or around parcel 18.

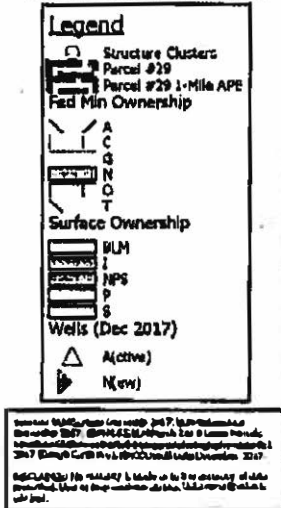
Parcel 18 has nine total structure clusters within the 1-mile APE of the parcel. Structure Clusters are where there are clusters of structures (usually residences) and thus each point may represent a single or multiple households. The allottee lands south and west of the parcel are already inhabited. The tribal trust lands do not appear to be currently inhabited, but could at sometime be used for homesites. Thus development occurring for this parcel (even with a NSO) will effect households already present in the area.

Currently within the 1-mile APE there are 12 active wells. Development of this parcel will likely mean an increase of intensity of one of the well pads or the development of a new well pad. If a well pad has a new well developed to access parcel 18 it will intensify the effects of an existing well pad. If a new well pad is constructed it will create more impacts upon the area as well. These development impacts will effect current residents and influence future homesite placement by future homesite seekers.

The Chapter feels that the BLM has not conducted adequate Tribal consultation regarding these impacts and that it has not fully considered its options via the Resource Management Plan amendment to ensure that negative impacts have been fully analyzed and potentially mitigated. Thus, it is the opinion of the Chapter that parcel 18 should be deferred for further tribal consultation and better parcel analysis, which then can be integrated into a fuller Environmental Justice Analysis.

6. Parcel 29 (NM-201803-29)

March 2018 Lease Sale
Structure Clusters within
1 mile APE of Parcel 29



NAD 83 UTM13N

Map 5: Map of Parcel 29 with Housing Clusters, Land/Mineral Status, Active/New Wells, and 1-Mile APE

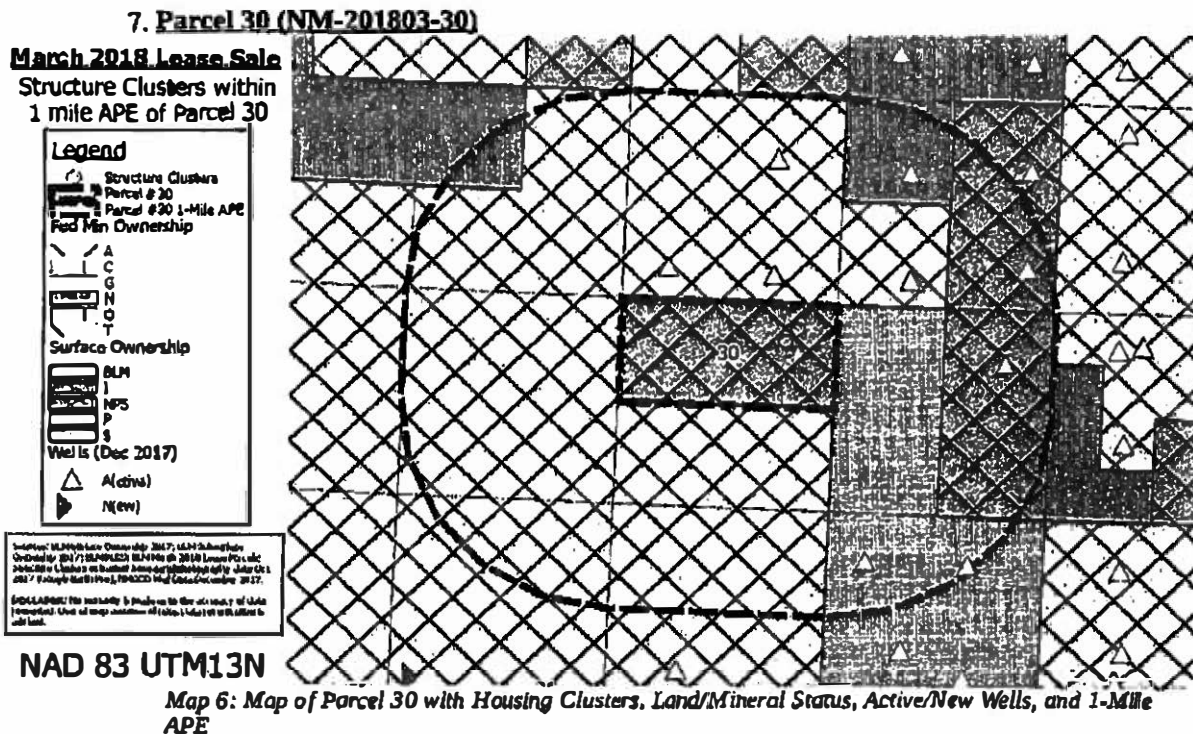
The parcel itself is a tribal trust surface parcel with federal minerals underlying it encompassing 130 acres⁸ and is located within the Land Use Planning Boundaries of Nageezi Chapter. The 1-mile Area of Potential Effect (APE) encompasses BLM, State, and Tribal Lands. The tribal lands within the APE seem to include both Tribal Trust and Allottee lands. As a result, any development occurring in this area of parcel 29 will have effects on potential future settlement patterns of Navajos who may wish to seek to establish homesites either on or around parcel 29.

Parcel 29 has one structure within the parcel and four total structure clusters within the 1-mile APE of the parcel. Structure Clusters are where there are clusters of structures (usually residences) and thus each point may represent a single or multiple households. Two structure clusters are on Tribal Trust lands (the parcel itself and tribal trust lands to the west). The allottee lands east and south of the parcel are already inhabited. Thus development occurring for this parcel (even with a NSO) will effect households already present in the area.

