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April 7, 2026

SUBMITTED VIA E-PLANNING

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**Re: Scoping Comments on the Proposed Revocation of Public Land Order 7923;
NEPA Number DOI-BLM-NM-F010-2026-0002-EA**

Contrary to applicable law and policy, the findings and determinations of an administrative record that dates back more than two decades, the long-standing wishes of Pueblos and Tribes throughout the American Southwest, and the weight of public opinion, the Department of the Interior (DOI) is proposing to revoke Public Land Order (PLO) 7923, which withdraws federal lands and minerals surrounding Chaco Culture National Historical Park (CCNHP or Park) from oil and gas leasing and certain mining activities. Doing so will lead directly to the industrialization of lands on the border of CCNHP, along with culturally sensitive areas throughout the withdrawal area, and destruction of significant cultural sites, including segments of the Great North Road.

That DOI is proposing to do so at all – less than three years after making the withdrawal – is deeply concerning. That it is happening on an expedited timeframe that provides 22 days for the public to comment and a maximum of 90 for Pueblos and Tribes to consult over this proposal – the very same Pueblos and Tribes who are directly descended from the Chacoan people and who have actively participated in federal decision-making concerning the withdrawal area for over 20 years – is completely unacceptable and unlawful.

The undersigned organizations oppose any attempt, including this one, to revoke or modify the Chaco withdrawal. We believe that DOI must immediately cancel this process and refocus its efforts on revising or otherwise updating the 2003 Farmington Resource Management Plan – a course of action that the Bureau of Land Management (BLM) committed to as recently as July 2024.¹ Per BLM, this plan no longer “reflect[s] on the ground conditions” because of “significant changes in the

¹ Press Release, Bureau of Land Mgmt., BLM, BIA cancel draft amendment for Farmington Mancos-Gallup plan (July 11, 2024), <https://www.blm.gov/announcement/blm-bia-cancel-draft-amendment-farmington-mancos-gallup-plan>.

planning area,” including “decreased interest in oil and gas development,” the Chaco withdrawal, and “increasing outdoor recreation. . . .”²

To the extent DOI continues to advance the revocation proposal, it must fully consider and respond to the following comments from the undersigned organizations.

I. COMMENTS ON THE TIMELINE AND PROCEDURES FOR THE PROPOSED REVOCATION

At the outset, our organizations note with grave concern and disappointment the woefully inadequate timelines and process that the BLM has proposed to consider revoking the withdrawal and opening public lands in the Greater Chaco region to oil and gas drilling. The proposal represents a complete reversal in the federal government’s position from less than three years ago when BLM reached a carefully crafted withdrawal decision following meaningful Tribal consultation and robust engagement with the public, cultural resource experts, economists, and other stakeholders. The process to finalize the withdrawal took 1.5 years, included eight public meetings, and entailed two public comment periods that cumulatively provided a total of 150 days for the public to engage in agency decision making and provide feedback on the management and protection of cultural and historic resources and values on public lands surrounding CCNHP.

It is beyond dispute that a seven-day scoping period over an important religious holiday weekend will not elicit from Pueblos, Tribal interests, impacted communities, and others information and feedback necessary to help the Secretary make an informed and legally defensible decision on an issue of such profound importance. On the contrary, from our perspective it appears the opposite is true: BLM’s rushed process effectively stymies Tribal and public input. Seven days is simply not enough time for Tribes or the public to review the proposal and respond in any meaningful way.

In addition, BLM’s proposed timelines and process fail to satisfy its obligations under federal law.

First, the Federal Land Policy and Management Act (FLPMA)³ broadly establishes public involvement as a key element of agency and departmental decision making.⁴ FLPMA explicitly requires public involvement⁵ in a wide array of BLM public land decisions, including “the preparation and execution of plans and programs for, *and the management of*, the public lands.”⁶ Regulations implementing FLPMA state: “The public shall be provided opportunities to

² *Id.*

³ 43 U.S.C. § 1701, *et seq.*

⁴ 43 U.S.C. § 1701(a)(5) (“The Congress declares that it is the policy of the United States that ... in administering public land statutes and exercising discretionary authority granted by them, the Secretary be required to establish comprehensive rules and regulations *after considering the views of the general public*”) (emphasis supplied.).

⁵ FLPMA defines public involvement as “the opportunity for *participation* by affected citizens in rule making, decision making, and planning with respect to the public lands, *including public meetings or hearings* held at locations near the affected lands, or advisory mechanisms, or such other procedures as may be necessary to provide *public comment* in a particular instance.” 43 U.S.C. § 1702(d) (emphasis added).

⁶ 43 U.S.C. § 1739(e) (emphasis added); *National Wildlife Federation v. Burford*, 835 F.2d 305, 322 (D.C. Cir. 1987) (Congress intended some form of public input for all decisions that may have significant impact on federal lands, including withdrawal revocations); *Montana Wildlife Federation v. Haaland*, 127 F.4d 1, 40-41 (9th Cir. 2025) (concluding that FLPMA requires opportunities for public participation in “down-the-line decisions” that implement land use plans, such as oil and gas lease sales). Regarding withdrawals in particular, FLPMA explicitly requires a “public hearing” for proposed withdrawals (43 U.S.C. § 1714(h)) and BLM implementing regulations contain detailed provisions regarding the required process and requirements for cancelling proposed withdrawals (43 C.F.R. § 2310.1-4(a)).

meaningfully participate in and comment on the preparation of plans, amendments and related guidance and be given early notice of planning activities.”⁷

Thus, FLPMA requires a *meaningful* opportunity for public participation before a mineral withdrawal is revoked. Particularly here, given BLM’s unsupported about-face on its withdrawal decision, moving to revoke the Chaco withdrawal should follow at least the same process as making the withdrawal, and arguably an even more robust process given that revocation would significantly weaken protections.

In addition, Section 106 of the National Historic Preservation Act (NHPA)⁸ mandates that federal agencies consider the effects of projects they undertake on historic properties. Federal regulations implementing Section 106 require both consultation and public involvement. Consultation is predominantly focused on government-to-government consultation with Tribal Nations, though local governments, federal permit or funding applicants, and “[c]ertain individuals or organizations with a demonstrated interest in the undertaking” may also participate.⁹ Agencies are also required to seek and consider the views of the public in the Section 106 process, including by requesting public comment – notably, the Section 106 regulations describe public input as “essential” to informed decision-making.¹⁰ Agencies must develop a public participation plan for each project subject to NHPA Section 106 review that includes identifying appropriate points for seeking public input and notifying the public of proposed actions.¹¹ The NHPA allows agencies to use existing NEPA procedures in lieu of developing new public participation plans, *but only if* they provide “adequate opportunities for public involvement” consistent with NHPA regulations.¹²

A. The Withdrawal Was Based on Decades of Engagement by Concerned Pueblos, Tribes, and Stakeholders.

DOI’s issuance of PLO 7923 arose from over two decades of direct engagement by Pueblos, Tribal Nations, and other stakeholders concerned about the impacts of oil and gas development in the Greater Chaco Landscape. Stakeholders interested in addressing these impacts have included BLM, the National Park Service (NPS), New Mexico’s Governor and other state and federal elected officials, the All Pueblo Council of Governors (APCG), the Navajo Nation, archaeological experts, conservation groups, and others.

Tribal governments have been raising concerns about the impacts of oil and gas development near CCNHP since at least 2009.¹³ In 2017, the Navajo Nation and APCG began conducting government-to-government meetings to discuss the rising need to protect cultural and natural resources from adverse impacts from oil and gas development near CCNHP.¹⁴ Through these engagements, Navajo and Pueblo leadership reached agreement on a proposal to withdraw federal lands and minerals from new oil and gas leasing and development in an especially sensitive 10-mile buffer around the

⁷ 43 C.F.R. § 1610.2(a).

⁸ 54 U.S.C. § 306108.

⁹ 40 C.F.R. § 800.2(c)(5).

¹⁰ 40 C.F.R. §§ 800.2(d)(1), (2).

¹¹ 40 C.F.R. § 800.3(e).

¹² 40 C.F.R. § 800.2(d)(3).

¹³ Chaco Timeline (attached).

¹⁴ *See, e.g.*, The Navajo Nation, Press Release, OPVP Protect Chaco Canyon Region Through Collaboration with All Pueblo Council of Governors (Feb. 24, 2017) (attached); All Pueblo Council of Governors, 10-Mile Withdrawal of Federal Lands from New Mineral Development in Greater Chaco Region Designed with Navajo Nation and Protects Navajo Interests (June 2023) (attached).

Park, including its outliers, while preserving preexisting development rights and the rights to lease and develop minerals on Tribal and private lands, including allottee lands.

In 2018, in response to this joint advocacy, Senator Tom Udall introduced the Chaco Cultural Heritage Area Protection Act of 2018.¹⁵ The Act provided for the permanent withdrawal of federal land from new mining and mineral leasing within 10 miles of the Park, as depicted in a BLM map entitled “Chaco Cultural Heritage Withdrawal Area,” dated May 14, 2018. The Act garnered strong support from the Navajo Nation, APCG, the archaeological community, and the public. Similar bills have been introduced in the Senate and the House in each subsequent session of Congress.¹⁶ In 2019, the Chaco Cultural Heritage Area Protection Act passed in the House of Representatives with bi-partisan support.¹⁷

B. The BLM Followed a Robust Public Engagement and Tribal Consultation Process When Creating the Withdrawal.

PLO 7923 took over 18 months to develop and was modeled on the Chaco Cultural Heritage Area Protection Act and the associated map of the 10-mile buffer zone. On November 15, 2021, following years of documented concern about the impacts of oil and gas development on federal public lands in the Greater Chaco region, DOI announced its proposal to initiate consideration of a 20-year administrative mineral withdrawal of federal lands within a 10-mile radius around the Park.¹⁸ Like the proposed legislation, the proposed administrative mineral withdrawal was expressly designed to not affect existing valid rights and to not apply to minerals owned by private, State, or Tribal entities, included allottees.¹⁹

On January 6, 2022, BLM published a formal notice in the Federal Register, proposing to withdraw approximately 352,000 acres of public land from new mining and mineral leasing, subject to valid existing rights.²⁰ In addition to the Federal Register notice, BLM published a legal notice in the local newspaper and on the agency website, announcing the proposed withdrawal, public comment opportunity, and upcoming public meetings.²¹ The Federal Register notice segregated the federal lands and minerals for a two-year term and initiated a 90-day public comment period.²² The Federal Register notice also scheduled public meetings on the proposed withdrawal.²³ BLM subsequently scheduled more public meetings to accept oral comments, one on April 27, 2022, in Farmington, New Mexico, and one on April 29, 2022, in Albuquerque, New Mexico.²⁴ BLM conducted a total of 6 public meetings on the initial withdrawal proposal, including a virtual meeting and meetings in

¹⁵ S. 2907, 115th Cong. (2018).

¹⁶ S. 1079, 116th Cong. (2019); H.R. 2181, 116th Cong. (2019); S. 5124, 117th Cong. (2022); H.R. 9344, 117th Cong. (2022); S. 1404, 118th Congress (2023); H.R. 3062, 118th Cong. (2023); H.R. 2861, 119th Cong. (2025); S. 1412, 119th Cong. (2025).

¹⁷ H.R. 2181, 116th Cong. (2019); H. Rept. 116-224 (2019).

¹⁸ Department of Interior, Press Release, Secretary Haaland Announces Steps to Establish Protections for Culturally Significant Chaco Canyon Landscape (Nov. 15, 2021).

¹⁹ *Id.*

²⁰ 87 Fed. Reg. 785, Dep’t of Interior, Bureau of Land Mgmt., Notice of Proposed Withdrawal and Public Meetings; San Juna County, NM (Jan. 6, 2022).

