

VIA FEDERAL EXPRESS
AND E-MAIL (blm_nm_fm_ccnhp_area_withdrawal_comments@blm.gov)

Sarah Scott
Bureau of Land Management
Farmington Field Office
6251 College Blvd., Suite A
Farmington, New Mexico 87402

Re: **Independent Petroleum Association of New Mexico** comments on Bureau of Land Management, “Notice of Proposed Withdrawal, San Juan County, New Mexico,” 87 Fed. Reg. 785 (Jan. 6, 2022)

Dear Ms. Scott:

The Independent Petroleum Association of New Mexico (IPANM) submits the following comments on the petition filed by BLM requesting the Secretary of Interior withdraw public lands and interests in lands situated within what is referred to as a 10-mile buffer around the Chaco Culture National Historic Park Area. This submission adheres to the deadline for comments of May 6, 2022. While the Secretary of Interior has approved the BLM’s petition for approval to file its withdrawal application, IPANM believes it would be beneficial to carefully consider out comments to strike an appropriate balance between environmental protection, cultural preservation, economic justice of Navajo Allottees, the ability of responsible operators to develop federal lands to provide domestic security, and inject much-needed resources into the local surrounding communities.

About IPANM

IPANM is a non-profit 501c(6) that serves as the voice of independent oil and gas producers in New Mexico. Our mission is to preserve and advance the interests of independent oil and gas producers, while educating the public to the importance of oil and gas to the state and all our lives. We have over 50+ members, member companies, and industry service companies that alone operate throughout the greater San Juan Basin of Northwest New Mexico. We have over 350+ members who work in the oil & gas industry throughout all of New Mexico. We support a responsible, balanced, and robust federal leasing program, while also ensuring the safe extraction of the abundant natural resources on federal lands in New Mexico. In the case of Chaco Culture National Historic Park area, this includes reasonable setbacks of up to 5 miles for new leasing. The proposed 10-mile leasing buffer is overreach by the federal government, offers no additional protection Chaco Culture National Historic Park, and infringes on the ancestral rights of Navajo Allottees who depend on the ability to lease and develop to sustain their lives and well-being.

Federal Land Withdrawal

The Federal Register (FR) notice of January 6, 2022 states the withdrawal would include 351,479.97 acres of public lands to entry under United State mining laws and from leasing under Mineral Leasing laws. To place the extent of this land withdrawal into perspective, the total represents over 26% of BLM/public land within the Farmington Field Office boundary.

Impact on Allottees

Navajo Allottees, as individual ancestral mineral owners who hold title to lands within the land withdrawal, suffer significant economic injustice at the hands of federal government overreach if the withdrawal proceeds as proposed. The primary reason is the denial of their ability to develop their minerals if surrounding federal lands are off-limits to development.

If public/BLM lands are withdrawn, mineral owners have no way to build roads or pipelines to reach the allotments for development. This would leave thousands of stranded parcels. Royalty income to the allottees from oil and gas development is an important source of revenue. Any federal land withdrawal will conflict with BIA's mission "to ensure that Indian mineral owners desiring to have their resources developed are assured that they will be developed in a manner that maximizes their best economic interests and minimizes any adverse environmental impacts or cultural impacts resulting from such development" as required 25 CFR Part 211.

The Navajo Nation Council and the Navajo Allottees have repeatedly urged the Department of the Interior (DOI) to consider their officially adopted compromise five-mile "no federal leasing buffer" to protect the ability of the Allottees to develop their fee minerals. This position was articulated on overwhelming manner at several public comment sessions held in Farmington in the past few months. The position of these two stakeholders of direct impact is consistent with the DIO's responsibility to the Navajo Nation and to the Navajo Allottees.

The Bureau of Indian Affairs (BIA) and Bureau of Land Management (BLM) regulations and guidance also require adherence to fiduciary obligations. The BIA regulations mandate the development of mineral resources in a manner that maximizes the economic interests of Indian mineral owners through 25 CFR Parts 211, 212 and 225. BLM's guidance states a fiduciary obligation to manage allottee minerals as trust assets per the BLM H-1780 and MS-1780.

