

Proposed Greater Chaco Landscape Master Leasing Plan
(Submitted November 17, 2014)

Chaco Culture National Historical Park (NHP) is the center of a broad, authentic, cultural landscape that spans the San Juan Basin, as acknowledged in the Chacoan Outliers Protection Act (1995). This landscape includes hundreds of internationally and nationally significant cultural resources, including prehistoric roads, communities and shrines, many of which are related to the resources found in Chaco Culture NHP. While a number of the sites included in the broader Chacoan network lie as many as 100 miles away, a significant number of them are concentrated within the immediate area surrounding the park. While archaeologists commonly refer to this area as the “Chaco Halo,” we will refer to it in this proposal as the “Chaco Core Protection Zone,” since we are placing it in the context of the broader area of this management proposal, referred to as the “Greater Chaco Landscape” and encompassing 897,533 acres.

Extensive natural gas development has occurred on portions of the Greater Chaco Landscape, and there is now renewed interest in oil exploration and production within the Mancos/Gallup Shale Play. Given the growing interest in the area and the potential for significant impacts on Chaco Culture NHP and the surrounding landscape, we recommend that the Bureau of Land Management (BLM) prepare a “master leasing plan” (MLP) as part of Farmington’s Mancos/Gallup Draft Resource Management Plan Amendment (RMPA), which complies with the applicable BLM MLP guidance.¹ By creating a clear “vision” for oil and gas leasing and development across the Greater Chaco Landscape and the smaller Chaco Core Protection Zone, dense with cultural and natural resources targeted for protection, future conflicts over resources can be avoided and responsible leasing and development can proceed in adjacent areas.

The following narrative provides recommendations for creating that “vision” and developing appropriate implementation measures. We provide examples from other planning documents when available and applicable.

Overview of BLM’s MLP Guidance

The MLP guidance has five primary requirements:

1. **Develop a “vision” and “guiding framework”** for oil and gas leasing and development in a distinct geographic area, in this case the Greater Chaco Landscape.
2. **Identify boundaries** for the MLP analysis area, based on the location of “important” resources and potential conflicts with future leasing and development.
3. **Identify “important” resources** within the MLP analysis area.
4. **Develop “resource condition objectives”** for each “important” resource.
5. **Develop “resource protection measures”** for each “important” resource.

In the Draft RMPA, the BLM should ensure that these MLP requirements are “easily recognizable” throughout the range of alternatives. MLP Guidance at F.1, 7. For example, in the Kremmling Proposed RMP, the BLM adopted a clear MLP “vision”, and specific “resource condition objectives”

¹ BLM H-1624-1 Planning for Fluid Mineral Resources at Chapter V, *available at* http://www.blm.gov/style/medialib/blm/wo/Information_Resources_Management/policy/blm_handbook.P ar.59010.File.dat/H_1624_1.pdf [hereinafter MLP Guidance].

and “resource protection measures” for the North Park MLP.² The BLM has also incorporated similar planning “visions” (and detailed management approaches) for oil and gas development within other distinct geographic areas, including Wyoming’s Jack Morrow Hills (JMH). For JMH, the BLM states that:

[t]he JMH [Coordinated Activity Plan] CAP is an integrated activity plan; it focuses on a balanced level of resource use and resource protection for the BLM-administered public lands in the JMH CAP planning area. . . . The JMH CAP provides specific management direction for the planning area and prevents or addresses conflicts among development of energy resources, recreational activities, and other resource uses. The JMH Cap also provides management direction to protect certain resources (e.g., elk and other big game habitat, unique sand dune-mountain shrub habitat, and unstabilized-stabilized sand dunes) while allowing appropriate levels of recreational activities, leasing and development of mineral resources, livestock grazing, and other activities.³

These examples illustrate two ways the BLM can incorporate MLP guidelines into its broader land management plans. Below, we address each of the five primary MLP requirements with regards to the Greater Chaco Landscape. In addition, we also identify three management zones within the proposed Greater Chaco Landscape and provide management recommendations for each zone.