8: NEPA Document #DOI-BLM-NM-0000-2018-0006: Page16

Currently within the 1-mile APE there are three active wells and a new well. Development of this parcel will likely mean an increase of intensity of one of the well pads or the development of a new well pad. If a well pad has a new well developed to access parcel 29 it will intensify the effects of an existing well pad. If a new well pad is constructed it will create more impacts upon the area as well. These development impacts will effect current residents and influence future homesite placement by future homesite seekers.

The Chapter feels that the BLM has not conducted adequate Tribal consultation regarding these impacts and that it has not fully considered its options via the Resource Management Plan amendment to ensure that negative impacts have been fully analyzed and potentially mitigated. Thus, it is the opinion of the Chapter that parcel 29 should be deferred for further tribal consultation and better parcel analysis, which then can be integrated into a fuller Environmental Justice Analysis.



The parcel itself is a tribal trust surface parcel with federal minerals underlying it encompassing 320 acres⁹ and is located within the Land Use Planning Boundaries of Huerfano Chapter. The 1-mile Area of Potential Effect (APE) encompasses BLM, State, and Tribal Lands. The tribal lands within the APE seem to include both Tribal Trust and Allottee lands. As a result, any development occurring in this area of parcel 30 will have effects on potential future settlement patterns of Navajos who may wish to seek to establish homesites either on or around parcel 30.

Parcel 30 has two structure clusters within the parcel. Structure Clusters are where there are clusters of structures (usually residences) and thus each point may represent a single or multiple households. Thus development occurring for this parcel (even with a NSO) will effect households already present in the area.

Currently within the 1-mile APE there are ten active wells. Development of this parcel will likely mean an increase of intensity of one of the well pads or the development of a new well pad. If a well pad has a new well developed to access parcel 30 it will intensify the effects of an existing well pad. If a new well pad is constructed it will create more impacts upon the area as well. These development impacts will effect current residents and influence future homesite placement by future homesite seekers.

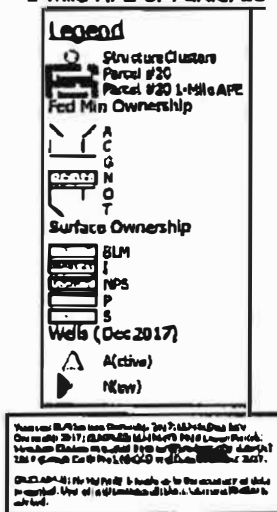
The Chapter feels that the BLM has not conducted adequate Tribal consultation regarding these impacts and that it has not fully considered its options via the Resource Management Plan amendment to ensure that negative impacts have been fully analyzed and potentially mitigated. Thus, it is the opinion of the Chapter that parcel 30 should be deferred for further tribal consultation and better parcel analysis, which then can be integrated into a fuller Environmental Justice Analysis.

3. Federal Minerals within Chapter Boundaries

1. Parcel 20 (NM-201803-20)

March 2018 Lease Sale

Structure Clusters within
1 mile APE of Parcel 20



NAD 83 UTM13N

Map 7: Map of Parcel 20 with Housing Clusters, Land/Mineral Status, Active/New Wells, and 1-Mile APE

The parcel itself is a BLM surface parcel with federal minerals underlying it encompassing 320 acres¹⁰ and is located within the Land Use Planning Boundaries of Nageezi Chapter. The 1-mile Area of Potential Effect (APE) encompasses BLM, State, and Tribal Lands. A large proportion of the lands surrounding the parcel appear to be tribal. The tribal lands within the APE seem to include both Tribal Trust and Allottee lands. As a result, any development occurring in/on parcel 20 will have effects on potential future settlement patterns of Navajos who may wish to seek to establish homesites either on or around parcel 20.

Parcel 20 has eight total structure clusters within the 1-mile APE of the parcel. Structure Clusters are where there are clusters of structures (usually residences) and thus each point may represent a single or multiple households. The tribal trust lands currently appear to have one structure cluster. The other 7 structure clusters are located on what appear to be allottee lands east, south, and north of the parcel. Thus development occurring for this parcel will effect households already present in the area.

10: NEPA Document #DOI-BLM-NM-0000-2018-0006: Page16

Currently within the 1-mile APE there is one active well and two new wells. Development of this parcel will likely mean the development of a new well pad. If a new well pad is constructed it will create more impacts upon the area. These development impacts will effect current residents and influence future homesite placement by future homesite seekers.

The Chapter feels that the BLM has not conducted adequate Tribal consultation regarding these impacts and that it has not fully considered its options via the Resource Management Plan amendment to ensure that negative impacts have been fully analyzed and potentially mitigated. Thus, it is the opinion of the Chapter that parcel 20 should be deferred for further tribal consultation and better parcel analysis, which then can be integrated into a fuller Environmental Justice Analysis.

2. Parcel 21 (NM-201803-21)

March 2018 Lease Sale

Structure Clusters within
1 mile APE of Parcel 21



Map 8: Map of Parcel 21 with Housing Clusters, Land/Mineral Status, Active/New Wells, and 1-Mile APE

The parcel itself is a BLM surface parcel with federal minerals underlying it encompassing 160 acres¹¹ and is located within the Land Use Planning Boundaries of Nageezi Chapter. The 1-mile Area of Potential Effect (APE) encompasses BLM, State, and Tribal Lands. A large proportion of the lands

11: NEPA Document #DOI-BLM-NM-0000-2018-0006: Page16

surrounding the parcel appear to be tribal. The tribal lands within the APE seem to include both Tribal Trust and Allottee lands. As a result, any development occurring in/on parcel 21 will have effects on potential future settlement patterns of Navajos who may wish to seek to establish homesites either on or around parcel 21.

