



SOCIETY FOR AMERICAN ARCHAEOLOGY

September 25, 2020

Ms. Jillian Aragon, BLM Project Manager
Attn: RMPA Comment Submission
Bureau of Land Management
6251 College Blvd, Suite A
Farmington, NM 87402

Dear Ms. Aragon,

I am writing today on behalf of the Society for American Archaeology (SAA) to provide comments on the *Farmington Mancos-Gallup Draft Resource Management Plan Amendment and Environmental Impact Statement*, which was published in February 2020. The SAA is a consulting party in the RMP amendment process.

The SAA is an international organization that, since its founding in 1934, has been dedicated to research about and interpretation and protection of the archaeological heritage of the Americas. With nearly 7,000 members, the SAA represents professional and avocational archaeologists, archaeology students in colleges and universities, and archaeologists working at tribal agencies, museums, government agencies, and the private sector. The SAA has members throughout the United States, as well as in many nations around the world.

The SAA regrets that the Bureau of Land Management (BLM) still does not fully appreciate the overriding importance of the cultural landscape in the central San Juan Basin, despite continuous efforts by the New Mexico congressional delegation, numerous Native American Tribes, various civic and scientific organizations (including the SAA), and by a large segment of the general public, to make that importance clear. The SAA continues to support protection of a 10-mile buffer around Chaco Culture National Historic Park. Among the alternatives presented in the draft plan we favor Alternative B1, which appears to be the least destructive, even though it fails to provide the degree of protection that this region deserves.

We also believe that it is reckless for the BLM to finalize this document in the midst of a global health emergency, using public participation strategies built around “virtual” outreach and “electronic” meetings. These measures are clearly inadequate and meaningless in Indian country, where broadband access is often not available, and we do not agree that they satisfy the public participation requirements of the National Environmental Policy Act.

Even more serious is BLM’s failure to wait for the completion of the ongoing ethnographic study, which was undertaken specifically to inform land use planning, so that the information therein may be incorporated in the proposal. This deficiency has been brought to the Agencies’ attention at every public meeting since 2014 and in scoping comments. In response to these

comments, BLM sought and acquired Federal funds for an ethnographic project. An award of \$400,000 was made in summer 2019 for this project, as reported at a public meeting. Through their contractor EMPSi, BLM initiated this project in the fall of 2019 with an RFP requesting proposals from Tribes to complete ethnographic work in the decision area. As part of the December 2019 appropriation bill, an additional \$1 million was appropriated to the BIA to distribute to Tribes for cultural and ethnographic studies of the Greater Chaco Landscape. Unfortunately both of these studies were halted in early 2020 due to onset of the COVID-19 crisis.

This study is very likely to identify additional places within the planning area where industrial development such as oil and gas extraction should not occur. When BLM leases fluid mineral rights, the agency concedes a right to develop the mineral resource, and may only impose mitigating measures that do not preclude the lessee's right to enjoy the benefits of the lease. Once lands are leased, BLM's only option to prevent development is to buy back the leases, an unlikely proposition in any fiscal environment. For this reason, it is critical to identify areas where development should not occur during the land use planning stage. We understand BLM's position that such situations might still be identified during environmental review at the leasing stage, but we reject that argument. As currently implemented by BLM, environmental review at the leasing stage is a cursory and opaque process designed to discourage public participation through lack of publicity, inadequate dissemination of information, and arbitrary deadlines. If the agency moves forward with the RMPA and EIS documents without awaiting data from the ongoing ethnographic studies, it will fail to properly complete the identification and assessment components of both the National Historic Preservation Act and the National Environmental Protection Act. The SAA would also like to remind the BLM that as a federal agency it works on behalf of all of the interests and concerns of the American people, including Native Americans, and not solely for the extraction industries.

For all of these reasons, BLM should postpone a decision on oil and gas leasing until the results of the ethnographic study are available. We do not see any reason to make a rushed decision based on inadequate information and ineffective public participation. Currently, prices for oil and gas are depressed, demand is low, and there is little prospect of improvement in the near future. The RMP Amendment documents will guide developments over the coming 15 to 20 years. A brief delay in making these critical leasing decisions will cost the public very little, and could go a long way toward preventing costly mistakes.