Lack of Consultation

Based on IPANM's engagement and involvement with both industry, Navajo Allottees, and the Navajo Nation Council, it is clear the DOI has not adequately considered a Compromise Proposal that calls for a 5-mile buffer instead of the 10-mile buffer covered under the current withdrawal.

Foremost, it must be understood to DIO that Navajo Allottees do not share opinions of environmentalists, demonstrators, and special interest groups' objections on natural resources developments. The Navajo Allottees are the impacted people of the Chaco area. These lands were patented and allotted to the Navajo People in New Mexico and handed down through many generations. These lands were given in exchange for land taken by the U.S. Government in exchange for citizenships. Therefore, as Navajo People being landowners, they have the right to lease, develop, or excavate their lands.

Likewise, the Navajo Allottees have collaboratively worked with Navajo Nation Council to support the Compromise Proposal five-mile buffer. On November 25, 2019, the Resources Development Committee of the Navajo Nation Council supported a resolution, by an 18-1 vote, withholding approval of the federal

legislation by the Navajo Nation until the buffer is reduced to five miles. The Navajo Nation officially communicated its change in position to the leadership of the Senate Energy Committee on March 5, 2020, which has been recognized by BLM.

Given the consensus of those most impacted, IPANM strongly believes the DOI Secretary did not adequately recognize nor account for the Navajo Nation's opposition to the Withdrawal at the November 2021 Withdrawal announcement. To adhere to its consultation and trust responsibilities to the Navajo Nation and Navajo Allottees, the Secretary and BLM must respectfully consider and adopt the Navajo Nation Council's five-mile proposal.

Conclusion

IPANM supports the Navajo Nation Council & Navajo Allottee's Compromise to withdraw support for a 10-mile no-leasing buffer for federal minerals in favor of a more reasonable 5-mile buffer.

IPANM finds that the Navajo Nation Council and Navajo Allottees have been insistent on not only supporting the 5-mile buffer but advocating for meaningful consultation with the Department of Interior on this proposed withdrawal. Furthermore, it is important that the federal government follow the Biden memorandum that directs all federal agencies to honor tribal sovereignty and include the voices of tribes in policy deliberations that affect their communities. IPANM believes the priority consideration by the DIO must be the Compromise in making the final decision to move forward with a land withdrawal.

Final Points

To supplement the above conclusion, IPANM offers the following final points that warrant important consideration to support a 5-mile buffer.

Geology: A five-mile buffer offers the best balance to protect public lands without impeding upon responsible leasing development for geological reasons. At six miles from the Chaco Cultural Historic National Park boundary, the geology changes dramatically to end the Mancos-Gallup unconventional oil play. The Mancos-Gallup resource simply does not exist south of a NW-SE trending line correlating to where the Fruitland Formation outcrops on the southern end of the San Juan basin. This geologic fact informed the Navajo Nation's willingness to compromise on a five-mile buffer, the Navajo Allottees were not giving away future royalty income, because there was no oil resource to be recovered within six miles of the CCHNP boundary. Similarly, this geologic fact will protect the Secretary's Withdrawal "purpose" to keep oil and gas development further away from the Chaco Cultural Historic National Park

Protection: The BLM's discussion of the buffer alternatives in the 2020 Mancos-Gallup Resource Management Plan Amendment Draft Environmental Impact Statement demonstrates that the Chaco Cultural Historic National Park resources can be protected by a five rather than ten-mile buffer. The BLM examined the rationale for Chaco Cultural Historic National Park restriction zones and found that "part of the integrity of these historic properties is related to association, setting and feeling; therefore, potential adverse effects can be related to the visual and auditory environment." The Navajo Nation Council and Navajo Allottee Compromise 5-mile buffer demonstrates that Chaco Cultural Historic National Park can

be adequately protected, with mitigation, from the sounds and lights of mineral development.

Shared Interests. IPANM members collectively hold hundreds of thousands of leased acres in the San Juan Basin. These operators provide hundreds of good-paying jobs to the surrounding communities. Likewise, these operators have demonstrated a strong commitment to safety and environmental values within their leases. Moreover, IPANM member employees take an active involvement in the community through charitable giving and the sponsorship of events held by non-profit organizations.

Thank you for your careful consideration of comments.

Highest Regards,



Jim Winchester
Executive Director
Independent Petroleum Association of New Mexico