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ BLM National NEPA Register, Project Website, Chaco Culture National Historical Park Area Withdrawal, NEPA No. DOI-BLM-NM-F010-2022-0011-OTHER_NEPA, available at <https://eplanning.blm.gov/Project-Home/?id=098dfbca-a7f2-f011-8407-001dd806295a>.

Farmington, Nageezi, and Albuquerque, New Mexico.²⁵ At the request of interested stakeholders, BLM ultimately extended the public comment period for an additional 30 days, for a total of 120 days.²⁶ BLM allowed members of the public to submit comments through four different methods: mail, hand delivery, electronically through BLM's website, or orally at the public meetings.²⁷

The January 2022 Federal Register notice provided a clear explanation of the purpose of the withdrawal, as follows:

The purpose of the proposed withdrawal would be to protect these public lands and the greater connected landscape with a rich Puebloan, Tribal Nations, and cultural legacy in northwestern New Mexico from industrial impacts associated with oil and gas development activities and from adverse effects of locatable mineral exploration and mining, subject to valid existing rights. This proposed withdrawal area holds a deep meaning for the Indigenous peoples whose ancestors lived, worked, traded, and thrived in this high-desert community.²⁸

The notice further explained that many uses of the segregated federal public land could continue during the two-year segregation period (and any subsequent mineral withdrawal), including livestock grazing, access to existing mining claims and oil and gas leases, recreation, hunting, camping, day use, and commercial uses.²⁹

On November 10, 2022, following the public meetings and initial public comment period, BLM issued a Draft Environmental Assessment (Draft EA).³⁰ BLM provided a second opportunity for the public to comment on the proposed withdrawal and Draft EA, for a period of 30 days.³¹ BLM scheduled two more public meetings to discuss the Draft EA, which were conducted on November 14, 2022 in Farmington, New Mexico, and November 15, 2022, in Albuquerque, New Mexico.

In sum, BLM provided a total of 150 days for the public to provide comments through four different methods (mail, hand delivery, electronically, and orally), and BLM conducted eight public meetings, including six on the initial proposal, and two on the draft EA.

In addition to this public engagement, BLM formally and informally coordinated and consulted with other federal agencies, state and local governments, and Pueblos and Tribes.³² Regarding sovereign Pueblos and Tribes, BLM formally requested consultation with a total of 30 different Tribal governments and entities.³³ BLM expressly recognized its responsibility to engage in government-to-government consultation with sovereign Indigenous governments, as well as its separate but related legal obligation to consult with Pueblos and Tribes under Section 106 of the NHPA regarding

²⁵ Testimony of Bureau of Land Mgmt. on H.R. 4374 (July 13, 2023), *available at* <https://www.doi.gov/ocl/hr-4374>.

²⁶ *Id.*

²⁷ *Id.*

²⁸ 87 Fed. Reg. at 786.

²⁹ *Id.*

³⁰ Dep't of Interior, Bureau of Land Management. Proposed Chaco Area Withdrawal Environmental Assessment, DOI-BLM-NM-F010-2022-0011 (Nov. 2022) [hereinafter Draft EA].

³¹ Project Website, Chaco Culture National Historical Park Area Withdrawal, NEPA No. DOI-BLM-NM-F010-2022-0011-OTHER_NEPA, *available at* <https://eplanning.blm.gov/Project-Home/?id=098dfbca-a7f2-f011-8407-001dd806295a>.

³² Draft EA at 5-1.

³³ *Id.* at 5-2, Table 5-1.

historic properties.³⁴ BLM sent a letter and a map to the 30 Pueblo and Tribal entities on January 24, 2022, via certified mail, and a second letter on March 25, 2022.³⁵ BLM held a formal consultation session from April 27 - 29, 2022. Many of the Pueblos, Tribes, and Tribal organizations that received consultation requests attended the formal consultation sessions.³⁶ BLM ultimately found, under the NHPA, that the withdrawal would not have any effect on historic properties because the proposal would not authorize any surface disturbance. Instead, the proposal had the potential to reduce development and associated adverse effects.³⁷

Following the second round of public comment and public meetings, and extensive Tribal consultation and outreach, BLM issued a Final EA³⁸ and Finding of No Significant Impact³⁹ in May 2023. These environmental review documents, prepared pursuant to the National Environmental Policy Act (NEPA), found that many of the short and long-term effects of the proposed withdrawal would be positive. As noted above, BLM found the proposed withdrawal had the potential to reduce adverse impacts on historic properties.⁴⁰ BLM further “determined that the proposed withdrawal would have ‘no effect’ on federally listed plants and animals.”⁴¹ Regarding public health and safety, BLM identified that the withdrawal would have “[b]eneficial effects on public health,” including decreased noise and traffic from drilling and production operations and improved regional air quality.”⁴² Additionally, the NEPA review found that “the proposed withdrawal could have a positive impact on the Chaco region’s scenic and cultural values, with accompanying benefits to the quality of experiences for recreational users,” as well as “enhanced visibility for night sky viewing.”⁴³ As described in the FONSI,

Through a reduction of exploration activities as a source of noise and emissions over the next 20 years, the proposed withdrawal could have a positive impact on the Chaco region’s scenic and cultural values, with accompanying benefits to the quality of experiences for recreational users. A reduction of oil and gas development within the withdrawal area could reduce and would prevent industrialization of the land and preserve the dark night skies and rich views of the landscape within the Chaco region. This would have a positive effect on visitors’ enjoyment of outdoor recreation within the proposed withdrawal area and the connected surrounding areas.⁴⁴

On June 7, 2023, the Department of Interior issued PLO 7923, which withdrew appropriately 336,000 acres of federal public lands surrounding CCNHP for a period of 20 years.⁴⁵ As with the segregation order, PLO 7923 clearly explains the purpose of the mineral withdrawal: “to protect

³⁴ *Id.* at 5-1.

³⁵ *Id.*

³⁶ Dep’t of Interior, Bureau of Land Mgmt., Finding of No Significant Impact, Proposed Chaco Area Withdrawal, DOI-BLM-NM-F010-2022-0011-EA, at 10 (May 2023) [hereinafter FONSI].

³⁷ Dep’t of Interior, Bureau of Land Mgmt., Proposed Chaco Area Withdrawal Environmental Assessment, DOI-BLM-NM-F010-2022-0011, at 5-2 to 5-3 (May 2023) [hereinafter Final EA].

³⁸ Final EA.

³⁹ FONSI.

⁴⁰ *Id.* at 10.

⁴¹ *Id.* at 9.

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.* at 7.

⁴⁵ Dep’t of Interior, Bureau of Land Mgmt., Public Land Order 7923 for Public Lands Withdrawal Surrounding Chaco Culture National Historical Park Boundary; San Juan, Sandoval, and McKinley Counties, New Mexico, 88 Fed. Reg. 37266 (June 7, 2023).

these public lands and the greater connected landscape with a rich Puebloan and Tribal Nation legacy from the potential impacts associated with oil and gas development activities and from adverse effects of locatable mineral exploration and mining, subject to valid existing rights.”⁴⁶

C. The Proposed Revocation of PLO 7923 Demands a More Robust Public Engagement and Tribal Consultation Process than What the BLM Followed When Initiating the Withdrawal.

The Department of Interior now proposes to either revoke the administrative mineral withdrawal in its entirety or to reduce the size of the protective buffer around the Park from ten miles to five miles. In evaluating these proposals, BLM should follow a more robust process than occurred during the issuance of PLO 7923. Heightened procedural protections are warranted because unlike the issuance of the withdrawal, which was reasonably expected to have multiple beneficial effects on cultural and natural resources, public health, and recreation, the revocation of the withdrawal has the potential to harm these resources due to increased mining, mineral leasing, and development.

First, the proposed revocation is a “major federal action” that requires preparation of an Environmental Impact Statement under NEPA. An environmental assessment is entirely insufficient here, given the nature and severity of reasonably foreseeable effects to the withdrawal area’s values.⁴⁷

Second, BLM should provide adequate legal notice of the proposed revocation or modification of the withdrawal. When the BLM initiated the withdrawal, BLM announced its proposal in a formal Federal Register notice, legal notice in the local newspaper, and agency press releases. This notice stands in stark contrast to the manner in which BLM has communicated the commencement of this public scoping process. Here, the BLM failed to provide any notice whatsoever to the general public; BLM has provided notice only by email and only to those recipients included on BLM’s mailing list for this project.

Third, BLM should provide at least 90 days for the public to comment on the proposed revocation, consistent with what FLPMA requires for a proposed withdrawal, and should hold in-person and virtual meetings in locations accessible to interested members of the public, including Farmington and Albuquerque, at a minimum. BLM should further commit to allowing a minimum of 90 days to comment on a draft EIS. BLM’s decision to offer only 7 days for public comment during scoping, plus 15 days on a draft EA, and to decline to hold public meetings altogether, renders the purported opportunity for the public to participate in this process a sham. Making matters worse, as noted above, BLM failed to issue any type of public notice, and BLM has also chosen to overlap the scoping period with important religious holidays, including Easter and Passover.

Fourth, BLM must ensure that it is engaging in meaningful Tribal consultation, in good faith, as well as complying with the NHPA.

⁴⁶ 88 Fed. Reg. at 37266.

⁴⁷ Conversely, BLM properly evaluated the withdrawal through an EA. Courts have recognized that an EIS is generally not required for projects that will have beneficial impacts on the environment. *See* Shaun A. Goho, *NEPA and the “Beneficial Impact” EIS*, 36 Wm. & Mary Envtl L. & Pol’y Rev. 367, 371-74 (2012) (discussing relevant case law). Here, BLM extensively documented the benefits of withdrawing federal lands to Chaco Culture NHP and cultural resources in the surrounding landscape. This type of analysis did not require preparation of an EIS.

Finally, DOI must explain the purpose of its proposed revocation or modification to the public. When the withdrawal was initiated, DOI clearly expressed the reasons for the proposal and the cultural resource values to be protected.

We strongly urge DOI to abandon this fraught process and retain PLO 7923. But if DOI proceeds to consider revoking or modifying the withdrawal, DOI must start this process over again, by directing BLM to follow procedures commensurate with the law, the process that was followed when creating the withdrawal, and the reasonably foreseeable consequences of the proposed action.

II. COMMENTS ON ISSUES THAT DOI MUST ADDRESS DURING THE REVOCATION PROCESS

A. DOI Must Fully Identify Applicable Laws, Regulations, and Policies.

In the draft EIS (or draft EA), DOI must provide the public with a complete list of the laws, regulations, and policies that it believes govern the revocation process and authorize revocation of PLO 7923 (either in whole or in part), including any and all DOI and BLM handbooks, manuals, and other policy documents. It must further explain how DOI is complying with, or intends to comply with, each applicable authority, including any relating to public involvement or publication of the revocation application that (presumably) forms the basis of this proposal.

B. DOI Must Consider and Base its Decision on the Complete Administrative Record.

PLO 7923 culminated two decades of deliberative process that began when oil and gas companies – which already own leases on roughly 90 percent of federal lands in northwestern New Mexico – began nominating lands within the withdrawal area. The withdrawal area contains some of the last unleased federal lands in the entire Farmington Field Office and, because of their proximity to and deep cultural ties with CCNHP and the Greater Chaco region, possess high cultural value and integrity. These lands are, in fact, some of the most culturally significant public lands in all of America, as they are part of the only UNESCO World Heritage Site (WHS) under the care and management of BLM.

