

117TH CONGRESS  
2D SESSION

# H. R. 9344

To provide for the withdrawal and protection of certain Federal land in the State of New Mexico, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 17, 2022

Ms. LEGER FERNANDEZ (for herself and Ms. STANSBURY) introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To provide for the withdrawal and protection of certain Federal land in the State of New Mexico, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Chaco Cultural Herit-  
5 age Area Protection Act of 2022”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) there are archeological, sacred, and historic  
9 resources located throughout the Greater Chaco re-

1       gion, which spans the States of New Mexico, Ari-  
2       zona, Utah, and Colorado;

3               (2) the Chaco Culture National Historical Park,  
4       a unit of the National Park System and a United  
5       Nations Educational, Scientific and Cultural Organi-  
6       zation World Heritage Site, is known around the  
7       world—

8                       (A) for multi-story buildings constructed  
9                       by the Chacoan people that are still standing;  
10                      and

11                     (B) as the nerve center of a culture that  
12                     spread throughout and dominated the Four  
13                     Corners area during the 9th, 10th, and 11th  
14                     centuries;

15               (3) the Chacoan people built hundreds of miles  
16       of roads and a network of villages, shrines, and com-  
17       munications sites, many of which are still visible;

18               (4) many Pueblos and Indian Tribes in the  
19       Four Corners area claim cultural affiliation with,  
20       and are descended from, the Chacoan people;

21               (5) the landscape around the Chaco Culture  
22       National Historical Park includes hundreds of inter-  
23       nationally and nationally significant cultural re-  
24       sources, including prehistoric roads, communities,  
25       and shrines—

1 (A) many of which are related to the re-  
2 sources found in the Chaco Culture National  
3 Historical Park, including the resources recog-  
4 nized by the amendment made by section 3 of  
5 the Chacoan Outliers Protection Act of 1995  
6 (16 U.S.C. 410ii note; Public Law 104–11)  
7 providing for additional Chaco Culture Archeo-  
8 logical Protection Sites;

9 (B) a significant number of which are con-  
10 centrated within the immediate area sur-  
11 rounding the Chaco Culture National Historical  
12 Park; and

13 (C) that are commonly recognized by ar-  
14 cheologists;

15 (6) long considered one of the best places for  
16 stargazing in the world, Chaco Culture National  
17 Historical Park—

18 (A) in 1991, established a night skies pro-  
19 tection initiative and interpretive program to  
20 protect the night sky in the area of the Chaco  
21 Culture National Historical Park; and

22 (B) in 2013, was certified as an Inter-  
23 national Dark Sky Park;

1           (7) the Greater Chaco region extends beyond  
2 Chaco Culture National Historical Park and encom-  
3 passes—

4           (A) local communities, including the Pueb-  
5 lo Indian Tribes, Navajo Nation, Hopi Tribe,  
6 and other Indian Tribes; and

7           (B) public and private land, which includes  
8 additional cultural resources and sacred sites;

9           (8) for over 110 years, the Federal Government  
10 has recognized the importance of the area in which  
11 the Chacoan people lived and has acted to protect  
12 historic and sacred sites in the area, including—

13           (A) Chaco Canyon, which was designated  
14 as a National Monument in 1907 and as the  
15 Chaco Culture National Historical Park in  
16 1980;

17           (B) the Aztec Ruins, which was designated  
18 as a National Monument in 1923 and expanded  
19 in each of 1928, 1930, 1948, and 1988; and

20           (C) the 39 Chaco Culture Archeological  
21 Protection Sites designated in 1995;

22           (9) recognizes that the standard for Tribal con-  
23 sultation is outlined in Executive Order No. 13175  
24 (25 U.S.C. 5301 note; relating to consultation and  
25 coordination with Indian Tribal governments);

1           (10) extensive natural gas development has oc-  
2           curred in the Greater Chaco region that affect the  
3           health, safety, economies, and quality of life of local  
4           communities;

5           (11) renewed interest in oil exploration and pro-  
6           duction within the Mancos/Gallup Shale play has in-  
7           creased the potential for—

8                   (A) significant impacts on cultural and  
9                   other resources, the holistic experience of the  
10                  sacred landscape, and visitor experiences at the  
11                  Chaco Culture National Historical Park; and

12                   (B) additional impacts on local commu-  
13                  nities in the Greater Chaco region, including  
14                  the Pueblo Indian Tribes, Navajo Nation, Hopi  
15                  Tribe, and other Indian Tribes;

16           (12) a mineral withdrawal in the landscape  
17           around the Chaco Culture National Historical Park  
18           would prevent leasing and development on Federal  
19           land and of Federal minerals in the immediate area  
20           surrounding the Chaco Culture National Historical  
21           Park, which would protect resources and visitor ex-  
22           periences at the Chaco Culture National Historical  
23           Park;

24           (13) additional studies and protective measures  
25           should be undertaken to address health, safety, and

1 environmental impacts on communities and interests  
2 of the Pueblo Indian Tribes, Navajo Nation, Hopi  
3 Tribe, and other Indian Tribes in the Greater Chaco  
4 region; and

5 (14) the Greater Chaco region continues to be  
6 used for ceremonial and cultural purposes by the  
7 Pueblo Indian Tribes, Navajo Nation, Hopi Tribe,  
8 and other Indian Tribes.

