



May 5, 2022

Submitted via eplanning.blm.gov

Sarah Scott
CCNHP Area Withdrawal
Bureau of Land Management
Farmington Field Office
6251 College Blvd. Suite A
Farmington, NM 87402

Re: Chaco Culture National Historical Park Area Withdrawal

Dear Ms. Scott:

Western Energy Alliance opposes the proposed withdrawal of approximately 350,000 acres around the Chaco Culture National Historical Park (CCNHP) from oil and natural gas leasing for a 20-year term. We urge the Bureau of Land Management (BLM) to instead align any final withdrawal with the expressed preference of the local allottees of the Navajo Nation, who will be most directly impacted by any planning decisions.

Western Energy Alliance represents 200 companies engaged in all aspects of environmentally responsible exploration and production of oil and natural gas in New Mexico and across the West. The Alliance represents independents, the majority of which are small businesses with an average of fourteen employees.

BLM is proposing to enact a 10-mile buffer around the CCNHP. Any buffer zone around the park will primarily impact allottees in the Nageezi chapter of the Navajo Nation who benefit from oil and natural gas development on the lands they own in the area. We urge BLM to instead honor the Navajo Nation Council's support for a 5-mile buffer around the park.

The allottees, who originally supported no buffer around CCNHP, reached a compromise position with the Navajo Nation Resources and Development Committee (RDC), which initially supported a 10-mile buffer. The Council's decision to withdraw its previous support for the larger buffer was carefully considered through a transparent, democratic process that ultimately resulted in support for the smaller buffer. We strongly support this decision and urge BLM to adopt it in any final withdrawal decision.

We also recognize that the Puebloan peoples have strong cultural ties to CCNHP. The Navajo Nation's compromise solution respects those ties and offers stronger protection for CCNHP and nearby cultural resources without harming the livelihoods of Navajo mineral owners directly affected by the decision. BLM has the opportunity with a 5-mile

withdrawal to satisfy the interests of all culturally affiliated tribes without disadvantaging the local communities and perpetrating environmental injustice.

An overly expansive buffer zone poses a significant risk to the local economy and the livelihoods of the thousands of allottees in the area. Because of the checkerboard pattern of lands in the area around CCNHP, where allottee lands are often surrounded by BLM lands, it is impossible to avoid the federal mineral estate when attempting to access pockets of allottee minerals via horizontal drilling. As a result, any limitations on accessing federal minerals will necessarily impair allottee and tribal lands as well, as demonstrated in the map attached to these comments which compares the impacts of potential 5- and 10-mile buffers around CCNHP.

Annually, oil and natural gas production delivers approximately [\\$96 million to nearly 21,000 Navajo allottees](#), including from the area around CCNHP. In light of the significant potential impacts of limiting development in the area via either a BLM withdrawal or legislation passed by the U.S. Congress, the allottees and the Navajo Nation Council developed a formal position. Four resolution votes were taken by the Nageezi Chapter in the summer of 2019, and they ultimately settled on the compromise 5-mile buffer. The RDC subsequently voted 18-1 to affirm their support of the 5-mile buffer in early 2020.

Under Navajo law, the RDC has plenary authority over land-related matters and the Navajo Nation government is legally bound by what the RDC decided. As a result, the Navajo Nation has formally withdrawn its support for federal legislation imposing a 10-mile buffer.

Oil and natural gas production has taken place in this area for decades, with no damage to the national park, and companies diligently protect cultural resources through compliance with the National Historic Preservation Act as well as best management practices and voluntary actions. A 5-mile buffer protects CCNHP while enabling development of the most productive Mancos Shale areas owned by the allottees.

As BLM considers a potentially expansive buffer, the agency should recognize it has a congressionally mandated multiple-use mission, which must be honored and not compromised by the single-use land management objectives promoted by certain single interest groups. The agency also has a fiduciary obligation to manage allottee minerals as trust assets.

BLM's Handbook on "Improving and Sustaining BLM-Tribal Relations (H-1780)" and Manual titled "Tribal Relations, (MS-1780)" recognize "the ongoing BLM operational and fiduciary responsibility concerning Indian tribal trust minerals and other resource development on Indian trust lands." The Handbook also states that "the general goal is to maximize economic gain for tribes/or allottees...BLM employees should be aware

that revenues from minerals might be the only income for an individual Indian beneficiary.”

Western Energy Alliance supports BLM’s multiple-use mandate and BLM’s trust responsibility. By its nature, multiple-use engenders coexistence, not competition. Where energy production exists, public lands are also available for other uses such as recreation, ranching, farming and hunting. We can develop the energy on public lands that all Americans own while protecting the land, wildlife, air, water, cultural and other resources.

Each year, improvements in technology reduce the footprint of oil and natural gas development, and reclamation techniques continue to improve so that the impact to the land is small and temporary. Over the last decade, oil and natural gas development has shifted from vertical wells with dense well-pad spacing to directional and horizontal wells with significantly less disturbance and fragmentation per section of land developed.

One horizontal well now takes the place of 8 to 16 vertical wells, leading to reductions in surface disturbance and greenhouse gas emissions due to fewer well pads, decreased truck traffic, and drilling equipment and construction emissions. Given the limited disturbance created by horizontal drilling and the multiple use mandate and trust responsibility, BLM must ensure that any final withdrawal places only narrowly tailored, reasonable restrictions on federal lands and acknowledge the attendant impacts on tribal and allottee lands.

Western Energy Alliance supports BLM moving forward with a 5-mile buffer around CCNHP, following the official position of the Navajo Nation. BLM has heard at multiple hearings and public meetings the impassioned pleas of the Navajo allottees who will be directly impacted by any decision to reduce access to their property and livelihoods. We strongly urge BLM to heed the calls of the allottees and adopt the Navajo Nation’s sensible compromise.

Sincerely,



Tripp Parks
Vice President of Government Affairs