In response to these initial lease nominations, as well as those that followed in the ensuing years, BLM engaged the public and stakeholders, including the Hopi Tribe, several Pueblos, and, at times, the Navajo Nation, in a running dialogue about the propriety and legality of leasing lands in the withdrawal area for oil and gas drilling. These deliberations took place in the context of public meetings, NEPA processes, Section 106 consultations, and ad hoc meetings. As time passed, it became increasingly clear, including to BLM, that the 2003 Farmington RMP, which opened nearly the entire withdrawal area to leasing without meaningful protection for CCNHP and the surrounding Greater Chaco landscape, was inadequate and that a new management approach was needed. BLM did not come to this understanding casually or without careful weighing of considerable information provided by Pueblos and Tribes, federal and state agencies, and other stakeholders concerning cultural resources in and around CCNHP and the threat to their integrity from oil and gas activity on federal lands in the withdrawal area.

This two-decade-long dialogue led directly to the adoption of PLO 7923. And it is against this lengthy record that DOI must evaluate the revocation proposal.⁴⁸

C. DOI Must Document and Fully Consider New Information and Changed Circumstances.

DOI published PLO 7923 on June 7, 2023. Since that time, the regulatory landscape has changed and new information concerning cultural, oil and gas, and other resources within and surrounding the withdrawal area has become available, which DOI must account for in the draft EIS (or draft EA). New information and changed circumstances include:

- Passage of Public Law 119-21, the One Big Beautiful Bill Act (OBBBA): According to DOI, OBBBA:

limit[s] the BLM’s discretion for leasing parcels nominated in expressions of interest. Section 50101(d) of the OBBBA directs the BLM, acting on behalf of the Secretary, to make parcels known or believed to contain oil or gas deposits available for leasing ‘not later than 18 months’ after receipt of an expression of interest, provided that the BLM “determines that the parcel of land is open to oil and gas leasing under the approved resource management plan applicable to the planning area in which the parcel of land is located that is in effect on the date on which the expression of interest was submitted.”⁴⁹

DOI must account for these directives in the draft EA and how they may affect the management of the withdrawal area and its cultural and other values.

- Passage of Congressional Review Act (CRA) resolutions against federal land use plans: Over the past few months, Congress has passed, and the President has signed, five resolutions of disapproval under the CRA nullifying federal land use plans.⁵⁰ Questions have been raised about the validity of other federal land use plans that have not been submitted for Congressional CRA review.⁵¹ DOI must account for the foreseeable possibility that the 2003

⁴⁸ See, e.g., *Motor Vehicle Mfrs. Ass’n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 42 (1983) (“[A]n agency changing its course by rescinding a rule is obligated to supply a reasoned analysis for the change beyond that which may be required when an agency does not act in the first instance.”).

⁴⁹ Greater Sage-Grouse Rangeland Planning Record of Decision and Approved Resource Management Plan for Wyoming at 13 (Dec. 2025), https://eplanning.blm.gov/public_projects/%2F2016719%2F200502020%2F20148727%2F251048707%2FWyoming%20GRSG%20ROD-ARMPA.pdf.

⁵⁰ See, e.g., Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Bureau of Land Management relating to “North Dakota Field Office Record of Decision and Approved Resource Management Plan,” Pub. L. No. 119-49, 139 Stat. 698 (2025).

⁵¹ See, e.g., Letter from Robert T. Anderson, Solicitor, Interior Department, to Rep. Jared Huffman 6 (Jan. 15, 2025), <https://democrats-naturalresources.house.gov/imo/media/doc/DOI%20Response%20Rep.%20Huffman%20RMP.pdf> (“If all RMPs are subject to the CRA but were never submitted, there is at a minimum significant uncertainty as to where post-1996 RMPs have ever gone into effect. . . .”; Letter from Law Professors, to Senator Thune et al. 5 (Sept. 2, 2025), <https://aboutblaw.com/bkee> (“If Congress were to disapprove even one RMP, every other unsubmitted RMP or management plan developed for federal lands and waters could be called into question, to great destabilizing effect.”).

Farmington Resource Management Plan (RMP) is deemed not valid, along with any post-CRA amendments to the 1988 Farmington RMP.

- Preparation of tribally-led cultural resources studies: In 2019, Congress provided funding for tribally-led cultural resources investigations for “the Chaco Canyon region.”⁵² The intent of these studies, at least from the Pueblos perspective, was to “generat[e] missing information about Pueblo-related cultural resources in the Greater Chaco Region necessary to enable DOI to comply with both the National Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHPA) in decision-making regarding oil and gas development in the Greater Chaco Region.”⁵³ In any analysis regarding PLO 7923, DOI must fulfill its obligations toward all of the Pueblos and Tribes that have prepared or are preparing these studies. This includes fulfilling the requirements of any and any all agreements that DOI has entered into with Tribal parties concerning the use and sharing of data developed or provided in conjunction with these studies.
- Update to the Reasonably Foreseeable Development Scenario for the Farmington Field Office: On July 17, 2025, BLM released an “Update to the Reasonably Foreseeable Development Scenario (RFD) for Oil and Gas Activities in the Farmington Field Office, Northwestern New Mexico.”⁵⁴ The 2025 RFD updates an RFD released in 2018 and is meant “to assist BLM’s future land use planning efforts for the Farmington Field Office (FFO) by providing projections of potential future oil and gas development activity for the next 30 years (starting in 2025).”⁵⁵

D. DOI must comply with the Federal Land Policy and Management Act.

1. The Secretary Must Demonstrate that the Lands are No Longer Needed to Safeguard Cultural Resources and Values and Address Other Constraints and Limitations.

FLPMA authorizes the Secretary to make, modify, extend, or revoke withdrawals “but only in accordance with the provisions and limitations of [section 204].”⁵⁶ The Secretary’s discretion to revoke or modify withdrawals is therefore limited by and subject to substantive and procedural conditions. There is no specific agency guidance on the process and considerations relevant to the revocation of FLPMA withdrawals,⁵⁷ but the statute identifies numerous constraints on the

⁵² House Comm. on Appropriations, 116th Cong., Explanatory Statement Regarding H.R. 1865 (Comm. Print 116-44), <https://www.govinfo.gov/content/pkg/CPRT-116HPRT38679/html/CPRT-116HPRT38679.htm>.

⁵³ BLM, Proposed Chaco Area Withdrawal, Environmental Assessment, DOI-BLM-NM-F010-2022-0011 at A-16 (May 2023), https://eplanning.blm.gov/public_projects/2016892/200507928/20079943/250086125/20230531_Chaco-Withdrawal_EA_Final_508.pdf.

⁵⁴ BLM & N.M. Tech, Update to the Reasonably Foreseeable Development Scenario (RFD) for Oil and Gas Activities in the Farmington Field Office, Northwestern New Mexico, Final Report (July 17, 2025), <https://www.blm.gov/sites/default/files/docs/2025-07/rfd-oil-and-gas-blm-nm-ffo-071725.pdf>.

⁵⁵ *Id.* at iii.

⁵⁶ 43 U.S.C. § 1714(a); *see also Nat’l Mining Ass’n v. Zinke*, 877 F.3d at 856 (explaining that FLPMA eliminated “the implied executive branch withdrawal authority . . . and substitute[d] express, limited authority.”).

⁵⁷ BLM’s withdrawal regulations, which were adopted in 1981, lack “procedures relating to the processing of revocation of withdrawals. . . .” 43 C.F.R. § 2300.0-1(c). However, in the section on *proposed* withdrawals – “cancellation of withdrawal applications,” the regulations require a determination that lands “are no longer needed in connection with a requested or proposed action” for those lands to be removed from withdrawal

Secretary's authority. Among other things, the Secretary must show that the lands are no longer needed to safeguard the values and purposes originally identified in the withdrawal decision (here, to protect cultural resources from oil and gas development or to protect water resources from mineral extraction).⁵⁸ Withdrawal decisions under 43 U.S.C. § 1714(a), including modification and revocation, are also limited by, and subject to, the "public values" and "public purpose" statements in 43 U.S.C. §§ 1701 and 1702(j).⁵⁹

Revoking the mineral withdrawal requires the Secretary to demonstrate that the withdrawn lands are no longer needed to safeguard the public values or achieve the public purposes originally identified by DOI. Those public values and purposes are identified in the withdrawal application submitted to the Secretary by BLM:

The purpose of the requested withdrawal is to protect these public lands and the greater connected landscape with the rich Puebloan, Tribal Nations, and cultural legacy in northwestern New Mexico. This place holds a deep meaning for the Indigenous peoples whose ancestors lived, worked, traded, and thrived in this high desert community. If established as requested, the requested withdrawal would protect the landscape from industrial activity by restricting location and entry under the United States mining laws, and from leasing under the mineral leasing laws, subject to valid existing rights, for a period of 20 years.⁶⁰

The withdrawal application explains that the proposed withdrawal "encompasses . . . all parcels of [Chaco Culture] NHP," as well as public lands within a ten-mile buffer "that have important cultural resources, sacred sites, and ancient connections to surrounding Tribal communities. The [Chaco Culture] NHP and related areas were designated as a United Nations Educational, Scientific and Culture Organization World Heritage Site in 1987, one of only two dozen sites in the United States."⁶¹ The application states that these values require enhanced protection because of ongoing "interest in oil and gas development in the area. . . ."⁶²

DOI would thus need to justify why these values no longer warrant the enhanced protection provided by the withdrawal. CCNHP is still a national park and WHS – the only such site under BLM's jurisdiction. There are still thousands of fragile cultural resources in the withdrawal area; they have not migrated elsewhere. No cataclysmic event has razed the centuries-old great house walls in Chaco Canyon or wiped what's left of the Great North Road off the map. These incredibly-

consideration. *Id.* § 2310.1-4. This requirement aligns very closely with *National Mining Ass'n v. Zinke*, 877 F.3d at 867, which recognized that withdrawal decisions must advance public "values" or "purposes." *See also* 43 C.F.R. 2310.3-1(b) (providing process for withdrawal, extension or modification).

⁵⁸ *See* 43 U.S.C. § 1702(j) (defining "withdrawal" as "withholding an area of Federal land . . . for the purpose of limiting activities under those laws in order to maintain other public values in the area or reserving the area for a particular public purpose or program"); *Nat'l Mining Ass'n v. Zinke* at 867 (explaining that the "public values" and "public purpose" of a withdrawal are demonstrated by showing that a withdrawal furthers the FLPMA objective that "the public lands [would] be managed in a manner that [would] protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values; that, where appropriate, [would] preserve and protect certain public lands in their natural condition; that [would] provide food and habitat for fish and wildlife and domestic animals; and that [would] provide for outdoor recreation and human occupancy and use." (citing 43 U.S.C. § 1701(a)(8)).

⁵⁹ *See Nat'l Mining Ass'n v. Zinke*, at 867.

⁶⁰ BLM, Petition/Application for Withdrawal, Serial Number NMNM-144042 3 (attached) [hereinafter Chaco Withdrawal Application].

⁶¹ *Id.*

⁶² *Id.*

fragile resources, which are part of a cultural landscape that has been heavily fragmented and harmed by decades of oil and gas development in northwestern New Mexico, are exactly where they were when DOI issued PLO 7923 in 2023 – and where they have been for centuries.

Similarly, DOI would need to explain why the withdrawal no longer fulfills the central purpose of the withdrawal: to protect cultural values within and surrounding CCNHP from oil and gas development on federal lands. BLM has not updated its underlying management plan for the area, having terminated the Mancos/Gallup RMPA process in 2024.⁶³ If the DOI proceeds with revoking the withdrawal, then oil and gas leasing will be governed by either the 2003 or 1998 Farmington RMP (whichever may be in effect), both of which are incredibly outdated and insufficient to address potential effects on cultural values. Oil and gas companies are continuing to nominate parcels for lease on lands in the immediate vicinity of the withdrawal area, including parcels for BLM New Mexico’s January 2026 lease sale⁶⁴ and parcels for BLM New Mexico’s May 2026 lease sale.⁶⁵ Thus, nothing has changed over the years since the withdrawal was finalized that undermines or casts doubt on the legitimacy of the primary purpose for the withdrawal.