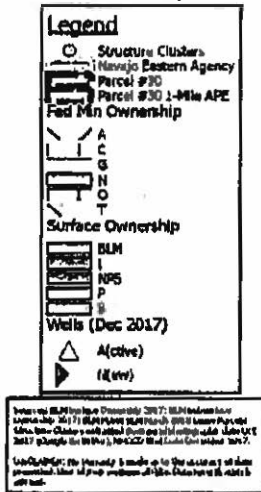
Parcel 21 has 13 total structure clusters within the 1-mile APE of the parcel. Structure Clusters are where there are clusters of structures (usually residences) and thus each point may represent a single or multiple households. The tribal trust section currently appears to have one structure cluster. The other structure clusters are located on what appear to be allottee lands east, west, and north of the parcel. Thus development occurring for this parcel will effect households already present in the area.

Currently within the 1-mile APE there is six active wells. Development of this parcel will likely mean the development of a new well pad. If a new well pad is constructed it will create more impacts upon the area. These development impacts will effect current residents and influence future homesite placement by future homesite seekers.

The Chapter feels that the BLM has not conducted adequate Tribal consultation regarding these impacts and that it has not fully considered its options via the Resource Management Plan amendment to ensure that negative impacts have been fully analyzed and potentially mitigated. Thus, it is the opinion of the Chapter that parcel 21 should be deferred for further tribal consultation and better parcel analysis, which then can be integrated into a fuller Environmental Justice Analysis.

2. Parcels Near Eastern Agency Areas

March 2018 Lease Sale
Eastern Agency Northern
Boundary



Map 9: Map of Northern Eastern Agency Area with Land/Mineral Status, Active/New Wells, and 1-Mile APE

Parcels number 31, 32, 33, 34, and 35 are in the general vicinity of an Eastern Agency area. The Chapter does not feel appropriate tribal consultation has been conducted in regards to planning for this area. Additional consultation should be conducted regarding potential impacts from increased development within proximity of this area and possible mitigation strategies. The BLM should defer parcels 31, 32, 33, 34, and 35.

3. Potential Drainage Situation

1. Parcels 13 & 14 were originally proposed due to a PDS (no longer a PDS)

Parcels 13 and 14 were parcels 2 and 3 respectively for the BLM's January 2015 lease sale¹². Both of these parcels were listed as being part of a "Potential Drainage Situation"¹³(PDS). Thus, they were listed as having the NM-10-LN (Drainage Stipulation) attached to them¹⁴. The parcels were then deferred for "Additional time to evaluate public comments regarding potential drainage, tribal consultation, and environmental justice" and parcels 13 and 14 (parcels 2 and 3 for January 2015 lease sale) were to be "deferred until the alternatives for the Mancos Shale/Gallup Formation Resource Management Plan Amendment/Environmental Impact

12: NEPA Document #DOI-BLM-NM-P010-2013-0451-EA: Page 76

(<http://www.nm.blm.gov/oilGas/leasing/leaseSales/2015/january2015/january2015LeaseSalePage.html>)

13 Id.: Page 36

14 Id.: Pages 8-9

Statement have been developed”¹⁵. Of course it does not appear that the RMPA alternatives have been developed yet; however, of greater interest is that it appears the PDS determination for parcels 13 and 14 have now changed, as no drainage stipulation is attached to them¹⁶. The Chapter is concerned with the potential of the BLM arbitrarily using PDS designation as a reason for leasing. The Chapter is interested in learning and better understanding how parcels 13 and 14 have been put forward for leasing considering their history and previously stated reasons for leasing. Thus, the Chapter must request parcels 13 and 14 are deferred for further tribal consultation regarding potential drainage and expression of interest irregularities.

2. Parcel 18 does not appear to be a PDS

Considering the history of PDS usage by the BLM, the Chapter is concerned with the BLM’s current designation of parcel 18 as a PDS. It appears that the two closest active wells that exist to the parcel are 30-039-24792 and 30-039-24919. Both of these wells appear to be over federal minerals, thus there does not seem to be a royalty loss due to a non-federal well draining federal minerals. The leases that these wells exist upon are NMNM 033005 and NMNM 033003 which as of June 14, 2017 were both owned by the same entity. Additionally, the royalty rate is listed as “Rlty rate 12.5-25% sch b”. The Chapter does not see how federal leases with a similar or higher royalty rate might be incurring royalty losses; however, a fuller explanation of the PDS for parcel 18 might be needed and should be done via tribal consultation. Thus, the Chapter request that parcel 18 is deferred for further tribal consultation regarding the PDS assigned to parcel 18.

4. Issues Considered but Not Analyzed

1. What effects could leasing have on forestry?

The Chapter is concerned that “What effects could leasing have on forestry” was not further analyzed in the EA document¹⁷. Forestry/Fuelwood was listed as “present, but not affected to a degree that detailed analysis is required”¹⁸. Although dispersed fuelwood would still be available on the parcels (presumably the BLM surface parcels), there are still a great deal of fuelwood resources (namely pinion-juniper forests) within the 1-mile APE of parcels 13, 14, 17, 18, 20, 21, 29, and 30. These parcels are within Eastern Agency areas. Additionally, by looking at census and survey data for the region it is apparent that fuelwood demonstrates a differential pattern of a natural resource use as compared to non-Navajo communities.

15 NM92100-lortiz (https://www.nm.blm.gov/oilGas/leasing/leaseSales/2015/january2015/Notice_of%20Postponed_01212015.pdf)

16: NEPA Document #DOI-BLM-NM-0000-2018-0006: Page15

17: NEPA Document #DOI-BLM-NM-0000-2018-0006: Page12

18: NEPA Document #DOI-BLM-NM-0000-2018-0006: Page84

Geography	Total Houses	Houses Using Wood as heating fuel	% Houses Using Wood as heating fuel
Counselor Chapter (2510000US2430140)	238	216	90.8%
Huerfano Chapter (2510000US2430320)	720	377	52.4%
Nageezi Chapter (2510000US2430500)	253	208	82.2%
New Mexico	762,551	52,087	6.8%
United States	117,716,237	2,415,634	2.1%
<i>Data from Table B25040 of 2012-2016 American Community Survey 5-year Estimates</i>			

This data is in line with a community based survey done by a local group named Hasbidit6. The survey covered the trichapter area of Counselor, Ojo Encino, and Torreon/Starlake Chapters. This survey indicated that 93% of households report using firewood as their primary heating fuel.