9 **SEC. 3. DEFINITIONS.**

10 In this Act:

11 (1) COVERED LEASE.—The term “covered  
12 lease” means any oil and gas lease for Federal  
13 land—

14 (A) on which drilling operations have not  
15 been commenced before the end of the primary  
16 term of the applicable lease;

17 (B) that is not producing oil or gas in pay-  
18 ing quantities; and

19 (C) that is not subject to a valid coopera-  
20 tive or unit plan of development or operation  
21 certified by the Secretary to be necessary.

22 (2) FEDERAL LAND.—

23 (A) IN GENERAL.—The term “Federal  
24 land” means—

1 (i) any Federal land or interest in  
2 Federal land that is within the boundaries  
3 of the Chaco Cultural Heritage Withdrawal  
4 Area, as depicted on the Withdrawal Map;  
5 and

6 (ii) any land or interest in land lo-  
7 cated within the boundaries of the Chaco  
8 Cultural Heritage Withdrawal Area, as de-  
9 picted on the Withdrawal Map, that is ac-  
10 quired by the Federal Government after  
11 the date of enactment of this Act.

12 (B) EXCLUSION.—The term “Federal  
13 land” does not include trust land (as defined in  
14 section 3765 of title 38, United States Code).

15 (3) SECRETARY.—The term “Secretary” means  
16 the Secretary of the Interior.

17 (4) WITHDRAWAL MAP.—The term “With-  
18 drawal Map” means the map prepared by the Bu-  
19 reau of Land Management entitled “Proposed With-  
20 drawal Chaco Culture National Historic Park Sur-  
21 rounding Area” and dated January 6, 2022, as re-  
22 ferred to in the notice of the Secretary entitled “No-  
23 tice of Proposed Withdrawal and Public Meetings;  
24 San Juan County, NM” (87 Fed. Reg. 785 (Janu-  
25 ary 6, 2022)).

1 **SEC. 4. WITHDRAWAL OF CERTAIN FEDERAL LAND IN THE**  
2 **STATE OF NEW MEXICO.**

3 (a) IN GENERAL.—Subject to any valid existing  
4 rights, the Federal land is withdrawn from—

5 (1) all forms of entry, appropriation, and dis-  
6 posal under the public land laws;

7 (2) location, entry, and patent under mining  
8 laws; and

9 (3) operation of the mineral leasing, mineral  
10 materials, and geothermal leasing laws.

11 (b) AVAILABILITY OF WITHDRAWAL MAP.—The  
12 Withdrawal Map shall be made available for inspection at  
13 each appropriate office of the Bureau of Land Manage-  
14 ment.

15 (c) CONVEYANCE OF FEDERAL LAND TO INDIAN  
16 TRIBES.—Notwithstanding subsection (a), the Secretary  
17 may convey the Federal land to, or exchange the Federal  
18 land with, an Indian Tribe in accordance with a resource  
19 management plan that is approved as of the date of enact-  
20 ment of this Act, as subsequently developed, amended, or  
21 revised in accordance with the Federal Land Policy and  
22 Management Act of 1976 (43 U.S.C. 1701 et seq.) and  
23 any other applicable law.

24 (d) OIL AND GAS LEASE MANAGEMENT.—

25 (1) TERMINATION OF NON-PRODUCING  
26 LEASES.—A covered lease—

1 (A) shall automatically terminate by oper-  
2 ation of law pursuant to section 17(e) of the  
3 Mineral Leasing Act (30 U.S.C. 226(e)) and  
4 subpart 3108 of title 43, Code of Federal Regu-  
5 lations (or successor regulations); and

6 (B) may not be extended by the Secretary.

7 (2) WITHDRAWAL OF TERMINATED, RELIN-  
8 QUISHED, OR ACQUIRED LEASES.—Any portion of  
9 the Federal land subject to a covered lease termi-  
10 nated under paragraph (1) or otherwise or relin-  
11 quished or acquired by the United States on or after  
12 the date of enactment of this Act is withdrawn  
13 from—

14 (A) all forms of entry, appropriation, and  
15 disposal under the public land laws;

16 (B) location, entry, and patent under-  
17 mining laws; and

18 (C) operation of the mineral leasing, min-  
19 eral materials, and geothermal leasing laws.

20 (e) EFFECT.—Nothing in this section—

21 (1) affects the mineral rights of an Indian  
22 Tribe or a member of the Navajo Nation or any  
23 other Indian Tribe to trust land or allotment land;  
24 or

1           (2) precludes improvements to, or rights-of-way  
2           for water, power, utility, or road development on, the  
3           Federal land to assist communities adjacent to or in  
4           the vicinity of the Federal land.

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