If anything, new information and changed circumstances demonstrate the need for protection is even greater today than when the withdrawal was made.

2. The Secretary Must Strive for Maximum Consistency with State Plans, Including the New Mexico State Land Office’s Withdrawal of State Lands Surrounding CCNHP.

Under FLPMA, DOI has an affirmative duty to “keep apprised” of, and strive for “consistency” with, state land use plans.⁶⁶ While PLO 7923 easily met this burden, the Secretary’s current proposal to revoke the withdrawal would undermine the State of New Mexico’s plans for the Greater Chaco region.

In New Mexico, the State Land Commissioner (SLC) has broad constitutional power to “direct,” “control,” and “care for” public lands under the state’s jurisdiction.⁶⁷ Robust rulemaking and planning authorities flow from this power, which include establishing a framework for oil and gas leasing on state public lands.⁶⁸ The SLC may, at her discretion, “withhold any tract or tracts from leasing” to advance “the best interests of the state. . . .”⁶⁹

⁶³ See Termination of Preparation of the Environmental Impact Statement for the Farmington Mancos-Gallup Resource Management Plan Amendment, New Mexico, 89 Fed. Reg. 57165, (July 12, 2024) (explaining that the termination of the planning process was necessitated by multiple changed circumstances since the BLM’s publication of a draft RMP Amendment and EIS in 2020).

⁶⁴ See BLM, Farmington Field Office Competitive Oil and Gas Lease Sale EA, DOI-BLM-NM-F010-2025-0033-EA 134 (Oct. 17, 2025) (“The nearest nominated lease parcel to the boundary of Chaco Cultural National Historical Park (CCNHP) is parcel 582 (22.4 miles west-southwest of CCNHP). . . .”), <https://eplanning.blm.gov/eplanning-ui/project/2038161/510>.

⁶⁵ BLM, Farmington Field Office Competitive Oil and Gas Lease Sale EA, DOI-BLM-NM-F010-2026-0001-EA 119 (Jan. 21, 2026) (“The nearest nominated lease parcel to the boundary of Chaco Cultural National Historical Park (CCNHP) is parcel 671 (12.89 miles east-northeast of CCNHP). . . .”), <https://eplanning.blm.gov/eplanning-ui/project/2040702/510>.

⁶⁶ 43 U.S.C. § 1712(c)(9); see also 43 C.R.R. 1610.3-2 (requiring BLM to ensure management plans are consistent with officially approved state, local, and tribal plans).

⁶⁷ N.M. Const. art. XIII, § 2.

⁶⁸ See, e.g., NMSA 1978, § 19-10-3 (directing the SLC to classify state public lands for purposes of oil and gas leasing).

⁶⁹ NMSA 1978, § 19-8-33.

On April 27, 2019, pursuant to her broad constitutional and statutory authorities, the SLC issued Land Office Executive Order 2019-002, which placed a moratorium on new “oil, gas, and mineral leasing” on 72,776 acres of state lands within the outer boundary of the federal withdrawal area.⁷⁰ The order described CCNHP as “a state, national, and international treasure” and articulated the desire to support “land uses that are more consistent with the protection and preservation of the landscape. . . .” Four years later, the SLC extended the moratorium for an additional 20 years to “provide for greater consistency in federal-state land management practices around Chaco while also enabling the State Land Office to explore other land uses that are more compatible with the protection and preservation of the landscape. . . .”⁷¹

PLO 7923 complemented the SLC’s efforts to withdraw state lands in the vicinity of the federal withdrawal area and thereby helped achieve “maximum consistency” with the State of New Mexico’s plan for the landscape surrounding CCNHP. By contrast, the Secretary’s current proposal to revoke the withdrawal would undermine the State’s plan and essentially ignore the State’s interests, contrary to FLPMA.

3. The Secretary Must Ensure That the Revocation and Re-Opening of Federal Lands in the Withdrawal Area to Oil And Gas Leasing Will Not Cause Unnecessary and Undue Degradation of Cultural and Other Resources.

In considering the potential revocation of the withdrawal, DOI must substantiate how the proposed action would comply with the agency’s overarching mandate to prevent unnecessary or undue degradation. “Under FLPMA, the Secretary of Interior is required to ‘take any action necessary to prevent unnecessary or undue degradation of the [public] lands.’”⁷² BLM must fulfill this non-discretionary duty while managing public lands for “multiple use” and “sustained yield” and “in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resources, and archeological values.”⁷³ The obligation to prevent unnecessary or undue degradation is consistent with FLPMA’s statutory mandate to manage multiple uses without “permanent impairment” of the land and quality of the environment.⁷⁴ The BLM defines unnecessary or undue degradation as

harm to resources or values that is not necessary to accomplish a use’s stated goals or is excessive or disproportionate to the proposed action or an existing disturbance. Unnecessary or undue degradation includes two distinct elements: “Unnecessary degradation” means harm to land resources or values that is not needed to accomplish a use’s stated goals. For example, approving a proposed access road causing damage to critical habitat for a plant listed as endangered under the Endangered Species Act that could be located without any such impacts and still provide the needed access may result in unnecessary degradation. “Undue degradation” means harm to land resources or values that is excessive or disproportionate to the proposed action or an existing disturbance. For example, approving a proposed access road causing damage

⁷⁰ N.M. Exec. Order No. 2019-002 (Apr. 27, 2019), https://www.nmstatelands.org/wp-content/uploads/2019/06/SLO_EO-2019-002.pdf.

⁷¹ N.M. Exec. Order No. 2023-002 (Dec. 15, 2023), <https://www.nmstatelands.org/wp-content/uploads/2023/12/Executive-Order-re-Chaco-Moratorium-Final-12-14-23.pdf> (emphasis added).

⁷² *Ctr. for Biological Diversity v. U.S. Dep’t of Interior*, 623 F.3d 633, 644 (9th Cir. 2010) (quoting 43 U.S.C. § 1732(b)).

⁷³ 43 U.S.C. §§ 1701(a)(7) & (8), 1712(c)(1), 1732(a).

⁷⁴ 43 U.S.C. § 1702(c).

to the only remaining critical habitat for a plant listed as endangered under the Endangered Species Act, even if there is not another location for the road, may result in undue degradation. The statutory obligation to prevent “unnecessary or undue degradation” applies when either unnecessary degradation or undue degradation, and not necessarily both, is implicated.⁷⁵

It is well documented that oil and gas development in public lands under the jurisdiction of the Farmington Field Office has already harmed cultural resources within and near the withdrawal area. Neither the 2003 RMP nor the previous 1988 RMP provide specific protection for the Greater Chaco landscape. The OBBBA limits BLM’s discretion to defer nominated parcels and prevents BLM from including stipulations or mitigation measures not already included in an approved RMP. Under these circumstances, PLO 7923 provides a necessary mechanism for the BLM to prevent unnecessary or undue degradation of the withdrawn lands and cultural resources therein.⁷⁶ If DOI moves forward with the proposal to revoke PLO 7923, in whole or in part, the department must explain how it will meet the statutory obligation to prevent unnecessary or undue degradation.

E. DOI must comply with the National Environmental Policy Act.

The National Environmental Policy Act of 1969 (NEPA)⁷⁷ is the national charter for environmental protection in our country.⁷⁸ Congress enacted NEPA to fulfill the following purposes:

To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality.⁷⁹

NEPA aims to “foster and promote the general welfare” of “present and future generations of Americans” and to “create and maintain conditions under which man and nature can exist in productive harmony. . . .”⁸⁰ “Congress recognized . . . that these desired goals could be incorporated into the everyday functioning of the Federal Government only with great difficulty,” so “NEPA therefore contains ‘action-forcing procedures which will help to insure that the policies [of the Act] are implemented.’”⁸¹

Accordingly, NEPA places mandatory procedural duties on DOI to accomplish the objectives of NEPA. In performing these duties, federal agencies must “use all practicable means” to ensure that environmental concerns are integrated into its management decisions to “fulfill the responsibilities

⁷⁵ 43 C.F.R. § 6101.4(aa).

⁷⁶ See *N.M. ex rel. Richardson v. BLM*, 565 F.3d 683, 710 (10th Cir. 2009) (“It is past doubt that the principle of multiple use does not require BLM to prioritize development over other uses. . . . Development is a possible use, which BLM *must* weigh against other possible uses including conservation to protect environmental values. . . .”) (emphasis added).

⁷⁷ National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321 et seq.

⁷⁸ 42 U.S.C. § 4321; see also *N.M. ex rel. Richardson v. BLM*, 565 F.3d 683, 703 (10th Cir. 2009) (describing NEPA as the “centerpiece of environmental regulation in the United States. . .”).

⁷⁹ 42 U.S.C. § 4321.

⁸⁰ 42 U.S.C. § 4331(a).

⁸¹ *Andrus v. Sierra Club*, 442 U.S. 347, 349–50 (1979); see also S. Rep. No. 91-296, at 19 (1969).

of each generation as trustee of the environment for succeeding generations” and to “preserve important historic, cultural, and natural aspects of our national heritage. . . .”⁸²

In considering the proposed revocation or modification of PLO 7923, BLM must comply with all requirements of NEPA, including but not limited to the requirements set forth below.

1. BLM Cannot Rely on an Alleged National Energy Emergency to Expedite this NEPA Process.

As explained above, the process DOI is using to evaluate the proposed revocation or modification of PLO 7923, including the current seven-day scoping period issued without public notice and the anticipated 15-day comment period on a draft EA, fails to provide the public with a meaningful opportunity to weigh in on the proposal. We are aware that on January 29, 2025, the administration issued an executive order purporting to declare a “National Energy Emergency.”⁸³ We understand that federal agencies have been directed to review existing withdrawals in accordance with this order. The executive order does not provide a basis for DOI’s hasty timeline and deficient process.

2. BLM Must Prepare an Environmental Impact Statement.

As explained above, DOI must prepare an EIS for the proposed revocation or modification of PLO 7923 because reopening the withdrawn federal public lands and minerals surrounding CCNHP to mining and oil and gas leasing constitutes a major federal action. Proceeding with an EA would fail to address the significant impacts of the proposal. Additionally, as further described above, there have been multiple changed circumstances since the withdrawal was established that further warrant preparation of an EIS. These circumstances include steps by the CHTA toward the preparation of an ethnographic and cultural landscape study within the withdrawal area, which is pending completion; the passage by Congress of the OBBBA, which fundamentally altered the framework for oil and gas leasing on federal lands; and the BLM’s termination of the planning process for the Mancos-Gallup Amendment to the 2003 Farmington RMP. If DOI is going to proceed with its proposal, it must start the NEPA process anew by publishing a notice of intent to prepare in EIS in the Federal Register, providing appropriate public notice, and providing for public participation and Tribal consultation and engagement, commensurate with the process used to issue PLO 7923, less than three years ago.

3. BLM Must Develop and Evaluate a Reasonable Range of Alternatives, Including Expanding the Withdrawal Area.

NEPA requires federal agencies to “study, develop, and describe technically and economically feasible alternatives” to a proposed action.⁸⁴ To comply with NEPA, BLM must therefore evaluate a broader range of alternatives to the proposed action, including alternatives that expand the withdrawal to other culturally sensitive lands.⁸⁵ A reasonable range of alternatives is essential to a legally-adequate NEPA analysis because “[w]ithout substantive, comparative environmental impact

⁸² *Id.* § 4331(b).