Considering the importance of fuelwood for Navajo communities as presented by multiple data sources, it should be a priority of the BLM to analyze impacts from BLM actions (direct and indirect) upon fuelwood within and adjacent to Navajo areas. Additionally, it is time for the BLM to formally recognize fuelwood as a subsistence resource of Navajo communities.

The Chapter recommends that parcels 13, 14, 17, 18, 20, 21, 29, and 30 are deferred for further tribal consultation to further analyze fuelwood impacts and its designation as a subsistence resource within Navajo communities.

5. Day Mesa, Heart Shape Rock, Pig Stands Mesa, Baby Canyon Need Inclusion for Impact Analysis

1. Day Mesa

Day Mesa is located at within Counselor. It has been designated by Counselor Chapter 2002 Land Use Plan Policy 1e as a protected area. There appear to be line of site potentials with some proposed parcels and their designated 1-mile APEs.

2. Heart Rock Peak

Heart Rock Peak is located within Counselor. It has been designated by Counselor Chapter 2002 Land Use Plan Policy 1e as a protected area. Although it does not appear that there is any direct line of site from this place to the proposed parcels, it is next to a major transportation corridor which would likely be used to serve parcels within Counselor Chapter. As a result, increased traffic could effect the site.

3. Pig Stands Mesa

Pig Stands Mesa is the mesa located north of Heart Rock Peak. It has been designated by Counselor Chapter 2002 Land Use Plan Policy 1e as a protected area. It has potential line of site issues with some proposed parcels and their designated 1-mile APEs. Additionally, it is next to a major transportation corridor which would likely be used to serve parcels within Counselor Chapter. As a result, increased traffic could effect the area.

4. Baby Canyon

Baby Canyon is located west of parcels 13 and 14. Parcel 17 is down from and east of Baby Canyon. It has been designated by Counselor Chapter 2002 Land Use Plan Policy 1e as a protected area. There will be likely effects to this protected area by any future development of the leases

5. Conclusion

The Chapter recommends that all parcels with potential direct and indirect impacts are deferred for further tribal consultation for the BLM to develop better analysis regarding these areas. Additionally, it would be important for the BLM to understand what other protected areas (formally through land use plans or by other formal/informal community designation) need further analysis by cultural specialists. As a result the Chapter recommends that parcels 13, 14, 17, 18, 20, 21, 29, and 30 are deferred for further tribal consultation to further analyze cultural/protected areas.

6. Impacts from Unconventional Oil/Gas Development

It appears that horizontally drilled wells which are hydraulically fractured may be more intense developmentally then vertical wells which are horizontally fractured. As of November 1st, 2017 the average measured depth of an active vertical well in the San Juan Basin is approximately 5014 feet, the average measured depth of an active horizontal well is approximately 7,728 feet. This difference of nearly 2700 feet seems indicative of greater intensity in the creation of such wells. Additionally, it seems that a horizontal well will have a greater length of its lateral being hydraulically fractured since a longer portion of its lateral will be within the target formation. Hydraulic fracturing has been admitted by the BLM as having environmental impacts;

Those same improvements may also lead to incrementally higher emissions of VOCs during the relatively brief completion phase of new wells. Additionally, modern fracturing techniques may indirectly increase the quantity of roadbed dust temporarily suspended in the atmosphere simply due to an increase (relative to older fracturing techniques) in vehicular traffic involved in transporting mobile equipment and supplies.¹⁹

19: NEPA Document #DOI-BLM-NM-0000-2018-0006: Page 51

Considering that horizontal wells which are hydraulically fractured have longer lateral being hydraulically fractured, it would stand to reason that the intensity of the impacts from these wells would be greater than their vertical counterparts. The current 2003 RMP did not consider horizontal drilling in its analysis:

"Horizontal drilling is possible but not currently applied in the San Juan Basin due to poor cost to benefit ratio. If horizontal drilling should prove economically and technically feasible in the future, the next advancement in horizontal well technology could be drilling multi-laterals or hydraulic fracturing horizontal wells. Multilateral could be one, two or branched laterals in a single formation or single laterals in different formations. Hydraulic fracturing could be a single fracture axial with the horizontal well or multiple fractures perpendicular to the horizontal well. These techniques are currently complex and costly, and therefore typically inappropriate for most onshore U.S. reservoirs. Comprehensive engineering and geologic research will be required in the near future in order for these techniques to become viable within the 20 year time frame anticipated by this RFD (8.3)".

Thus the Chapter is concerned that this difference in impact has not been properly analyzed and mitigated (even if the BLM insists it is "largely" short term). Interestingly, the BLM does not consider impact to be completely short-term, what are the long term effects? Additionally, since horizontal drilling is now economically feasible, it is easier to place many wells upon a single well pad. Although this might decrease the over surface disturbance, it does increase the intensity of the impact at the well pad. This has not been properly accounted for in the 2003 RMP.

Lastly, in order to access resources on parcels with a NSO stipulation, it will require the use of a horizontal well which is hydraulically fractured. Since parcel 18 has a drainage stipulation and is NSO, it will require such a well to protect the parcel from drainage. Thus it is highly likely that the leasing of these parcels would lead to horizontally drilled and hydraulically fractured wells.

Unconventional Well Development Conclusion

Since the current RMP does not cover the different types of impacts presented by the newer oil/gas extraction technology and the BLM has admitted to different/greater impacts from the technology. The Chapter must insist that the BLM complete proper planning to mitigate these impacts before leasing parcels within the Eastern Agency. Thus, Eastern Agency parcels should be deferred for greater Tribal consultation and planning regarding impacts from horizontally drilled hydraulically fractured wells.

7. United Nation's Declaration on the Rights of Indigenous People's (UNDRIP)

The United Nations General Assembly passed resolution 61/295: United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) on September 13, 2007. Although the United States was one of only four governments in the General Assembly not to vote for the resolution originally, this changed with President Obama's support starting in December of 2010.