Vision/Guiding Framework

Master leasing plans “establish[] a guiding framework for the development of the area and provide[] a vision for how future development will proceed.” MLP Guidance, at A. Developing a strong “vision” for the Greater Chaco Landscape is critical, and it should shape the development and evaluation of proposed management alternatives. We have identified several key principles that the BLM should consider incorporating into its “vision” statement for this area. They include:

1. Chaco Culture NHP is the center of a broader cultural network, which should be managed as a distinct and contiguous resource. Every effort should be made to avoid new impacts on the resources and values associated with a “core” landscape surrounding the national park - the Chaco Core Protection Zone.
2. The landscape surrounding Chaco Culture NHP, particularly in the Chaco Core Protection Zone, still retains much of its cultural integrity and natural characteristics, and is considered sacred by tribes that are believed to have descended from the Chacoan Anasazi people as well as the Navajo, who have inhabited the area since the 17th century. There are currently few visual/auditory intrusions impairing the area’s unique landscape and the cultural/sacred values of significant resources like the Great North Road and Pierre’s Site. The BLM should provide continued protection from visual and auditory impairment within this area and should also ensure the Chaco Core Protection Zone is protected from light pollution in order to protect dark night skies.
3. Properly managing existing leases, as well as future leasing activities, is critical to maintaining the cultural integrity and natural qualities of the Greater Chaco Landscape.

² BLM, Kremmling Proposed RMP at 2-350-61, *available at* http://www.blm.gov/style/medialib/blm/co/programs/land_use_planning/rmp/kfo-gsfo/kfo_prmp_docs_vol0.Par.63645.File.dat/KFO%20Vol%201%204Chapter2.pdf.

³ BLM, Jack Morrow Hills CAP at 5, *available at* http://www.blm.gov/style/medialib/blm/wy/field-offices/rock_springs/jmhcap/rod.Par.40456.File.dat/04cap.pdf.

Consequently, the BLM should prioritize management actions that preserve the Chaco Core Protection Zone while requiring and incentivizing responsible development outside of it.

Based on these principles, we encourage the BLM to fully consider the following “vision” for managing oil and gas leasing and development within the Greater Chaco Landscape (defined on the attached map):

Chaco Culture National Historical Park is the nucleus of a broader cultural landscape that includes the national park and numerous affiliated historical resources, such as roads, outlying settlement areas and shrines, within a range of five to fifteen miles. The landscape surrounding the park has not experienced the same level of oil and gas activity as nearby areas, and retains a high degree of cultural integrity and authenticity. To preserve the integrity of this area, the Chaco Core Protection Zone, the BLM will prioritize landscape and cultural conservation opportunities, while providing advanced leasing guidance to improve flexibility, build assurances, and increase incentives for responsible leasing and development within the Greater Chaco Landscape, but focused outside of the Chaco Core Protection Zone.

Identifying “Important” Resources

The boundaries of the Greater Chaco Landscape are influenced by the locations of “important resources,” which may conflict with future leasing and development decisions, and therefore, necessitate added planning considerations. Under this proposal, the following are considered important resources within the Greater Chaco Landscape.

- **Chaco Culture National Historic Park and the Chaco Core Protection Zone:** Chaco Culture NHP contains remnants of impressive buildings of the ancestral Pueblo peoples who dwelled there between 850 and 1250 A.D as well as some of the largest Basketmaker settlements in the Colorado Plateau (ca. A.D. 500-850; e.g., Shabik'eschee). The area was designated a UNESCO World Heritage site in 1987 for its uniqueness and well-preserved example of ancient community living. Outside the official perimeter of Chaco Culture NHP are several outlying Chacoan community units connected by ancient roadways. These include: Kin Klizhin, Kim Bineola, Kin Ya'a, and Pueblo Pintado as well as additional nearby communities to the west along Escavada Wash and directly north of the NHP boundaries (Bisa'ani, Lake Valley, etc.). This larger zone beyond the limits of the canyon itself has been termed the "Chaco Halo" in the regional literature and encompasses a set of settlements within approximately 7 miles of the Canyon all of which show particularly strong cultural and economic relationships with the communities in the NHP.⁴
- **The Entrance Road to Chaco Culture National Historic Park:** Because it is located off the beaten track, accessing Chaco Cultural NHP requires a long drive down a unique and isolated dirt road. As the primary access road into the Park, this route begins the visitors' experience back in time even before they arrive at the ruins themselves. The landscape gives passersby a special opportunity to see the world as the ancient Chacoan people likely saw it.