⁸³ Executive Order 14156, Declaring an Energy Emergency, 90 Fed. Reg. 8433 (Jan. 20, 2025); Continuation of the National Emergency with Respect to Energy, 91 Fed. Reg. 1667 (Jan. 12, 2026).

⁸⁴ 42 U.S.C. § 4332(F).

⁸⁵ 42 U.S.C. § 4332(2)(C)(iii).

information regarding other possible courses of action, the ability of an EIS to inform agency deliberation and facilitate public involvement would be greatly degraded.”⁸⁶

In the past, BLM has evaluated alternatives that would increase protections past the ten-mile zone around CCNHP, including in response to Tribal requests. If DOI seeks to proceed with its proposed revocation or modification of PLO 7923, there must be additional alternatives beyond the three options described in the scoping proposal, including a larger buffer around CCNHP.

New information and changed circumstances demonstrate that the need for the protection of a mineral withdrawal is even greater today than when the withdrawal was made, demanding that BLM evaluate alternatives that would extend the withdrawal, including, for example, to fifteen and twenty miles around Chaco Culture NHP. With the passage of the OBBBA, uncertainty around recent actions taken under the CRA, and added risks posed by Trump administration actions to facilitate mineral development on public lands,⁸⁷ there is a demonstrated need for an expanded withdrawal area, and BLM must analyze it.

4. BLM Must Identify and Evaluate All Reasonably Foreseeable Effects of Revoking the Withdrawal.

As explained above, PLO 7923 was predicated on the BLM’s FONSI, which found that the withdrawal would not have significant impacts on cultural and natural resources because it would not result in additional surface disturbance and would instead enhance resource protection. Revoking or modifying the withdrawal would have the opposite effect. BLM must therefore evaluate all environmental impacts of the proposed revocation under NEPA.⁸⁸ NEPA fosters informed decision making by federal agencies and promotes informed public participation in government decisions.⁸⁹ To meet those goals, NEPA requires that the BLM “consider every significant aspect of the environmental impact of a proposed action” and inform the public of those impacts.⁹⁰ The BLM must take a “hard look” at the environmental effects before making decisions, ensuring “that the agency, in reaching its decision, will have available, and will carefully consider, detailed information concerning significant environmental impacts.”⁹¹ Environmental “[e]ffects are reasonably foreseeable if they are sufficiently likely to occur that a person of ordinary prudence would take [them] into account in reaching a decision.”⁹²

Possible effects that the BLM must evaluate include, but are not limited to, (1) consideration of effects on the Great North Road, (2) impacts on cultural resources that have not yet been surveyed or identified within the withdrawal area; (3) the introduction of harmful visual or auditory elements into the landscape surrounding the Park, including interference with Chaco’s internationally recognized dark skies,⁹³ (4) fragmentation of wildlife habitat and impacts to wildlife and sensitive plant communities, (5) vandalism related to increased access to sensitive cultural sites

⁸⁶ *N.M. ex rel. Richardson*, 565 F.3d at 708.

⁸⁷ *See, e.g.*, Exec. Order No. 14,241, 90 Fed. Reg. 1,234 (Jan. 22, 2025) and Exec. Order No. 14,261, 90 Fed. Reg. 45,678 (July 10, 2025).

⁸⁸ *See, e.g.*, 42 U.S.C. §§ 4331–4347.

⁸⁹ *See Balt. Gas & Elec. Co. v. NRDC*, 462 U.S. 87, 97 (1983).

⁹⁰ *Id.* (internal citation omitted); *accord Vermont Yankee Nuclear Power Corp. v. Natural Resources Defense Council, Inc.*, 435 U.S. 519, 553 (1978).

⁹¹ *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 349–50 (1989).

⁹² *Sierra Club v. Fed. Energy Regulatory Comm’n*, 867 F.3d 1357, 1371 (D.C. Cir. 2017) (internal quotation omitted).

⁹³ CCNHP was officially designated as an International Dark Sky Park in 2013.

and traditional cultural properties that would be facilitated by additional oil and gas roads and infrastructure, (6) the disruption of traditional cultural practices; and (7) the interplay between the new statutory leasing requirements in the OBBBA and the applicable RMP. Further, BLM must evaluate these potential effects based on the changed circumstances and new information identified above.

F. DOI Must Comply with the National Historic Preservation Act.

DOI must comply with the requirements of Section 106 of the NHPA “prior to” making a decision on the proposed revocation.⁹⁴ Accordingly, DOI must address:

- Whether it intends to follow 36 C.F.R. Part 800 or the New Mexico State Protocol – notably, the protocol requires DOI to follow the Section 106 regulations when undertakings are “complex” or are “subject to unusual public attention or involve strongly opposing viewpoints;”⁹⁵
- How it intends to involve the public in the Section 106 process, given that the Section 106 regulations identify “the views of the public [as] essential to informed Federal decisionmaking during the section 106 process;”⁹⁶
- How it intends to identify and involve consulting parties, including organizations and individuals with a long-standing interest in the management of the Greater Chaco region and expertise in the region’s archaeological and cultural resources;
- How it intends to make a “reasonable and good faith effort” to consult with all of the Pueblos and Tribes that attach religious or cultural significance to the Greater Chaco region and cultural resources in the withdrawal area;⁹⁷
- How it intends to involve the public, consulting parties, and Pueblos and Tribes in the determinations required by Section 106, including, but not limited, establishing the area of potential effects, identifying and assessing cultural resources, identifying and evaluating the possible effects of the proposed revocation, including “reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative,” and resolving adverse effects;⁹⁸ and
- Whether DOI intends to utilize a phased identification and evaluation effort under 36 C.F.R. § 800.4(b)(2).

⁹⁴ 54 U.S.C. § 306108.

⁹⁵ State Protocol Between The New Mexico Bureau Of Land Management And The New Mexico State Historic Preservation Officer Regarding The Manner In Which BLM Will Meet Its Responsibilities Under The National Historic Preservation Act In New Mexico at I.E.x., <https://www.blm.gov/sites/blm.gov/files/NM%20Protocol.pdf>.

⁹⁶ 36 C.F.R. § 800.2(d)(1).

⁹⁷ *Id.* § 800.2(c)(2)(ii)(A).

⁹⁸ *Id.* § 800.5(a)(1).

III. CONCLUSION

We strongly oppose DOI's proposals to revoke PLO 7923 or to reduce the size of the buffer from 10 miles to 5 miles around CCNHP. We are deeply concerned about the procedures BLM is using to evaluate these proposals, including deficient public notice, inadequate outreach and consultation with Pueblos and Tribes, and the utter lack of a meaningful opportunity for the public to provide comments and engage with BLM and DOI officials. DOI should abandon this misguided proposal. If DOI proceeds to evaluate the revocation of PLO 7923, DOI must initiate a new NEPA process through the publication of a notice of intent, proper legal notice, preparation of an EIS, and adequate public engagement and government-to-government Tribal consultation.

Please fully consider and respond to these comments, which are submitted on behalf of the below listed signatory organizations. If you have any questions regarding this letter, please contact Sally Paez, Staff Attorney at New Mexico Wild, sally@nmwild.org, or Ronni Flannery, Senior Staff Attorney at The Wilderness Society, rflannery@twc.org.

Sincerely,

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CHACO THROUGH THE YEARS

A TIMELINE OF SIGNIFICANT DATES IN THE HISTORY OF CHACO FROM 10,000 BCE TO TODAY

10,000–900 BCE

Various societies including Paleoindian, Archaic, Puebloan, Navajo, Jicarilla Apache, and others begin creating the many ceremonial and sacred sites and cultural places that form the more than 4000 archaeological and historic sites of the Chaco landscape.

500 CE

Large pithouse villages containing 20-80 pithouses are constructed.

800–900 CE

Many of the Chaco's great houses, including Pueblo Bonito, Una Vida, and Peñasco Blanco are constructed, followed by Hungo Pavi, Chetro Ketl, Pueblo Alto, and others.

1150–1250 CE

The people of Chaco begin moving to other locations giving rise to the Pueblo Peoples of what is now known as New Mexico and Hopi of what is now known as Arizona.

200 CE

The first pithouses, or partially subterranean features with 1-2 rooms, appear throughout the canyon.

700 CE

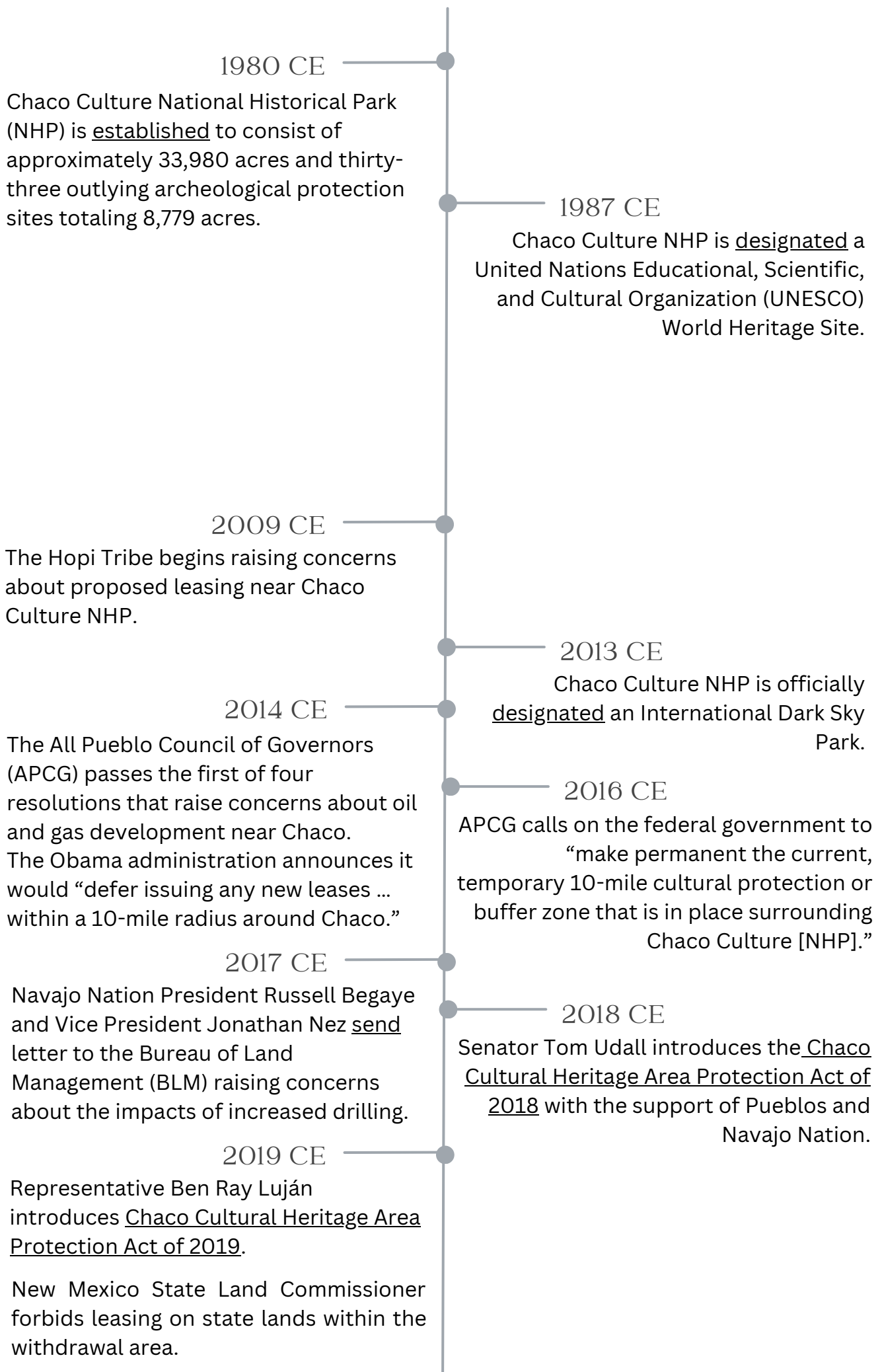
Small house sites, visible at Casa Rinconada, are constructed.