Additionally, the issues arising in North Dakota with the Standing Rock Sioux regarding the construction of the Dakota Access Pipeline has raised concerns by the United Nations Permanent Forum on Indigenous Issues. In a letter, the forum requested that the United States Government abide by the stipulations of UNDRIP.

This letter is located at:

<https://www.un.org/development/desa/indigenouspeoples/news/2016/08/statement-on-protests/>

The Chapter recognizes that the UNDRIP is considered by the US government as "not legally binding or a statement of current international law ", but the chapter also recognizes that the US government considers UNDRIP as having "both moral, and political force". Thus, in the spirit of the United States adoption of UNDRIP the Chapter will raise issues related to UNDRIP directly as to help the federal government morally.

Upon review of UNDRIP, the Chapter feels that there is currently no free and prior consent given by peoples in regards to Eastern Agency parcels for their development. Via resolution, the chapter governments that the Eastern Agency parcels lie within are against all lease sales until the RMPA is completed. An additional nine chapters have also passed resolutions against the lease sale, this includes all Eastern Agency chapters within the planning boundaries of the FFO RMPA. Also, the Eastern Navajo Agency Council has passed a resolution against the lease sale. The Eastern Navajo Agency Council is composed of officials from all 31 eastern agency chapters. In addition the Navajo Nation President's office is also against any Eastern Agency lease sale until the RMPA is completed. Thus, via governmental resolutions at the Navajo local, Agency, and National level governments there is unity in that this lease sale should not be allowed.

The following elements of the UNDRIP are of particular concern regarding leasing to Eastern Agency tribal trust split estate parcels:

Article 8: 2. States shall provide effective mechanisms for prevention of, and redress for:
b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources;

The Chapter feels that leasing of these parcels with current stipulations would effectively constitute the dispossession of tribal lands. As stated previously in this protest comment letter, leasing will likely lead to the direct adverse development situations on the periphery of these lands (due to the need to protect parcels from drainage), thus decreasing the value of these extremely important tribal lands. The act of leasing these lands would constitute an act of dispossession via reduced value, and thus should be prevented.

Article 10

Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.

Lease of these split estate parcels, as stated before, will likely lead to the effective reduction of developable land for tribal community purposes. This effect on future habitation patterns of these lands could be considered as removal. Navajo people should have the right within their laws and systems to inhabit their lands (now and into the future) without fear of negative impacts by federal actions which would make them have to choose to leave, not inhabit, or accept a reduced quality of life.

Article 26

- 1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.*
- 2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.*

The Chapter would like to note that these split estate parcels and the non-split estate parcels within Eastern Agency should be considered Navajo Lands even if currently managed by the BLM. Leasing these parcels would seemingly reduce control of these tribal trust parcels and non-tribal trust non-Navajo managed yet traditionally Navajo lands. Additionally, any impacts to underground water resources beneath these parcels are of vital importance to the community.

Article 29

- 2. States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.*

The Chapter considers produced "frac fluid" to be a potentially hazardous material. A portion of this fluid will likely remain under the leased parcels since it is likely not all of

it can be recovered. Thus, the parcels will become an underground storage of hazardous materials which have undetermined effects upon the underground environment.

UNDRIP Conclusion

The Chapter considers all of the parcels to be located within traditional territories of the Navajo. The Chapter does not currently consent under the current planning environment to the sale of any of the proposed lease parcels for the March 2018 Lease Sale (especially any parcels located within Eastern Agency boundaries). Thus, the Chapter requests that all parcels be deferred for further tribal consultation regarding issues related to tribal issues with lease parcels and UNDRIP issues so that consent may be achieved.

8. Environmental Justice

1. Cut & Paste Environmental Justice with Bad Logic

It appears that the BLM has used the exact same language from its January 2017 Lease Sale final EA in the March 2018 lease sale. Almost as if nothing has been learned in the almost one year period from the time the January 2017 EA was published to the time the proposed final EA for the March 2018 lease sale EA was created.

The January 2017 Lease Sale has the following statement in it regarding Environmental Justice:

In addition, the local Navajo Chapter Houses of Counselor, Ojo Encino, and Torreon are in the general area of the proposed leases. These Chapter Houses have expressed concerns about the impacts of continued oil and gas development on the condition of roads in the area, traffic safety, water quality, visual resources and air quality. The BLM received comments both from individual allottees in favor of the proposed lease sale for economic reasons, and from the Chapter Houses asking that no more lease sales be held due to potential negative impacts.²⁰

The March 2018 Lease Sale has the following exact same statement regarding Environmental Justice:

In addition, the Navajo Nation Chapter Houses of Counselor, Ojo Encino, and Torreon are in the general area of the proposed leases. These Chapter Houses have expressed concerns about the impacts of continued oil and gas development on the condition of roads in the area, traffic safety, water quality, visual resources and air quality. The BLM received comments both from individual allottees in favor of the proposed lease sale for economic reasons, and from the Chapter Houses asking that no more lease sales be held due to potential negative impacts.²¹

20: NEPA Document #DOI-BLM-NM-0000-2018-0006: Page 52

21: DOI-BLM-NM-F010-2016-0001-EA: Page 41

Included in the March 2018 lease sale is also the following:

Continued oil and gas development has the potential to increase road traffic in general, affecting traffic safety, water quality, visual resources and air quality. In past lease sales in these areas the BLM received comments both from individual allottees in favor of the proposed lease sale for economic reasons, and from the Chapter Houses asking that no more lease sales be held due to potential negative impacts.²²

It appears the BLM has just reused its previous EJ analysis that discussed Chapter level issues from the January 2017 lease sale for the March 2018 lease sale. Stating that it received comments in favor of the federal minerals lease sale from individual allottees for economic reasons. Later in the March 2018 lease sale EA it mentions that the BLM had "In past lease sales in these areas" received comments from allottees. So in the same document the BLM infers it has received comments from allottees in favor of the current lease or that it has received comment regarding past lease sales. This type of cut-and-paste EJ analysis really requires some more in-depth analysis of the issues brought forward by the entities that alerted the BLM to such issues rather than automatically reusing the same materials each time.