⁴ Doyel, D.E., C.D. Breternitz, and M.P. Marshall. 1984 Chacoan Community Structure: Bis sa'ani Pueblo and the Chaco Halo. In *Recent Research in Chaco Prehistory*, edited by W.J. Judge and J.D. Schelberg, pp. 37-54. Reports of the Chaco Center, No. 89 Division of Cultural Research. National Park Service. Albuquerque.

- **Air Quality:** Visibility, regional haze and other aspects of air quality are at issue within the Greater Chaco Landscape. Cumulative impacts on air quality resulting from oil and gas development present significant concerns for Air Quality Resource Values (AQRVs) on public lands in the MLP analysis area, such as cultural and historic sites, soil, water, and animal and plant life. NO_x, PM, VOCs and SO₂ are haze-causing pollutants that can: obscure visibility and undermine scenic qualities within Chaco Culture NHP and nearby wilderness areas within the Chaco Core Protection Zone; present health risks to park visitors and local communities; directly alter the chemical framework of ancient structures; and cause damage and disruption to vegetation, wildlife and ecosystems when absorbed in the soil and water. Without adequate monitoring, protective and mitigating measures, oil and gas development on BLM lands within or surrounding the Chaco Core Protection Zone would contribute harmful air pollutants and produce deleterious impacts to these resources on federally managed lands.
- **Viewsheds:** Scenic qualities contribute significantly to the visitor experience of Chaco Culture NHP, as they do to other sacred, cultural sites within the broader core protected area. Visible evidence of the infrastructure required for oil and gas development, such as road building, drill pads and rigs, and haul trucks from the vantage of these sites would diminish the visual characteristics of this remote, largely undisturbed landscape.
- **Night Skies:** Long considered one of the best places for stargazing in the world, the pristine, dark night sky visible in and around Chaco Culture NHP is an important resource to protect. The park established a night skies protection initiative and interpretive program in 1991, and was certified as an International Dark Sky Park in 2013 – one of only four in the United States. Flaring, transport, artificial lighting, and other activities from energy development on BLM lands in close proximity to the Chaco Core Protection Zone would produce light pollution, disrupting night sky activities in and around the park.
- **The Great North Road and Related Sites:** The Great North Road extends north from Pueblo Alto in Chaco Canyon to the Stairway Complex south of the Twin Angels Pueblo and into Kutz Canyon. The length and surprisingly parallel structure have long impressed archeologists and scholars. The road also passes through a series of roughly evenly spaced major cultural complexes including the Kin Indian great house, the Pierre's complex (which includes multiple great houses, kivas, signaling locations and lookouts), the Halfway House great house, the Stairway Complex, and Twin Angels great house near the edge of Kutz Canyon. Many places along the road are associated with unusually dense artifact scatters (even in areas distant from settlements) suggesting that the road itself was likely an important ceremonial space. The North Road and these related features are essential for understanding and interpreting the cultural history of the Chaco area and the greater Southwest.
- **Traditional Cultural Properties:** There are currently over 70 Traditional Cultural Properties and sacred sites in the Greater Chaco Landscape and many more unknown sites dispersed throughout the Farmington area. Although these settlement communities and sacred sites outside Chaco Culture NHP have been identified, most remain unprotected. However, these sites provide valuable clues for understanding previous inhabitants.
- **Lands with Wilderness Characteristics:** In addition to the cultural resources throughout the Greater Chaco Landscape, the area also has many roadless areas, some of which are suitable for management as lands with wilderness characteristics (LWC). These undisturbed spaces are often home to important and ecologically sensitive species.
- **Water Resources:** Chaco Canyon NHP houses the basin of the Chaco Wash and its tributaries, as well as several seeps and springs. New oil and gas development on federal lands presents the risks of chemical spills and groundwater contamination, and also places

increased demand on an already scarce and dwindling water supply in the area surrounding the park.