1000–1150 CE

The height of Chacoan society; at this time Chaco serves as a hub of ceremony, trade, and political activity, and the Chacoan network includes up to 200 affiliated sites throughout the Southwest.

1907 CE

Chaco Canyon National Monument is established by Theodore Roosevelt.



2019 CE

Congress incorporates into its fiscal year appropriations a moratorium preventing DOI from issuing new leases on federal lands around 10-miles of Chaco Culture NHP, and does so every year through 2022.

2022 CE

BLM publishes a notice of proposed withdrawal in the Federal Register.

Senator Ben Ray Luján and the New Mexico congressional Democrats introduce the Chaco Cultural Heritage Area Protection Act of 2022.

2021 CE

President Biden and Secretary of the Interior Deb Haaland announce plans to withdraw 355,00 acres of Federal surface lands surrounding Chaco from oil and gas leasing for 20 years.

2023 CE

The entire New Mexico congressional delegation reintroduces the Chaco Cultural Heritage Area Protection Act of 2023.

The Department of Interior announces its final plan to withdraw roughly 336,000 acres surrounding Chaco Culture NHP.



FOR IMMEDIATE RELEASE
FEBRUARY 24, 2017

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OPVP PROTECT CHACO CANYON REGION THROUGH COLLABORATION WITH ALL PUEBLO COUNCIL OF GOVERNORS

ALBUQUERQUE – On Feb. 23, Navajo Nation President Russell Begaye and Vice President Jonathan Nez joined forces with the All Pueblo Council of Governors against fracking and horizontal drilling in the Chaco Canyon region.

“We are descendants from the Chaco Canyon area. We are connected to these lands spiritually. The voices of our ancestors live in this area and any disturbance to this area is culturally and morally insensitive,” said President Begaye.

Whether or not tribal leaders are appointed or voted into office, they have the responsibility to protect tribal nations, resources, and sacred sites, he said.

The greater Chaco landscape as designated by the Bureau of Land Management includes the Chaco Culture National Historical Park and numerous sites along the great north road, a Chacoan road north of the national historical park. For the Navajo Nation, these Chacoan roads are sacred sites and traditional cultural property.

The Navajo people are descendants of the Anasazi from the Chaco Canyon region.

Today, these sacred lands rich with archaeological resources are at risk of the negative impacts related to drilling and fracking.

Vice President Nez said the Navajo people carry the overwhelming burden of the uranium mining legacy: contaminated water sources, former uranium miners and their families dying from terminal illnesses, lack of cleanup at more than 500 abandoned uranium mines, and lack of adequate compensation from the federal government and private mining industry.

His fear is that fracking will be another environmental issue that future generations of Navajos will have to cleanup.

“Studies show that fracking is contaminating our water. Our people know that water is life and we can ill afford to contaminate these water sources in the name of oil,” said Vice President Nez.

Vice President noted that when fracking occurs and causes underground explosions, the impacts can be vast.



President Russell Begaye stands with Governors from the All Pueblo Council of Governors. The historic meeting was the first time the Navajo Nation and the APCG came together to collaborate on a critical issue.



President Russell Begaye said that he will continue to advocate for the protection of the Chaco Canyon area.

The Navajo Nation also supports House Memorial 70, sponsored by Rep. Derrick L. Lente (D-Dist. 65). This bill reaffirms New Mexico’s commitment to protecting and preserving tribal, cultural and historical sites and resources in the Chaco Canyon area.

Rep. Lente is requesting proper government-to-government consultation from the U.S. Bureau of Land Management and U.S. Bureau of Indian Affairs for Chaco Canyon.

“We will continue to advocate and lobby for the protection of the Chaco Canyon area,” said President Begaye.

A letter to the BLM from President Begaye and Vice President Nez

stated concerns and impacts on increased drilling near Chaco Cultural National Historic Park.

Increased surface activities from drilling is interrupting the daily lives of the Navajo people who live near Chaco Canyon. These communities include Counselor, Nageezi, Torreon, and Ojo Encino.

“We have to protect our land, water and air quality; many of our relatives are getting sick. At the grassroots level, we are linking up with other environmental groups to fight for proper tribal consultation,” said Samuel Sage from Counselor, N.M.

The meeting with the Pueblo Council was the first of its kind. President and Vice President look forward to continuing relations with the 19 N.M. Pueblos.

“This is a historic meeting between sovereign Pueblo governments and the sovereign Navajo Nation government. I’m pleased that President Russell Begaye and Vice-President Jonathan Nez joined with us to talk about how to protect sacred sites including Chaco Canyon. We look forward to more conversations with the Navajo Nation about how we can work together as native people,” said Chairman E. Paul Torres.

Chaco Canyon is one of three U.N. Educational, Scientific and Cultural Organization World Heritage Sites in N.M.

“I am encouraged to hear that the All Pueblo Council of Governors and Navajo Nation are engaging in a high-level dialogue regarding future oil and gas development near Chaco Culture National Historical Park,” said Sen. Tom Udall (D-N.M.).

Sen. Udall noted, that by working together, stakeholders can better protect areas of cultural significance in the Chacoan landscape in a responsible manner.

Before concluding the meeting, a work group was created to address fracking within the Chaco Canyon area. Gov. Mark Mitchell of Tesuque Pueblo was chosen to lead the group, which will include



During the meeting with the APCG, Vice President Jonathan Nez talked about how fracking can cause underground explosions which can contaminate water sources.

the Navajo Nation.

HM 70 is scheduled for the House State Government, Indian & Veterans Affairs Committee on Feb. 28.

The Pueblo Council is comprised of one tribal leader or representative from all 19 Pueblos of N.M. and one Pueblo from Texas.

###



**10-Mile Withdrawal of Federal Lands from New Mineral
Development in Greater Chaco Region
Designed with Navajo Nation and Protects Navajo Interests
June 2023**

The Navajo Nation helped design and advocate for the 10-mile withdrawal initially, and the 10-mile withdrawal would not stop the flow of money Navajo allottees are currently receiving or prevent them from developing on their land.

Navajo Played a Leadership Role in Designing the Withdrawal.

- The Navajo Nation's cultural ties to Chaco Canyon and the Greater Chaco Region guided the government-to-government engagements between Navajo and the Pueblos to seek protections for Chaco.
- Navajo was originally a driving force behind the Chaco withdrawal.
- Dating back to at least 2015, Navajo people living in the Greater Chaco Region and affected by ongoing oil and gas development requested Navajo leadership address the issue.¹ Navajo leadership informed the Department of the Interior of these concerns.²
- In 2017, tribal leaders representing Navajo and the Pueblos came together government-to-government to strategize, and joint withdrawal efforts were born from those discussions.³ Navajo and Pueblo leadership agreed to advocate for withdrawal of federal land and minerals from new mineral leasing and development in the especially critical 10-mile withdrawal area surrounding the Chaco Culture National Historical Park and including its outliers, and they further agreed to preserve the rights of Navajo and allottees to develop on their land even within this withdrawal area.
- Navajo and the Pueblos worked with their congressional representatives to craft these protections into legislation. Thereafter, Navajo and the Pueblos together supported the Chaco Cultural Heritage Area Protection Act of 2018, S. 2907,⁴ and Navajo again supported its

¹ For example, the Counselor Chapter, Ojo Encino Chapter, Dilkon Chapter, Torreon/Star Lake Chapter, and Diné Medicine Men's Association, Inc. passed resolutions in 2015; the Tri-Chapters of the Eastern Agency wrote to the Resources and Development Committee in 2016, and in a memorandum from Lorenzo C. Bates, Speaker of the 23rd Navajo Nation Council, the Navajo Resources and Development Committee responded to the concerns of the Tri-Chapters, and the Counselor Chapter in 2016 initiated the Hózhóogó na'adá assessment model and process.

² Letter from Russell Begaye, President, Navajo Nation, and Jonathan Nez, Vice President, Navajo Nation, to Bureau of Land Mgmt., Dep't of Interior, re Concerns Regarding Chaco Canyon Cultural Historic Park (Feb. 6, 2017).

³ See [Press Release](#), Navajo Nation, OPVP Protect Chaco Canyon Region Through Collaboration with All Pueblo Council of Governors (Feb. 24, 2017).

⁴ See, e.g., *Chaco Cultural Protection Act of 2018: Hearing on S. 2907 Before the Comm. on Energy and Natural Res. On Pub. Lands, Forests, and Mining* (Aug. 22, 2018) (written testimony of [Russell Begaye](#), President, Navajo Nation); *Chaco Cultural Protection Act of 2018: Hearing on S. 2907 Before the Comm. on Energy and Natural Res. On Pub. Lands, Forests, and Mining* (Aug. 22, 2018) (written testimony of E. Paul [Torres](#), Chairman, All Pueblo Council of Governors).



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Acoma reintroduction as the Chaco Cultural Heritage Area Protection Act of 2019, S. 1079 and H.R. 2181.⁵ The Act passed the House in 2019.

Cochiti

Navajo Changed Its Position.

- Isleta - Navajo thereafter began to change its position on the withdrawal, and Navajo did not participate in support surrounding reintroduction of the Chaco Cultural Heritage Area Protection Act of 2022, S.5124 and H.R. 9344, or the Chaco Cultural Heritage Area Protection Act of 2023, S.1404 and H.R. 3062.
- Jemez - The Navajo Council took up Navajo legislation in 2019 to oppose the 10-mile withdrawal and instead recommend a 5-mile withdrawal.⁶ In 2023, the Navajo Council took up legislation to change its position again, this time opposing any withdrawal.⁷
- Laguna - When the Navajo Council was initially considering legislation to oppose the 10-mile withdrawal, its description of the effects of the withdrawal did not reflect the facts, and the Pueblos submitted comments on the record attempting to correct misunderstandings.⁸ The Pueblos also regularly asked Navajo leadership to meet government-to-government in an attempt to correct misunderstandings.⁹ For the first time in three years, Navajo accepted the invitation, and a delegation of Pueblo leaders was able to present the facts in this briefing paper directly to Navajo leaders in a May 2023 meeting.
- Nambe - Although Navajo leadership has now stepped away from its government-to-government agreement with the Pueblos and reversed its position, many within Navajo maintain support
- Ohkay Owingeh
- Picuris
- Pojoaque
- Sandia

San Felipe

San Ildefonso

Santa Ana

Santa Clara

Santo Domingo

Taos

Tesuque

Ysleta del Sur

Zia

Zuni

⁵ See, e.g., *Chaco Cultural Heritage Area Protection Act of 2019: Hearing on H.R. 2181 Before the Subcomm. on Nat'l Parks, Forests, and Pub. Lands of the H. Comm. on Nat. Res.* (June 5, 2019) (written testimony of Myron [Lizer](#), Vice President, Navajo Nation); *Oil and Gas Development: Impacts on Air Pollution and Sacred Sites: Field Hearing Before the Subcomm. on Energy & Min. Res. of the*

H. Comm. on Nat. Res. (Apr. 15, 2019) (statement of Myron [Lizer](#), Vice President, Navajo Nation); *Oil and Gas Development: Impacts on Air Pollution and Sacred Sites: Field Hearing Before the Subcomm. on Energy & Min. Res. of the H. Comm. on Nat. Res.* (Apr. 15, 2019) (statement of Rickie [Nez](#), Navajo Nation Council Delegate and Chair of 24th Navajo Nation Council Resources and Development Committee, Navajo Nation) (noting cultural importance of Chaco and need to protect air quality for cultural and health purposes); see also Felicia [Fonseca](#), *Tribes Urge US to Ban Drilling Around Sacred New Mexico Site*, NAVAJO-HOPI OBSERVER (Mar. 26, 2019).