The logic contained within the paragraph is illogical and divisive. The inference of the paragraph is that allottees (in general) are in favor of oil/gas development and chapter governments are not. The reality is quite different on the ground. There are allottees who are not in favor of this lease sale. However, the BLM only states individual allottees are in favor of it. This is used to "counterbalance" the fact that chapters are against the lease sale. What the BLM fails to recognize is that each chapter has passed resolutions against the lease sale which are voted upon by its quorum (generally made up of a minimum number of registered chapter voters). Thus, when a chapter comes out by resolution against a lease sale its not just an elected official who is making a stand regarding the issue, it is the voters of the chapter itself. Additionally, this is an apparent attempt by the BLM to show more (and possibly sow) division within the Navajo communities. The chapters respect all points of view on many issues, but the Chapter feels that what the BLM is indicating with the cut-and-paste paragraph is that the voice of the Navajo communities thru their local chapter governments can be silenced by an individual or two who have indicated in past lease sales that they could benefit economically from the lease sale. The Chapter would like to note that its registered voters also includes allottees. The BLM should stop trying to divide Navajo communities to pursue its leasing strategy and begin doing critical EJ analysis on the relevant data it receives from chapters and Navajo individuals.

Additionally, what economic benefits are the allottees to derive from the lease of federal parcels (particularly within Eastern Agency)? In fact, it appears likely that by

22: DOI-BLM-NM-F010-2016-0001-EA: Page 73

leasing these parcels more opportunities for federal wells to drain allottee minerals will be created. It also appears that all Eastern Agency parcels are within close proximity to allotments (including parcel 18). Thus, at least for parcel 18 a connected action is needed since it is more then likely to be developed due to a drainage stipulation (which the Chapter feels is an erroneous designation) could probably lead to drainage of allottee minerals. Thus, the Chapter is concerned for allottee related issues in regards to oil/gas resources. The Chapter is not sure how allottees in general will benefit from the leasing of these parcels? The Chapter does not view federal wells draining allotment minerals as a positive economic gain. Perhaps it is thought that there will be an increase in employment, yet the EJ analysis does not seem to show or indicate Navajo employment increases in oil/gas industries. Thus, the Chapter feels that the BLM needs to engage in real Environmental Justice Analysis by engaging in real, face-to-face and direct consultation with the Navajo Nation and affected chapters and actually begin integrating that information into a detailed EJ analysis.

2. Environmental Justice Analysis

1. The Trichapter Council have consistently requested since 2013 that the BLM include Chapter level census data in its Environmental Justice (EJ) analysis. The BLM has consistently not integrated this into their analysis. In fact most of the analysis at the lease level mostly hides Navajo populations residing within various chapter boundaries by using larger level data such as counties and census tracts. Once again, census level number 251 (Tribal Subdivisions) yield census data broken down by chapter level. Meanwhile, the BLM continues to analyze border towns (such as Farmington, Bloomfield, Aztec, Gallup, and Rio Rancho). Why haven't the rural communities to whom the proposed parcels would directly and tangentially effect being considered as well such as: Counselor, Nageezi, Huerfano, Ojo Encino, Pueblo Pintado, Cuba, Gallina, Lindrieth, Regina, Kirtland, and Shiprock. The EJ analysis must be much better developed and it appears the only solution to achieve this is via the ongoing RMPA. Thus, the Chapter requests that all parcels are deferred until the RMPA is completed so a better and more thorough EJ analysis can be tiered to by Lease level EA's and APD level EA's.

3. APD Level EA's do not consider local communities either

Since the year 2000 through August 2016, 1152 APDs have been approved by the BLM which are federal and located over federal minerals within Eastern Agency chapters or the Largo/Crow Mesa area. The following are samples of the EJ analysis from these APDs within Counselor Chapter in 2011, 2012, 2013, 2014, 2015, and 2016.

2011: EJA from EA NM-F010-2011-260 for well FEDERAL 21 6 28 #004
Located in Southern Counselor

3.5 Environmental Justice

Executive Order 12898 directs the federal agencies to conduct their programs, policies, and activities such that the health and environment of individuals affected by those programs, policies, and activities is not disproportionately impacted according to that person's race, color, or national origin. The population surrounding the proposed project area is comprised of individuals of minority groups, primarily American Indians.

Table 3.5.1. Minority populations of project area.

Ethnicity	% of Population of Sandoval County	% of Population of New Mexico	% of Population of United States
American Indian	13.6	9.7	1.0
Hispanic Origin	33.2	45.6	15.8

Data from US Census Bureau, 2010 census results <http://newklands.census.gov/qfr/states/35/35043.html>

4.5 Environmental Justice

4.5.1 Direct and Indirect Effects

No minority or low income populations would be directly affected in the vicinity of the proposed action. Indirectly, effects could include increased overall employment opportunities related to the oil and gas and the service support industry in the region as well as the economic benefits to state and county governments related to royalty payments and severance taxes. Other effects could include a small increase in activity and noise in areas used for grazing, wood gathering, or hunting. However, these effects would apply to all public land users in the project area. A more detailed description of potential impacts is contained in the PRMP/FEIS p.4-120 and 4-129.

4.5.2 Proposed Mitigation

No mitigation is proposed.

2012: EJA from EA NM-F010-2012-198 for well Lybrook H03-2206 1H

Located in Northern Counselor

3.5 Environmental Justice

Executive Order 12898 requires federal agencies to assess projects to ensure there is no disproportionately high or adverse environmental, health, or safety effects on minority and low-income populations. Minorities comprise a large proportion of the population residing inside the boundaries of the Farmington Field Office (see pages 3-106 to 3-107 of the PRMP/FEIS for more details on ethnicity and poverty rates).