- **Soundscapes:** The remote location and natural quiet are important aspects of the visitor experience at Chaco Culture NHP and the surrounding sacred and cultural sites in the Chaco Core Protection Zone. These qualities are also important for wildlife sensitive to extensive noise. Energy development within the acoustical environment of sites in the Chaco Core Protection Zone should be managed to protect natural, cultural and historic sounds.

Resource Condition Objectives

“Resource condition objectives” are defined as “standards for subsequent development and reclamation of the MLP analysis area. . . .” MLP Guidance, at C.1. The BLM must develop such objectives for each “important” resource within the analysis area. Based on the list above, we recommend that the BLM evaluate the following “resource condition objectives”:

- **Chaco Culture National Historical Park** – Maintain and enhance the existing condition (visual and auditory) of the landscape surrounding the national park, including its outlying units and entrance road, and identify and prioritize opportunities to eliminate or minimize existing impacts from light and sound pollution, and from visible evidence of development.
- **Cultural Priority Areas** – Maintain and enhance the existing condition (visual and auditory) of the landscape associated with Cultural Priority Areas and, to the maximum extent possible, avoid new direct and indirect impacts to Cultural Priority Areas, particularly those located in the Chaco Core Protection Zone.
- **Traditional Cultural Properties/Sacred Sites** – Ensure traditional cultural values and activities associated with TCPs and sacred sites are fully identified and avoided during development planning, through tribal consultation and collaboration.
- **Land with wilderness characteristics** – Identify lands that are roadless, natural and provide outstanding opportunities for solitude or primitive, unconfined recreation. Manage to protect these areas and/or to minimize impacts to them within the MLP area.
- **Air quality** – Carefully monitor air quality in the Greater Chaco Landscape, and manage development to minimize contributions to regional haze and impacts on visibility within the Greater Chaco Landscape, and to reduce harm from air pollutants to AQRVs including cultural and historic sites; soil and water quality; and plant and animal life within the Chaco Core Protection Zone.
- **Viewsheds** – Protect viewsheds as an important part of visitor experiences of cultural resources, including from key points within the Chaco Culture National Historical Park.
- **Water resources** – Ensure the protection of water quality through appropriate protective measures, and ensure the ongoing availability of water resources within the Chaco Wash basin in the Chaco Core Protection Zone to enhance natural characteristics of landscape and provide for wildlife and ecosystem benefits.

Resource Protection Measures

“Resource protection measures” are defined as “any practice or action that would reduce environmental impacts and help achieve resource condition objectives.” MLP Guidance, at C.2. Such measures include lease stipulations (future leases) and conditions of approval (COAs) (existing leases). The MLP guidance contains several examples of potential “resource protection measures,” including phased leasing/development, mandatory unitization and drilling multiple wells from one pad. *Id.*

We recommend a series of “resource protection measures” for the Greater Chaco Landscape that the BLM should evaluate in the Draft RMPA’s range of alternatives. These are organized by the three management zones identified on the attached map: (1) Chaco Core Protection Zone; (2) Greater North Road Management Area; and (3) Designated Development Area.

1. Chaco Core Protection Zone (482,765 Acres)

The Chaco Core Protection Zone includes a high concentration of significant cultural resources associated with Chaco Culture NHP, including well-preserved segments of the Great North Road, Pierre’s Site, and numerous Cultural Priority Areas (e.g. outliers, roads, shrines, and other sites).⁵ Chaco Core Protection Zone also encompasses most (if not all) of the viewshed from key observation points within the national park. Finally, Chaco Core Protection Zone contains several important recreation and wilderness resources, such as the Ah-Shi-Sle-Pah Wilderness Study Area and potential roadless areas. In light of these resources, the BLM should prioritize management actions that preserve and/or restore the landscape (visual and auditory) within the Chaco Core Protection Zone. Finally, BLM should protect against harmful air pollutants and impacts to AQRVs by enacting comprehensive air quality monitoring at appropriate locations within the zone, requiring all available options to reduce emissions on development within the zone, and by establishing definitive and enforceable mitigation measures.

