

118TH CONGRESS
1ST SESSION

S. 1404

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

IN THE SENATE OF THE UNITED STATES

MAY 2, 2023

Mr. LUJÁN (for himself and Mr. HEINRICH) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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 2023”.

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 min-
17 ing 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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