4.5 Environmental Justice

4.5.1 Direct and Indirect Effects

No minority or low income populations would be directly affected in the vicinity of the proposed action. Indirect effects could include effects due to overall employment opportunities related to the oil and gas and service support industry in the region as well as the economic benefits to state and county governments related to royalty payments and severance taxes. Other effects could include a small increase in activity and noise disturbance in areas used for grazing, wood gathering, or hunting. However, these effects would apply to all public land users in the project area. A more detailed description of potential impacts is contained in the PRMP/FEIS p.4-120 and 4-129.

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2013: EJA from EA NM-F010-2013-0063 for well Logos No.003

Located in north central Counselor

1.5.2.2 Issues Considered but not Analyzed

The following issues were identified during scoping as issues of concern that would not be impacted by the proposed action or that have been covered by prior environmental review. These issues will not be discussed in this EA.

- **Environmental Justice:** The proposed project would not result in disproportionate adverse impacts to minority or low-income populations. San Juan and Sandoval Counties have a disproportionately high minority population (U.S. Census Bureau 2010). However, the PRMP/FEIS determined that the positive effects of additional jobs, economic activity, and government revenue from energy development would benefit all residents, including minorities (BLM 2003a).

The BLM believing that an EJA was not required for this well is extremely concerning. This well is within 1500' of 3 to 5 Navajo households and borders a major Tribal Trust area that houses hundreds of Navajo residents and would directly affect the community. Unfortunately, the EJA simply tiers to the PRMP/FEIS which is insufficient for such a level of analysis.

2014: EJA from EA NM-F010-2014-0175 for well Lybrook G01-2206 Nos. 01H & 02H

Located in Northwest Counselor

No Environmental Justice Analysis was done or even considered. Counselor chapter was mentioned regarding public scoping:

The Counselor Chapter House of the Navajo Nation was invited to the on-site meetings by the BLM-FFO; no representatives from the Chapter House attended. In an April 5, 2013, letter to the BLM-FFO, the Counselor Chapter House identified several issues (water resources, visual resources, transportation/travel, livestock grazing, economics, public health and safety, and noise) for oil and gas exploration and extraction projects located within the Chapter boundaries.

4

2015: EJA from EA NM-F010-2015-0001 for well Lybrook 101-2207

Located in North Central Counselor

The EJA in this report was longer. However, it strictly utilizes regional analysis which appears to be directly tiered to the PRMP/FEIS. It also includes tax benefits for the state, counties, and tribes. However, the local Navajo communities do not benefit from this well construction since revenues go to the state.

Additionally, this well is located immediately next to tribal trust lands which have Navajo households. Nearly 3 to 5 households are within 1500' of this well site. No community specific EJA was done.

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2016: EJA from EA NM-F010-2016-0020 for well Lybrook D34 2307 No. 1H
Located in western Counselor

The analysis is more extensive than previous APD EJAs. However, it lacks any community specific analysis. Once again the EJA tiers to the PRMP/FEIS EJA and does not include any community-specific data. This essentially hides the local Counselor population from analysis.

APD EJ Analysis Conclusion

It appears that the BLM has consistently ignored local Navajo Communities in it's EJ analysis at all levels of analysis (RMP, Lease Level, APD). This is still the issue with this current March 2018 Lease Sale. The only realistic remedy to this persistent problem is that the RMPA is completed before EA's requiring community specific EJ analysis are approved.

9. Climate Change, Social Cost of Carbon, and Cumulative Analysis

The Chapter agrees that the idea of calculating the specific impact of one well upon global climate change is difficult if not impossible in a stochastic system; however, it is still of particular concern to the Chapter. It may also be difficult to predict the effects of climate change upon a particular locality or region. However, the Chapter feels that if the BLM knows its decision will lead to greater climate change impacts upon the entire global system it has a responsibility to adequately attempt to analyze this issue, since it is going to effect other areas. Additionally, the logic of saying that an individual lease sale may only eventually add a very small amounts to the overall emissions (GHG and pollutants in general) for the field office region, it negates the reason for cumulative analysis. By the logic of saying that it is only a small amount increase (by percentage) means that the larger the amount of production already occurring that the amount being added will be minuscule (mathematically it is a self perpetuating and defeats the purpose of cumulative analysis). This is incorrect and dangerous approach to cumulative impacts and does not address the intense impacts that might be occurring at the parcel/community level. This is the same approach that the BLM has taken in its EJ analysis, by which it can nearly ignore small communities (particularly Navajo communities) by focusing on larger level numbers or larger communities (even if they are far from the areas directly affected by the BLM action). Secretarial Order 3289 in section 5 acknowledges that "Climate change may disproportionately affect tribes and their lands because they are heavily dependent on their natural resources for economic and cultural responsibilities".

The Chapter agrees that Navajo populations are disproportionately impacted by climate change due to utilization of subsistence resources (such as firewood), and utilization of rangeland for traditional foods, utilization of wild plants/animals for food, and use of plants and animals for ceremonial purposes.

There has been a lack of tribal consultation regarding the "Department's Climate Change Initiatives", and the integration of greenhouse gas emissions for analysis. The DOI's concern

for disproportionate impact of climate change is also the position of the Chapter, thus further consultation regarding this issue with Navajo chapters and the Navajo Nation would likely be fruitful in mitigating CO2 emissions and lessening potential future impacts upon global climate systems.

10. Differential Unmitigated Impact from Differential Revenue Sharing

Federal Oil/Gas leases generate revenue for the US government and for the state the lease is located in. This revenue sharing comes from the royalty rate stipulated in the lease agreement and is usually around 12.5% of production value. The revenue generated is divided almost equally between the US Government and the State. Federal leases within the boundaries of chapters generate revenues for the US Government and the state of New Mexico. However, no funds are generated for the Navajo Nation or local chapters. Many times these funds do not seem to come back to the communities via the state, yet these communities are suffering large impacts to its roads, environment, quality of life, and scant public safety resources.