Of additional relevance, the Chaco Core Protection Zone has more unleased lands than adjacent areas and is located west of the current target zone for Mancos/Gallup oil drilling.⁶ Measures that the BLM should evaluate for “important” resources within the Chaco Core Protection Zone include the following:

Oil and Gas Leasing

- Close the Chaco Core Protection Zone to future oil and gas leasing.⁷

⁵ The “protection zone” concept has been applied to other cultural landscapes by the BLM, including in New Mexico. For example, in the Socorro RMP, the BLM established the Zuni Salt Lake Protection Zone, as part of the broader Zuni Salt Lake Proprietary ACEC. Like the Chaco Core Protection Zone, the Zuni Salt Lake Protection Zone/ACEC is focused on a highly significant cultural resource (Zuni Salt Lake) situated within a broader landscape of affiliated cultural features. BLM, Socorro RMP at 55, *available at* http://www.blm.gov/style/medialib/blm/nm/field_offices/socorro/socorro_planning/socorro_rmp_2010.Par.67785.File.dat/RMP_Socorro_2010.pdf.

⁶ See Bureau of Indian Affairs, “Emerging Oil & Gas Development in Northwestern New Mexico” at 6 (showing that the “oil producing window” is largely east of the core protection zone), *available at* <http://www.bia.gov/cs/groups/xieed/documents/document/idc1-026005.pdf>.

⁷ The BLM and other federal agencies have taken similar steps to prohibit or broadly restrict oil and gas development within cultural landscapes in New Mexico (and elsewhere), including for the purpose of protecting Chacoan resources. See, e.g., BLM/U.S. Forest Service, Final EIS, Tres Rios Field Office/San Juan National Forest Land and Resource Management Plan at H-47 (prohibiting surface occupancy within “the Chimney Rock [a Chacoan outlier] viewshed and night sky horizon, and within auditory range of the interpreted archeological area.”), *available at* http://www.blm.gov/style/medialib/blm/co/field_offices/san_juan_public Lands/land_use_planning/proposed_lrmp.Par.54223.File.dat/App_H_Leasing_Stips_FINAL.pdf; BLM, Taos RMP/ROD at 4 (closing the Galisteo Basin, “where potential reserves are high,” to oil and gas leasing, in order “to preserve open space, viewsheds and their scenic quality, and cultural resources and their associated landscapes”), *available at* http://www.blm.gov/style/medialib/blm/nm/field_offices/taos/taos_planning/taos_rmp_2012.Par.63564.File.dat/Taos%20RMP%20Record%20of%20Decision%20-%20online%20version.pdf; and BLM, Socorro RMP

- Issue leases only when drainage is occurring, but require no surface occupancy (NSO) stipulations on all such leases.
- Allow existing oil and gas leases to expire and do not re-offer those lands for leasing.

Oil and Gas Development on Existing Leases

These measures should be evaluated as “conditions of approval” (COAs) for drilling permits within the Chaco Core Protection Zone. As recognized in the MLP guidance, the BLM has ample authority to impose COAs “not otherwise provided for in lease stipulations, to minimize adverse impacts on other resource values.” MLP Guidance, at C.2, *citing Yates Petroleum Corp.*, 176 IBLA 144 (2008); *Nat’l Wildlife Fed’n*, 169 IBLA 146 (2006).

- Require phased development throughout the Chaco Core Protection Zone by prioritizing drilling permit processing/approval: (1) outside of the zone; and then (2) within less-sensitive areas of the zone (e.g., outside of the viewshed/soundscape of Cultural Priority Areas). This measure is specifically recommended by the MLP guidance “where it is important to leave areas . . . undisturbed by ongoing construction and drilling activity while other areas are developed.” MLP Guidance at C.2.⁸
- Prior to approving drilling permits within the Chaco Core Protection Zone, require a viewshed/soundscape analysis (when such an analysis is lacking for the area potentially affected by the proposed project) and fully address potential impacts identified through that analysis through avoidance measures, such as prohibiting surface occupancy, siting/screening and mandatory unitization.
- Prior to approving drilling permits within the Chaco Core Protection Zone that may directly or indirectly affect TCPs or sacred sites, require consultation with interested tribes, pueblos and chapters, provide those entities the opportunity to participate in site visits to the project area and develop measures to avoid/minimize potential impacts through tribal consultation.⁹
- Prohibit new rights-of-way across the Great North Road and other identified Chacoan roads, and actively prioritize the co-location of new infrastructure with existing infrastructure.
- Prioritize reclamation of well pads, access roads and other oil and gas infrastructure within the Chaco Core Protection Zone for the purpose of restoring viewsheds, in particular within the viewshed of Chaco Culture NHP, Pierre’s Site, Great North Road and other Cultural Priority Areas.