In earlier comments, SAA expressed concern about identification of prehistoric roads within the decision area. These subtle landscape features are very important in both archaeology and in Native American belief systems. The draft planning document addresses known prehistoric roads, but is largely silent about additional undiscovered prehistoric roads that are almost certainly present in areas slated for oil and gas development. As SAA pointed out in earlier correspondence, it is very unlikely that these features will be recognized in the small-scale archaeological surveys conducted for site-specific developments. Their identification requires landscape-level analysis that must be done during land use planning or at the leasing stage. The draft RMP briefly mentions LiDAR data acquisition at the leasing stage, but acquisition of imagery is only the first step in the process of identifying and confirming prehistoric roads (see Chapter 10 in *Chaco Roads Project Phase I, A Reappraisal of Prehistoric Roads in the San Juan*

Basin, edited by Chris Kincaid and published by BLM in 1983). At a minimum, the RMP must include a commitment to implementing a scientifically valid identification process for this important aspect of the prehistoric Chacoan system.

In addition to shortcomings in identification of potential National Register values and other cultural aspects of the affected environment, we do not believe that potential adverse effects of oil and gas development and other land use decisions proposed in the RMP Amendment have been adequately addressed. This is especially true for culturally important properties (CIMPPs), for which the required identification process has only just begun. Changes in sound, light, air quality, and privacy can have profound impacts on these properties, yet these impacts are barely mentioned in the context of cultural resources and there is no information about baseline conditions. These effects are cumulative, and they frequently extend well beyond areas of direct impact. Typically, environmental analysis at the development stage assumes that these issues have been adequately addressed in the planning and leasing stages and focuses instead on direct impacts. By deferring meaningful consideration of these issues, BLM is setting the stage for more serious conflict, potentially expensive litigation, and time-consuming confrontation later on.

The proposed BLM approach to mitigation of adverse impacts to archaeological properties relies heavily on avoidance of properties during development or data recovery prior to development. The BLM Farmington Field Office now has years of experience managing oil and gas development under this paradigm. Surely it possesses some information that would allow an evaluation of the effectiveness of this approach. For example, on average, how many unanticipated discoveries occur each year? How often do situations arise in which adverse impacts cannot be resolved? What proportion of data recovery projects are deemed unacceptable by descendant communities? How often do cases of non-compliance with leasing stipulations and APD stipulations affect cultural resources and how might these numbers be improved? What forms of alternative mitigation have been most effective? The answers to these and similar questions might be damning or they might be encouraging, but in either case they are a critical part of any serious analysis. This is a point that SAA raised earlier in scoping comments.

In closing, we summarize our position on the *Farmington Mancos-Gallup Draft Resource Management Plan Amendment and Environmental Impact Statement* as follows:

- Among the options presented in the draft plan, the SAA prefers Alternative B1, though this option still would fail to provide adequate protection for the heritage resources of the region;
- The consultation with stakeholder groups pursued by the BLM during the pandemic was wholly inadequate;
- The BLM's failure to wait for the conclusion of the ethnographic study is especially serious, and will result in the exposure of additional National Register-eligible resources to damage or destruction;
- The draft RMP does not utilize modern scientific processes to take into account previously unidentified Prehistoric Roads;
- The draft RMP does not adequately address the adverse impacts of increased development on the cultural resources of the area;

We again want to emphasize the importance of the BLM's decisions in the San Juan Basin. This region is uniquely important in public imagination and in Native American belief and cultural identities. People are paying attention to these issues not only locally, but around the country and around the world. Public perceptions of the Bureau of Land Management will be shaped for years to come by the decisions being made through this resource management plan amendment process.

Sincerely

A handwritten signature in cursive script that reads "Joe Watkins". The signature is written in black ink and is positioned below the word "Sincerely".

Joe E. Watkins
President, Society for American Archaeology