Ojo Encino conducted a study of royalty revenues generated in 2013 and 2014 on federal leases within Eastern Agency chapter boundaries. In 2013 nearly \$19.6 million dollars in royalties were generated by federal leases within Eastern Agency chapter boundaries and in 2014 nearly \$18.9 million dollars were generated. Nearly half of this revenue went to Santa Fe with the other half remaining in Washington D.C. The royalties generated by leases within chapter boundaries could have funded police, fire, medical, and roads departments. These monies could have potentially mitigated some of the negative impacts from Oil/Gas development in these communities; however, most of these funds generated within these communities do not return.

Over 12 Navajo chapters and the Eastern Navajo Agency Council (governmental entity composed of officials from all 31 Eastern Agency chapters) have passed resolutions considering this situation as being a disproportionate unmitigated impact upon Navajo communities and are requesting a revenue sharing mechanism be put in place before any further leases (including this one) are considered.

Lastly, funds that are given to the Navajo Nation by the federal government are for treaty obligations which are agreed to by the government of the United States and the Navajo Nation. Thus, these mineral revenues being generated within Navajo communities from federal minerals are separate from funds that are promised by treaty. Navajo communities should not have to suffer additional unmitigated economic impacts because of their treaty status. Thus, revenues generated by federal minerals within Navajo communities must be shared with Navajo communities to help in the mitigation of negative impacts.

11. Process of Waiving Stipulations

The Chapter wants assurances that any process to waive stipulations must include chapter level approval and not be entirely dependent on BIA and/or Navajo National level approval. Currently, the stipulations are insufficient in this manner and thus the Chapter

requests that all Eastern Agency parcels be deferred for further tribal consultation regarding stipulation development.

12. Ongoing RMPA Development

1. Parcels 13 & 14 were parcels 2 & 3 for January 2015 Lease Sale

The parcels were deferred for "Additional time to evaluate public comments regarding potential drainage, tribal consultation, and environmental justice" and parcels 13 and 14 (parcels 2 and 3 for January 2015 lease sale) were to be "deferred until the alternatives for the Mancos Shale/Gallup Formation Resource Management Plan Amendment/Environmental Impact Statement have been developed"²³. Currently, the Chapter has failed to see any developed alternatives. Additionally, a developed alternative is not a draft alternative. An alternative is not adopted until it is part of a signed EIS. This appears to be a non-sequitur because do the alternatives actually apply to the lease sale since they have not been adopted via a signed EIS? What happens if the eventual developed alternative would remove parcels such as 13 and 14 from leasing? The BLM has admitted that the development of the RMPA is connected with lease sales in the area (and in particular with these two parcels). It seems that the BLM should at minimum defer these two parcels until the alternatives are developed. It should also defer all other lease sale parcels until the alternatives are developed. Lastly, if the BLM has internal alternatives developed it does mean the alternatives have been developed. Alternatives cannot be "developed" just through internal mechanisms, it requires public overview. Since there have been no publicly available alternatives for the public to review in regards to this lease sale during the 30 day EA or Protest comment periods, it seems that the BLM has not kept its promise to hold off leasing until the alternatives have been developed.

2. Narrowing of RMPA Decision Space and Effectiveness

The development of the current RMPA can and will have an effect on future leasing activities and stipulations. By leasing these parcels before proper planning has been done will effectively reduce the ability of the RMPA to mitigate impacts from horizontally drilled wells and thus restrict protections for Navajo populations. The Chapter urges the BLM to reconsider leasing any parcels while the RMPA is being developed so that it can provide for maximum protections for communities, create an environment for orderly development, and meet the needs of local communities.

1. *Rio Puerco Field Office deferred parcels for new RMP*

The Rio Puerco Field Office deferred its last proposed lease sale so it could finalize its new RMP. We feel this should also be the same action taken by the Farmington Field Office to yield consistent management policies across management districts.

²³ NM92100-lortiz (https://www.nm.blm.gov/oilGas/leasing/leaseSales/2015/january2015/Notice_of%20Postponed_01212015.pdf)

2. Unanalyzed Technology

The BLM FFO is developing the current RMPA in part due to: "Subsequent improvements and innovations in horizontal drilling technology and multi-stage hydraulic fracturing have enhanced the economics of developing this stratigraphic horizon". This planning process is ongoing and we request that the BLM not lease any parcels until this technology and possible mitigation measures are fully analyzed.

3. Impact on NEAMZ

NEAMZ is developing policy prescriptions which are culturally, spatially, and socially relevant to the Navajo Eastern Agency. These prescriptions would look at parcels as being proposed by this lease sale such as tribal trust split estate, BLM lands/minerals within Eastern Agency, and BLM Lands/Minerals bordering Eastern Agency areas. This lease sale along with the January 2017 lease sale will restrict and reduce NEAMZ policy prescriptions from being as effective as possible by reducing possible mitigation measures or predetermining which parcels can be offered for lease sale (potentially due to unmitigable impacts).

3. Trichapters and Navajo Nation are Cooperating Agents

1. It should be noted that the Navajo Nation and the Trichapters (Counselor, Ojo Encino, and Torreon/Starlake chapters) are cooperating agents on the RMPA. Thus, entities from the Navajo Nation (both National level and Local level) are making good faith efforts to help for federal planning in the area. However, this is being undermined by the BLM leasing parcels within its RMPA planning area while the RMPA is ongoing.

13. Conclusion

The Chapter must insist that the BLM defer all March 2018 parcels since all parcels are located within the RMPA planning area. The Chapter also insist that the parcels discussed that are within Navajo Eastern Agency Areas are deferred for further tribal consultation and to ensure proper mitigation measures are in place via consultation and the ongoing RMPA. The Chapter requests that the BLM engage in direct face-to-face consultation with protesting chapters regarding this lease sale and submitted protests.

With Thanks for your consideration,



Dave Rico
Torreon/Starlake Chapter President

01/04/2018
Date