



ALL PUEBLO COUNCIL OF GOVERNORS

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

RESOLUTION

ALL PUEBLO COUNCIL OF GOVERNORS
RESOLUTION NO. APCG 2018-02

**APPROVING BRINGING A LEGAL ACTION
SEEKING TO ENJOIN THE UNITED STATES BUREAU OF LAND
MANAGEMENT FARMINGTON FIELD OFFICE FROM CONDUCTING
THE COMPETITIVE OIL AND GAS LEASE SALE
NOW SCHEDULED FOR MARCH 8, 2018**

WHEREAS, the All Pueblo Council of Governors (APCG) is comprised of the Pueblos of Acoma, Cochiti, Isleta, Jemez, Laguna, Nambe, Ohkay Owingeh, Picuris, Pojoaque, Sandia, San Felipe, San Ildefonso, Santa Ana, Santa Clara, Santo Domingo, Taos, Tesuque, Zia and Zuni, and one Pueblo in Texas, Ysleta del Sur, each having the sovereign authority to govern their own affairs; and

WHEREAS, the purpose of the APCG is to advocate, foster, protect and encourage the social, cultural and traditional well-being of the Pueblo Nations; and

WHEREAS, through their inherent and sovereign rights, the APCG will promote the language, health, economic, cultural and natural resources, and educational advancement of all Pueblo people; and

WHEREAS, the 20 Pueblos possess inherent government authority and sovereignty over their lands and the protection of our language, culture and tradition; and

WHEREAS, the APCG recognizes the outstanding cultural and historical resources in the Chaco Canyon National Historic Park and other areas within the San Juan Basin of New Mexico, as direct descendants of the Chacoan cultures, each and every Pueblo maintains a strong cultural affinity to these sites as primary ancestral homelands since time immemorial; and

WHEREAS, the APCG desires to preserve all tribal cultural resources of the Pueblos within the San Juan Basin of New Mexico which have special importance to the Pueblos, jointly and severally; and

WHEREAS, the APCG appreciates the Government to Government Relationship that is founded upon the unique Trust Responsibility of the Federal Government to Indian Country, and gives great weight to the federal duty, pursuant to the Trust Responsibility, for the United States to engage in meaningful consultation with the tribal governments when a proposed federal action may affect tribal resources and concerns; and



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WHEREAS, the APCG understands that the Government to Government relationship is based upon strong and on-going communication that requires constant and consistent communication and affirmative action to assure that silence is not taken as consent as part of defensible communication; and

WHEREAS, the New Mexico State Director of the United States Bureau of Land Management (BLM) announced in the summer of 2017 that the Farmington Field Office of that agency would hold a Competitive Oil And Gas Lease Sale Now Scheduled For March 8, 2018 on public lands within the San Juan Basin;

WHEREAS, the APCG or its member Pueblos requested government to government consultation with the BLM and made comments on planning documents for the sale to assure that the existence of Pueblo cultural resources would be afforded all protections under federal law, including, but not limited to the National Historic Preservation Act, and the National Environmental Policy Act; and

WHEREAS, the BLM did not engage in meaningful consultation with the APCG and its member Pueblos, thereby violating the federal trust responsibility owed to Indian Tribes; and

WHEREAS, the National Historic Preservation Act requires a reasonable effort by a federal agency to identify properties, including traditional cultural properties, that may be eligible for the federal register of historic properties, and the determination of whether the proposed action will have an adverse effect on such properties; and

WHEREAS, the APCG and its member Pueblos identified some, but not all of the cultural resources that should be evaluated as traditional cultural properties and the APCG and its member Pueblos have been ready to engage in government to government consultation and participate in and assist the BLM in the identification of any other traditional cultural properties on parcels proposed to be offered for competitive oil and gas lease sale in the March 2018 lease sale since the announcement of the proposed sale; and

WHEREAS, the BLM has not engaged the APCG or its member Pueblos in any reasonable effort to identify their traditional cultural properties since announcement of the proposed lease, and therefore has not evaluated cumulative or adverse effects on those properties thereby violating the National Historic Preservation Act; and

WHEREAS, the BLM has not complied with the National Environmental Policy Act because it has not considered a reasonable range of alternatives for the proposed action, and has failed to take the required “hard look” at impacts to known traditional cultural properties and other sensitive areas and has violated its own regulations by limiting the

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Picuris

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Sandia

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Santo Domingo

Taos

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choice of alternatives under consideration in the ongoing amendment to the Farmington Field Office Regional Management Plan; and

WHEREAS, the BLM is taking action inconsistent with the mandate of the Federal Land Policy and Management Act to manage the public lands on the basis of multiple use and sustained yield, by refusing as to the March 2018 Competitive Oil and Gas Lease Sale to consider or adequately weigh competing values as required by this federal statute; and

WHEREAS, the BLM announced on December 6, 2017 that the March 2018 Competitive Oil and Gas Lease Sale would go forward; and

WHEREAS, the APCG filed a timely protest to the March 2018 Competitive Oil and Gas Lease Sale and the agency's response to the protest is not required until less than one week prior to the proposed sale, allowing insufficient time to provide for coordinated action in the event that the March 2018 Competitive Oil and Gas Lease Sale goes forward in spite of the Protest filed by APCG, leaving the APCG with no alternative but to file suit to enjoin the BLM Farmington Field Office from going forward with March 2018 Competitive Oil and Gas Lease Sale .

NOW, THEREFORE BE IT RESOLVED, that the All Pueblo Council of Governors file an action in the appropriate federal district court to enjoin the BLM from going forward with the March 2018 Competitive Oil and Gas Lease Sale before it has fully complied with all pertinent federal laws, and fulfilled its trust responsibility to engage in meaningful government to government consultation on this planned federal action; and

BE IT FURTHER RESOLVED, that the Chairman of the All Pueblo Council of Governors is authorized and directed to contact the Native American Rights Fund to seek legal assistance in going forward with an action in the appropriate federal district court to enjoin the BLM from going forward with this planned action.

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CERTIFICATION

We, the undersigned officials of the All Pueblo Council of Governors hereby certify that the foregoing Resolution No. APCG 2018-02 was considered and adopted at a duly called council meeting held on the 29th day of January 2018, and at which time a quorum was present and the same was approved by a vote of 16 in favor, 0 against, 0 abstain, and 4 absent.

ALL PUEBLO COUNCIL OF GOVERNORS

By: 
APCG Chairman E. Paul Torres

ATTEST:


Governor Val Panteah Sr., APCG Secretary