at 55 (closing the Zuni Salt Lake Proprietary ACEC to oil and gas leasing), *available at* http://www.blm.gov/style/medialib/blm/nm/field_offices/socorro/socorro_planning/socorro_rmp_2010.Par.67785.File.dat/RMP_Socorro_2010.pdf.

⁸ It has also been adopted to manage development and protect sensitive resources/landscapes in other land use plans. *See, e.g.*, BLM, Lander RMP/ROD at 69 (prioritizing oil and gas development “outside of Core Areas” for Greater sage-grouse and then within “the least suitable habitat” of Core Areas), *available at* https://www.blm.gov/epl-front-office/projects/lup/18602/49179/53514/ROD_8-8-14.pdf.

⁹ The BLM has adopted a similar measure for specific resources/areas in Jack Morrow Hills. *See* BLM, JMH CAP at 14 (stating that when activities are “proposed in the vicinity of Traditional Cultural Places (TCP), sacred sites, and/or respected places, management will be developed through consultation with Tribal leaders, SHPO, and the activity proponent based on the characteristics of the site and the proposed activity”), *available at* http://www.blm.gov/style/medialib/blm/wy/field-offices/rock_springs/jmhcap/rod.Par.40456.File.dat/04cap.pdf.

2. Great North Road Management Area (71,173 Acres)

The Great North Road Management Area includes road segments north of Pierre’s Site and the remaining “northerly” World Heritage sites managed by the BLM (i.e. Halfway House and Twin Angels). There is also significantly more existing development within the Great North Road Management Area than within the Chaco Core Protection Zone. Thus, we propose the following measures to balance future leasing and development with the protection of the Great North Road and surrounding landscape:

Future Leasing

- Close the Great North Road ACEC to future leasing.
- Allow existing leases to expire within the Great North Road ACEC and do not re-offer those leases.
- Outside of the ACEC, allow leasing with NSO stipulations.
- Require phased leasing by fully leasing those areas of the field office with higher development potential/less sensitive resources before offering leases within the non-ACEC portions of the management area.

Development on Existing Leases

- Prohibit new rights-of-way across the Great North Road and other identified Chacoan roads, and prioritize the co-location of new infrastructure with existing infrastructure.
- Prior to approving drilling permits within the Great North Road Management Area, require a watershed/soundscape analysis (when such an analysis is lacking for the area potentially affected by the proposed project) and fully address potential impacts identified through that analysis through avoidance measures, such as prohibiting surface occupancy, siting/screening and mandatory unitization.
- Prior to approving drilling permits within the Great North Road Management Area that may directly or indirectly affect TCPs or sacred sites, require consultation with interested tribes, pueblos and chapters, provide those entities the opportunity to participate in site visits to the project area and develop measures to avoid/minimize potential impacts through tribal consultation.

3. Designated Development Area (343,595 Acres)

The Designated Development Area (DDA) would provide operators with incentives (e.g., less restrictive lease stipulations, prioritized lease and drilling permit processing/approval) to develop within this area. Additionally, due to the low-level of potential resource conflicts (as compared to the Chaco Core Protection Zone and Great North Road Management Area), as well as higher oil and gas resource potential, the BLM should prioritize leasing and permitting within this area. The BLM has identified and designated DDAs in other field offices, as a means of incentivizing and balancing development with conservation management. For example, in the recently approved Lander RMP/ROD, the BLM established several important conservation designations, including a National Trails Management Corridor and lease closure for an important wildlife area, but also adopted several DDAs “for intensive mineral exploration, development, and production.” Lander RMP/ROD at 46.¹⁰ Importantly, these DDAs were identified based on their high development potential and

¹⁰ Available at www.blm.gov/epl-front-office/projects/lup/18602/49179/53514/ROD_8-8-14.pdf.

lack of “conflict[]s with important cultural resources, viewshed, or greater sage-grouse habitat.” *Id.* at 19.

