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SENATE MEMORIAL 43

**53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018**

INTRODUCED BY

George K. Munoz

A MEMORIAL

PROTECTING AND PRESERVING TRIBAL, CULTURAL AND HISTORICAL SITES  
AND RESOURCES IN THE GREATER CHACO CANYON LANDSCAPE.

WHEREAS, the Chaco culture national historical park is a  
state, national and international treasure; and

WHEREAS, the Chaco culture national historical park is but  
one of several sites within the greater Chaco landscape as  
designated by the bureau of land management of the United  
States department of the interior; and

WHEREAS, 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 northern  
road, a Chacoan road heading north from Chaco culture national  
historical park; and

WHEREAS, Chacoan roads are important archaeological

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1 resources, and they are also important cultural resources to  
2 the Native American nations, tribes and pueblos of New Mexico;  
3 and

4 WHEREAS, the Native American nations, tribes and pueblos  
5 of New Mexico are ancient communities, each with a unique  
6 culture, heritage, language and world view, that have worked  
7 steadfastly to maintain and protect their spirituality and  
8 traditional cultural practices; and

9 WHEREAS, many Native American nations, tribes and pueblos  
10 of New Mexico have an archaeological, historical and cultural  
11 connection to the Chaco culture national historical park and to  
12 many locations within the greater Chaco landscape, and they  
13 consider the national historical park and other areas within  
14 the greater Chaco landscape to be sacred sites; and

15 WHEREAS, the protection of Chaco culture national  
16 historical park and other sites within the greater Chaco  
17 landscape, as designated by the bureau of land management, is  
18 essential for the continued vitality of associated Native  
19 American nations, tribes and pueblos of New Mexico; and

20 WHEREAS, the protection of Chaco culture national  
21 historical park and other sites is essential to protect  
22 archaeological and cultural resources of the Native American  
23 tribes, nations and pueblos, the state of New Mexico and the  
24 United States; and

25 WHEREAS, the protection of Chaco culture national

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1 historical park and other sites is essential to supporting the  
2 economic benefits provided by the tourism generated from  
3 visitors to the park and other sites within the greater Chaco  
4 landscape; and

5 WHEREAS, pursuant to the Federal Land Policy and  
6 Management Act of 1976, the bureau of land management is  
7 required to manage federal public lands "in a manner that will  
8 protect the quality of scientific, scenic, historical,  
9 ecological, environmental, air and atmospheric, water resource,  
10 and archeological values"; and

11 WHEREAS, pursuant to the Federal Land Policy and  
12 Management Act of 1976, "The Secretary shall, with public  
13 involvement and consistent with the terms and conditions of  
14 this Act, develop, maintain, and, when appropriate, revise land  
15 use plans which provide by tracts or areas for the use of the  
16 public lands"; and

17 WHEREAS, pursuant to federal regulations adopted to  
18 implement the Federal Land Policy and Management Act of 1976,  
19 the land use process used by the bureau of land management is  
20 the development of regional management plans and amendments to  
21 those plans; and

22 WHEREAS, in addition to provisions for public involvement  
23 in the resource management plan through public meetings and  
24 notice and comment periods, federal law and policy mandate that  
25 the bureau of land management and the bureau of Indian affairs

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1 of the United States department of the interior consult with  
2 Indian tribes concerning cultural resources and sacred sites  
3 located on public lands, including the National Environmental  
4 Policy Act of 1969, the National Historic Preservation Act, the  
5 American Indian Religious Freedom Act, the Native American  
6 Graves Protection and Repatriation Act, Executive Order 13007  
7 (Sacred Sites), Executive Order 13175 (Consultation and  
8 Coordination with Indian Tribal Governments) and the Memorandum  
9 of Understanding Regarding Interagency Coordination and  
10 Collaboration for the Protection of Indian Sacred Sites; and

11 WHEREAS, the United States formally announced on December  
12 16, 2010 its support for the United Nations Declaration on the  
13 Rights of Indigenous Peoples; and

14 WHEREAS, the United Nations Declaration on the Rights of  
15 Indigenous Peoples, in Article 8, states, "Indigenous peoples  
16 and individuals have the right not to be subject to the  
17 destruction of their culture" and that nations must provide  
18 effective mechanisms for the prevention of any action that has  
19 the aim or effect of depriving them of their cultural values;  
20 and

21 WHEREAS, the United Nations Declaration on the Rights of  
22 Indigenous Peoples, in Article 11, states, "Indigenous peoples  
23 have the right to practice and revitalize their cultural  
24 traditions and customs. This includes the right to maintain,  
25 protect, and develop the past, present and future

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1       manifestations of their cultures, such as archaeological and  
2       historical sites, artefacts, designs, ceremonies, technologies  
3       and visual and performing arts and literature"; and

4               WHEREAS, the United Nations Declaration on the Rights of  
5       Indigenous Peoples, in Article 18, supports the rights of  
6       indigenous peoples to participate in decision-making processes  
7       affecting their rights; and

8               WHEREAS, the United Nations Declaration on the Rights of  
9       Indigenous Peoples, in Article 19, requires that nations shall  
10      consult with indigenous people in good faith in order to obtain  
11      their "free, prior and informed consent" before adopting  
12      measures that affect them; and

13              WHEREAS, the resource management plan amendment is  
14      considering special protections for the Chaco culture national  
15      historical park, the northern road and other associated  
16      archaeological and cultural sites within the greater Chaco  
17      landscape as defined by the bureau of land management, based on  
18      the results of the agencies' consultation with Native American  
19      tribes, nations and pueblos; and

20              WHEREAS, the bureau of land management's ongoing process  
21      for amendment of the 2003 resource management plan is the  
22      mechanism for enforcement and protection of these rights;

23              NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE  
24      OF NEW MEXICO that the United States department of the  
25      interior's bureau of land management and bureau of Indian

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1 affairs be requested to adhere to federal statutes, regulations  
2 and executive orders supporting the government-to-government  
3 relationships the United States has with the Native American  
4 nations, tribes and pueblos of New Mexico through the process  
5 of consultation; and

6 BE IT FURTHER RESOLVED that the United States department  
7 of the interior's bureau of land management and bureau of  
8 Indian affairs desist from any leasing or issuance of permits  
9 without prior tribal consultation in the greater Chaco  
10 landscape, as designated by the bureau of land management,  
11 until the resource management plan amendment is complete in  
12 accordance with federal law and that there be no hydraulic  
13 fracturing within a thirty-mile radius of Chaco culture  
14 national historical park; and

15 BE IT FURTHER RESOLVED that copies of this memorial be  
16 transmitted to the United States department of the interior's  
17 bureau of land management and bureau of Indian affairs, the  
18 secretary of cultural affairs, the secretary of Indian affairs,  
19 the governor, the New Mexico congressional delegation and the  
20 appropriate interim legislative committees.