⁶ Navajo Nation, Legislation No. [0366-19](#) (Nov. 27, 2019).

⁷ Navajo Nation, Legislation No. [0076-23](#) (April 14, 2023).

⁸ Comments from E. Paul Torres, Chairman, All Pueblo Council of Governors, to Seth Damon, Speaker, Navajo Nation, and Executive Director, Office of Legislative Services, Navajo Nation (Dec. 11, 2019) (commenting on Navajo legislation opposing 10-mile withdrawal in Chaco Cultural Heritage Area Protection Act).

⁹ See, e.g., Letter from Mark Mitchell, Chairman, All Pueblo Council of Governors, to Buu Nygren, President, Navajo Nation, and Crystalyn Curley, Speaker, Navajo Nation (Mar. 14, 2023) (requesting meeting to discuss renewed partnership to protect cultural resources); Letter from Mark Mitchell, Chairman, All Pueblo Council of Governors, to Jonathan Nez, President, Navajo Nation (Feb. 10, 2022) (requesting meeting and access to Navajo land for Tribally-led cultural resource study); Letter from Wilfred Herrera Jr., Chairman, All Pueblo Council of Governors, to Jonathan Nez, President, Navajo Nation, and Seth Damon, Speaker, Navajo Nation (Apr. 15, 2021) (requesting meeting to discuss continued partnership to protect Greater Chaco Region); Letter from J. Michael Chavarria, Chairman, All Pueblo Council of Governors, to Jonathan Nez, President, Navajo Nation, and Seth Damon, Speaker, Navajo Nation (Jan. 30, 2020) (same).



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Officers:
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Acoma

for a withdrawal. For example, a recent Navajo Council Delegate said tribal communities near the withdrawal area face the consequences of the development of fossil fuels while experiencing few benefits.¹⁰ Representatives from the Counselor Chapter discussed ongoing concerns with Harvard for its study on the effects of oil and gas development on local Navajo residents' health during the COVID-19 pandemic.¹¹ And many non-governmental organizations with Navajo members continue to ardently oppose development, including, for example, through the Honoring Chaco Initiative and through litigation challenging individual mineral development approvals.¹²

Cochiti

Isleta

Jemez

Laguna

The Withdrawal Protects Navajo and Allottee Development Rights.

Nambe

- The Chaco Cultural Heritage Area Protection Act, the first place in which the withdrawal was articulated and which Navajo helped design, is designed to protect Navajo and Navajo allottee development rights.

Ohkay Owingeh

- The only land withdrawn from mineral development is federal land located within the boundaries of the withdrawal area and not subject to valid existing rights. Sec. 4(a); *see also* Sec. 3(2).¹³ This means that, in order for the withdrawal under the Act to apply, the land at issue must satisfy all of the following: be federal; be within the specific delineated withdrawal area; have no current mineral development; and be under consideration for new mineral development.

Picuris

Pojoaque

Sandia

- Private, state,¹⁴ tribal, and allotment lands are not federal land withdrawn under the Act. When the Act was reintroduced in 2019, language was added to make explicitly clear that trust land, which is defined to include allotments, does not qualify as federal land under the Act. Sec. 3(2)(B).

San Felipe

San Ildefonso

- In order to provide maximum peace of mind, the Act goes one step further to explicitly preserve allottees' rights to develop minerals on their land, stating nothing in the Act affects the mineral rights of tribes or their members to trust land or allotment land. Sec. 4(e)(1). In 2022, this provision was amended to specifically refer to Navajo allottee rights.

Santa Ana

Santa Clara

- Also added in 2019 is a provision ensuring allottees are able to access their land for development, stating the Act does not preclude improvements to, or rights-of-way for, water, power, or road development on or in the vicinity of withdrawn federal land to assist communities adjacent to those lands. Sec. 4(e)(2). In 2022, this list was expanded to include utilities.

Santo Domingo

Taos

Tesuque

¹⁰ Hannah [Grover](#), *Environmental assessment shows Chaco mineral leasing mineral moratorium would impact few Navajo allottees*, NM POL. REP. (Nov. 17, 2022).

¹¹ Kendra [Chamberlain](#), *For Greater Chaco communities, air pollution compounds COVID-19 Threat*, NM POL. REP. (Apr. 15, 2020).

¹² *See, e.g.,* [Dine C.A.R.E.](#); [NDN Collective](#); [Red Nation](#).

¹³ The citations to bill provisions in this section refer to the Chaco Cultural Heritage Area Protection Act of 2023, S.1404 and H.R. 3062.

¹⁴ The State of New Mexico in 2019 already withdrew New Mexico State trust land from mineral development within the 10-mile withdrawal area. Exec. Order No. 2019-002, [Moratorium](#) on New Oil and Gas and Mineral Leasing in Greater Chaco Area, N.M. Comm'r of Pub. Lands (Apr. 27, 2019).

Ysleta del Sur

Zia

Zuni



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Officers:
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Jerome Lucero, Vice-Chairman
Governor Arden Kucate, Secretary

- Acoma - When the Act was reintroduced in 2019, it took the additional step of allowing Navajo to receive federal land within the withdrawal area from the federal government after the Act is enacted into law. Sec. 4(c).
- Cochiti - Also added in 2022, the Act now explicitly recognizes Navajo's ties to the Greater Chaco Region. Sec. 2(7)(A), (11)(B), (13), (14).
- Isleta - The Department of the Interior's administrative withdrawal, carried out under its existing authorities in the Federal Land Policy and Management Act, is designed to accomplish the same withdrawal but for a shorter, 20-year period—only withdrawing public lands, not withdrawing any Navajo or allottee land, and not stopping any ongoing mineral development already taking place even on public lands otherwise withdrawn.¹⁵
- Jemez
- Laguna
- Nambe

Limited Indirect Effects on Navajo Allottees.

- Ohkay Owingeh - Stated concerns regarding withdrawal of surrounding federal land isolating or land-locking allotment parcels and thereby making them less attractive to developers for new development have largely been dispelled.
- Picuris - Examining a detailed land ownership map of the withdrawal area,¹⁶ almost all allotments located in the withdrawal area abut non-federal land that would not be withdrawn or abut federal land with ongoing development that would not be stopped by the withdrawal, and further most allotments fall outside the area where oil and gas resources are likely to be developed based on the Department's projections of reasonably foreseeable development.
- Pojoaque
- Sandia - The Department's Environmental Assessment on the effects of the withdrawal found very minimal impact, concluding: "Overall, 50, or just over 4 percent, of the unleased 1,165 allotments analyzed may see a high or moderate impact on future leaseability. An additional 36 unleased allotments (approximately 3 percent) may see low, but real, impacts on future leaseability. The proposed withdrawal will likely not adversely affect the vast majority (over 92 percent) with respect to real leaseability."¹⁷
- San Felipe
- San Ildefonso
- Santa Ana

Maintenance of Current Status Quo.

- Santa Clara - The withdrawal only makes more permanent the development rules that have been in place for years, and the withdrawal does not stop any development that is ongoing now.
- Santo Domingo - Dating back to at least the Obama Administration, an informal pause was put in place to prevent new oil and gas leasing and development on federal land in the 10-mile withdrawal area.
- Taos

Tesuque ¹⁵ [Public Land Order](#), 88 Fed. Reg. 37266 (June 7, 2023); [Press Release](#), Dep't of Interior, Biden-Harris Administration Protects Chaco Region, Tribal Cultural Sites from Development (June 2, 2023); *see also* [Notice of Proposed Withdrawal](#), 87 Fed. Reg. 785 (Jan. 6, 2022).

Ysleta del Sur ¹⁶ Bureau of Land Mgmt., Dep't of Interior, Prepared at Request of Senator Tom Udall, Proposed Chaco Cultural Heritage Withdrawal Area and Current Development and Mancos Reasonable Foreseeable Development (Nov. 27, 2019) (Attachment); *see also* PROPOSED CHACO AREA WITHDRAWAL [ENVIRONMENTAL ASSESSMENT](#), BUREAU OF LAND MGMT., DEP'T OF INTERIOR, Ch.1, § 1.1, 1-3-1-4 (Nov. 2022) [hereinafter *Withdrawal EA*].

Zuni ¹⁷ [Withdrawal EA](#) at Ch.4, § 4.4.2, 4-19.



All Pueblo Council of Governors

Officers:
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Jerome Lucero, Vice-Chairman
Governor Arden Kucate, Secretary

- Acoma - After a brief but worrisome period of reversal that required significant tribal and other advocacy, the Trump Administration also put in place a similar pause and ultimately did not approve new mineral development on federal land in the withdrawal area.¹⁸
- Cochiti - Since December of 2019, Congress through appropriations legislation has also **maintained a moratorium** preventing new oil and gas leasing and development on federal land in the withdrawal area.¹⁹
- Isleta - When the Department announced that it would consider its administrative withdrawal, it segregated the federal land for two years while it considered whether to complete the withdrawal.²⁰
- Jemez
- Laguna

Tribal Consultation with Navajo.

- Nambe - Navajo has not only had a seat at the table from the beginning, but Congress and the Department have sought Navajo's input throughout the withdrawal process.
- Ohkay Owingeh - The Act has been the subject of multiple congressional hearings, including a field hearing.²¹ Members of the New Mexico congressional delegation have also met with Navajo separately on this issue.
- Picuris - The Department has consulted with Navajo through tribal consultations and public meetings on its administrative withdrawal.²² It has also invited Navajo to participate in the collaborative Honoring Chaco Initiative, designed to explore ways the Department can manage existing energy development, honor sensitive areas important to tribes, and build collaborative management frameworks toward a sustainable economic future.²³ Leadership within the Department has also met with Navajo separately on the withdrawal issue.
- Pojoaque
- Sandia
- San Felipe

¹⁸ See [Press Release](#), Sen. Martin Heinrich, Heinrich Secures Commitments from Interior Secretary to Protect Chaco Canyon (May 28, 2019).

¹⁹ Consolidated Appropriations Act, 2023, Pub. L. No. 117-328, § 428 (2022) (“None of the funds made available by this Act may be used to accept a nomination for oil and gas leasing under 43 CFR 3120.3 et seq., or to offer for oil and gas leasing, any Federal lands within the withdrawal area identified on the map of the Chaco Culture National Historical Park prepared by the Bureau of Land Management and dated April 2, 2019, prior to the completion of the cultural resources investigation identified in the explanatory statement described in section 4 in the matter preceding division A of the Consolidated Appropriations Act, 2021 (Public Law 116– 260).”); Consolidated Appropriations Act, 2022, Pub. L. No. 117-103, § 428 (2022); Consolidated Appropriations Act, 2021, Pub. L. No. 116-260, § 430 (2020); Further Consolidated Appropriations Act, 2020, Pub L. No. 116-94, § 442 (2019).

²⁰ [Notice](#) of Proposed Withdrawal, 87 Fed. Reg. 785 (Jan. 6, 2022).

²¹ See, e.g., [Transcript](#), H. Comm. on Nat. Res., Chair Grijalva Announces April 15 Field Hearing in New Mexico on Air Quality, Sacred Sites Impacts of Oil and Gas Development (Apr. 15, 2019).