Coordinating Management and Development Across Jurisdictions

A key consideration for this landscape is the need to provide consistent and coordinated management across jurisdictions. There are significant amounts of tribal/allotted lands and minerals inter-mixed with federal lands/minerals within the Greater Chaco Landscape, and the region includes the cultural resources of many tribes, including Pueblo tribes and the Navajo Nation. As a consequence, development in the region frequently requires permits, rights-of-way and other forms of approval from multiple agencies and tribes. For example, BLM, BIA and Navajo Nation typically share responsibility for the environmental analysis and approval of drilling permits on tribal and allotted lands.¹¹ Also, agency-tribal consultation is often necessary when development threatens tribal cultural resources.¹² Thus, it is critical that the BLM, BIA, Navajo Nation, and Pueblo tribes actively coordinate over the RMPA and management of the Greater Chaco Landscape, particularly since NEPA requires formal cooperation when agencies share jurisdiction over pending proposals.¹³ The BIA, BLM and interested tribes have elsewhere formalized their respective roles and responsibilities over shared oil and gas activities.¹⁴ We strongly recommend that the agencies do so here and make every effort to formally engage interested tribes over the RMPA, including Pueblo tribes and the Navajo Nation.

¹¹ See BIA, Fluid Mineral Estate Procedural Handbook at § 4.13, available at <http://www.bia.gov/cs/groups/xraca/documents/text/idc-020740.pdf>.

¹² See Connie Rogers, *Native American Consultation in Resource Development on Federal Lands*, 31 Colo. Law. 113, 114 (Jan. 2002) (“Requirements for consideration of or consultations regarding cultural resources and Native American concerns about federal actions on federal lands appears in ten different federal statutes and two executive orders as well as in numerous agency regulations, memoranda, guidelines, bulletins, manuals, handbooks, and interagency programmatic agreements.”); see, e.g., BLM/U.S. Forest Service, Final EIS, Tres Rios Field Office/San Juan National Forest Land and Resource Management Plan (Chapter 4) at § 4.4 (“In accordance with NEPA, the NHPA, and EO 13007, the USFS and BLM have consulted with the 26 tribes affiliated with lands managed by the SJNF and TRFO since the initiation of the LRMP revision effort...These tribes were invited to be cooperating agencies on the LRMP revision...”), available at http://www.blm.gov/style/medialib/blm/co/field_offices/san_juan_public_lands/land_use_planning/proposed_lrmp.Par.8137.File.dat/Volume%201%20FEIS%20Final%20Chapter%20Four%20Public%20Involvement.pdf.

¹³ See 40 CFR § 1501.6 (“Upon request of the lead agency, any other Federal agency which has jurisdiction by law shall be a cooperating agency.”), 40 CFR § 1508.15 (“*Jurisdiction by law* means agency authority to approve, veto, or finance all or part of the proposal.”).

¹⁴ See, e.g., Oklahoma Joint BLM/BIA EIS Scoping Report (June 2014) at 3-1 – 3-2 (“The following general planning criteria will be considered in developing the joint BLM-BIA EIS and BLM OFO RMP...[p]lanning, programs, and policies of other federal, state, and local government and Native American tribes...environmental effects, including effects on wildlife, cultural resources, and paleontology...environmental justice...For federal and Indian oil and gas and other minerals, reasonably foreseeable development scenarios will be prepared.”), available at http://www.blm.gov/style/medialib/blm/nm/field_offices/oklahoma/oklahoma_planning/docs_general_Par.65858.File.dat/OKT_FinalScopingRpt-508.pdf; see also Lander News Release, “Tribes, BIA and BLM collaborate on Oil and Gas Operations” (February 2014) (agreement between BLM, BIA, Eastern Shoshone Tribe, and Northern Arapaho Tribe to engage in a cooperative environmental program to promote compliance with environmental laws and regulations for ongoing oil and gas production), available at http://www.blm.gov/wy/st/en/info/news_room/2014/february/28lfo-mou.html.