²² The Department held in-person public meetings on February 23, 2022, and a virtual public meeting on February 24, 2022, as well as accepting written comments. [Notice](#) of Proposed Withdrawal, 87 Fed. Reg. 785 (Jan. 6, 2022). At the urging of tribes, the Department [announced](#) that it scheduled additional public meetings and tribal consultations for April 27 and 29, 2022, at which it accepted oral comments, and it also extended the public commenting period for written comments to May 6, 2022. The Department released its National Environmental Policy Act Environmental Assessment for the administrative withdrawal on November 10, 2022, and accepted comments at in-person public meetings held on November 14-15, 2022, as well as written comments through December 10, 2022. [Press Release](#), Bureau of Land Mgmt., Dep’t of Interior (Nov. 10, 2022).

²³ [Press Release](#), Dep’t of Interior, Secretary Haaland Announces Steps to Establish Protections for Culturally



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Governor Arden Kucate, 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

- The Department has consulted with Navajo through tribal consultations and public meetings on its administrative withdrawal. It has also invited Navajo to participate in the collaborative Honoring Chaco Initiative, designed to explore ways the Department can manage existing energy development, honor sensitive areas important to tribes, and build collaborative management frameworks toward a sustainable economic future. Leadership within the Department has also met with Navajo separately on the withdrawal issue.

For additional information please contact: Teran Villa, tvilla@indianpueblo.org

Significant Chaco Canyon Landscape (Nov. 15, 2021). The Department has thus far held a number of stakeholder, technical expert, and tribal meetings that have resulted in an August 30, 2022 Phase I: Situation Assessment and November 23, 2022 Phase I [Final Report](#).

PETITION/APPLICATION FOR WITHDRAWAL

Serial Number NMNM-144042

USDOI Bureau of Land Management, New Mexico State Office,
Santa Fe, New Mexico

Items required by 43 C.F.R. 2310.1-2(c):

1. APPLICANT

Bureau of Land Management
New Mexico State Office
Division of Lands and Resources
301 Dinosaur Trail
Santa Fe, NM 87508

2. STATEMENT OF DELEGATION

Not Applicable.

3. OTHER AGENCY CONSENT

Not Applicable.

4. TYPE OF WITHDRAWAL ACTION

The Bureau of Land Management (BLM) requests the withdrawal of public lands specified below from location and entry under the United States mining laws and from leasing under the mineral leasing laws, but not disposal under the mineral materials laws, subject to valid existing rights for a 20-year term. The purpose of the requested withdrawal is to protect these public lands and the greater connected landscape with the rich Puebloan, Tribal Nations, and cultural legacy in northwestern New Mexico. This place holds a deep meaning for the Indigenous peoples whose ancestors lived, worked, traded, and thrived in this high desert community. The BLM is submitting this petition/application for the Secretary to take such measures as necessary to ensure that no activities are permitted (except for those associated with valid existing rights) within the area which would disturb the land surface or impair the area's existing natural, educational, and scientific research values, including paleontological study, excavation, and interpretation.

This petition/application is for the withdrawal of 351,479.97 acres of public lands surrounding the boundaries of the Chaco Culture National Historical Park. If the Secretary approves the BLM's petition, publication of the Notice of Proposed

Withdrawal would segregate the lands for up to two years, while the application is being considered and would allow time for the BLM to complete the environmental analysis of the proposed withdrawal.

5. LEGAL DESCRIPTION

The legal description of the public land requested for withdrawal from the laws specified is identified in Appendix A (see attachment).

The area aggregates 351,479.97 acres in San Juan County, New Mexico.

6. IDENTIFICATION OF EXISTING WITHDRAWALS

This withdrawal, if established, would overlap the following existing withdrawals totaling 5,573.04 acres.

A. Fossil Forest Protection Act (NMNMAA-26026) within the Ah-Shi-Sle-Pah Wilderness, Public Law 98-603, dated, October 30, 1984 and Public Law 116-9, dated, March 12, 2019.

New Mexico Principal Meridian, New Mexico

T. 23 N., R. 12 W.,
sec. 13, lots 3 thru 6 and 11 thru 13;
sec. 14, lots 1 thru 8, and NW1/4;
sec. 22, lots 1, 2, 7 thru 10, 15 and 16;
sec. 23;
sec. 24 lots 3 thru 6, and SW1/4;
sec. 26.

Total overlapping acreage = 2,720 acres.

B. Bisti/De-Na-Zin Wilderness (NMNM-54547) Public Law 98-603, dated, October 30, 1984; Public Law 104-333, Sec. 1022, Page 119, expansion, dated, November 12, 1996; and Public Law 116-9, dated, March 12, 2019, Page 58.

New Mexico Pricipal Meridian, New Mexico

T. 23 N., R. 13 W.,
sec. 2, SW1/4SE1/4, contains 40 acres
sec. 3, S1/2SE1/4, contains 80 acres
sec. 10, lots 7 and 8, contains 27.44 acres

T. 23 N., R. 12 W.,
sec. 3, lots 5 thru 16, contains 509.14 acres
sec. 4, lots 5-20, contains 681.17 acres

sec. 5, lots 9 thru 20, contains 513.29 acres
sec. 6, lots 12 thru 15, contains 170.41 acres

T. 24 N., R. 12 W.,
sec. 35, lots 9, 10, 13 thru 16, contains 256.75 acres
sec. 36, lots 1, 2, 5 thru 15, contains 419.62 acres

T. 24 N., R. 11 W.,
sec. 30, lots 7, 6, 9, and 10, contains 108.76 acres
sec. 31, lots 6 and 7, contains 46.46 acres.

Total overlapping acreage = 2,853.04 acres.

7. PURPOSE OF WITHDRAWAL

The purpose of the requested withdrawal is to protect these public lands and the greater connected landscape with the rich Puebloan, Tribal Nations, and cultural legacy in northwestern New Mexico. This place holds a deep meaning for the Indigenous peoples whose ancestors lived, worked, traded, and thrived in this high desert community. If established as requested, the requested withdrawal would protect the landscape from industrial activity by restricting location and entry under the United States mining laws, and from leasing under the mineral leasing laws, subject to valid existing rights, for a period of 20 years.

The land requested for withdrawal is 351,479.97 acres of public land in northwest New Mexico surrounding Chaco Culture National Historical Park (CCNHP), managed by the U.S. National Park Service (NPS). Specifically, the withdrawal area requested encompasses approximately 885,000 surface acres within a 10-mile buffer (adjusted to aliquot parts) surrounding all parcels of CCNHP, as well as an additional 74,000 acres to the northwest and southwest of the main CCNHP boundary, as identified in Appendix B. The landscape beyond the borders of CCNHP is made up of public lands that have important cultural resources, sacred sites, and ancient connections to surrounding Tribal communities. The CCNHP and related areas were designated as a United Nations Educational, Scientific and Culture Organization World Heritage Site in 1987, one of only two dozen sites in the United States.

There has been interest in oil and gas development in the area. Although there have been multiple lease parcels nominated over the past ten years within the withdrawal area, there have not been any new leases issued since 2011. Thus, protection of this area is critical and serves the greater public good.

8. EXTENT OF WITHDRAWAL AND SEGREGATION

BLM requests that publication of a Notice of Proposed Withdrawal in the Federal Register segregate the public lands within the area identified on the attached map (Appendix B) for up to two years. Should the Secretary decide to establish the

withdrawal as requested, the public lands would be withdrawn from location and entry under the United States mining laws and from leasing under the mineral leasing laws, subject to valid existing rights, for 20 years to protect the ancient cultural values within the withdrawal area.

9. ALLOWABLE TEMPORARY USES

Temporary uses that may be permitted during the segregation period are leases, licenses, permits, rights-of-way, and other uses consistent with the 2003 Farmington Resource Management Plan (as amended). Permitting any of these activities is discretionary and may be allowed during the segregation period as provided under section 2310.2(c).

Existing uses of the segregated lands may continue in accordance with their terms (except for the location or relocation of mining claims and the sale of new oil and gas leases) during the segregation period, including, but not limited to, livestock grazing, lawful ingress and egress to any valid or patented mining claims and mineral leases that may exist on the segregated lands.

10. ANALYSIS OF ALTERNATIVES

The rights-of-way reservation under Title V, Section 507 of the Federal Land Policy and Management Act of 1976, as amended, does not provide adequate protection from prospecting, mining operations, or mineral patents. It also does not prevent new mineral leasing.

11. WITHDRAWAL DURATION

The BLM is requesting withdrawal for up to 20 years.

12. ALTERNATIVE SITES

The withdrawal is requested specifically to protect the resources surrounding CCNHP/Chaco Canyon; therefore, no suitable alternative site is available for this withdrawal.

13. WATER REQUIREMENTS

No water rights will be needed to fulfill the purpose of this withdrawal request.

14. LOCATION OF RECORDS

Records related to this application may be examined at:

Bureau of Land Management
New Mexico State Office
301 Dinosaur Trail

Santa Fe, NM 87508
(505-954-2000)

Bureau of Land Management
Farmington Field Office
6251 College Blvd, Suite A
Farmington, NM 87402
(505-564-7600)

15. PRELIMINARY INDICATION OF MINERAL POTENTIAL RESOURCES

The CCNHP and surrounding areas lie in the southern end of the San Juan Basin in northwest New Mexico. The San Juan Basin is the second largest gas-producing basin in the United States, second in total estimated gas reserves to the Hugoton Field of Texas, Oklahoma, and Kansas. In addition to oil and gas resources, the area under consideration also has mineral potential for coal, humate, clinker, and sand and gravel.

Locatable Minerals:

The geologic environment and the inferred geologic processes indicate a low potential for the accumulation of mineral resources subject to the Mining Law of 1872. Uranium is prospectively present. The geologic environment, the inferred processes, and the known deposits of uranium indicate a low potential for the accumulation of this mineral resource.

Salable Minerals:

Humate: Humate is a brownish carbonaceous mudstone that is valued as a soil conditioner for its humic and folic acid content. Humate is found in Cretaceous strata of northwestern New Mexico associated with thin sub-bituminous coal seams and occurring in repetitive sequences representing deltaic sediments. Humate is found in both the Fruitland and Menefee coal sequences. There are four active humate mines in the area and additional potential exists in the area with expressed interest from current operators.

Clinker: There are deposits of natural clinker, or “red dog,” on the lands considered for mineral withdrawal. Coal geologists refer to the baked rocks associated with naturally burned coal beds as natural clinker. With the low availability of suitable road base or gravel in the area and the cost of transporting it, clinker is an alternate. Natural clinker with its diversity in quality is sometimes used as a substitute by local landowners.

Sand and Gravel: There are currently no commercial sand and gravel operations in the area. There is no obvious feedstock for gravel operations with little river cobble available. The NPS does use sand from the area for ruins stabilization.

Leasable Minerals:

Oil and Gas: By far the most productive oil-bearing formation in the area is the Gallup with production from the following four pools: Bisti-Lower Gallup, South Bisti Gallup, Nageezi Gallup, and the Cuervo Gallup. Recent activities involve drilling horizontal

wells over a mile in length which may necessitate drilling through several leaseholds in the “checkerboard” land ownership area.

Coalbed methane production from the Fruitland Coal is the largest source of gas in the area. Although the Fruitland Coal crops lies north of CCNHP, methane is produced from the coals down-dip from the surface exposure. Although commercial gas production from the Menefee Formation is absent, potential for coalbed methane production exists.

Coal: There are two potentially developable coal formations involved in the exchange lands: the Fruitland Coal and the Menefee Coal Formation of the Mesa Verde Group. The major coal bearing unit in the San Juan Basin is the Fruitland Formation with current production at both the Navajo and San Juan Underground Mines. The Menefee Coal Formation is present in the area, but the beds are thin and are not a viable development target.

SUPPLEMENTAL INFORMATION

Appendix A: Legal Description of Chaco Lands for Withdrawal Application

Appendix B: Map - Chaco Culture National Historical Park Area Withdrawal