

1 SENATE MEMORIAL 103

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

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10 A MEMORIAL

11 REAFFIRMING NEW MEXICO'S COMMITMENT TO PROTECTING AND
12 PRESERVING TRIBAL, CULTURAL AND HISTORICAL SITES AND RESOURCES
13 IN THE GREATER CHACO CANYON LANDSCAPE.

14
15 WHEREAS, the Chaco culture national historical park is a
16 state, national and international treasure; and

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

21 WHEREAS, the greater Chaco landscape as designated by the
22 bureau of land management includes the Chaco culture national
23 historical park and numerous sites along the great northern
24 road, a Chacoan road heading north from Chaco culture national
25 historical park; and

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1 WHEREAS, Chacoan roads are important archaeological
2 resources, but also important cultural resources to the Native
3 American nations, tribes and pueblos of New Mexico; 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, which 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
12 many locations within the greater Chaco landscape, and consider
13 the national historical park and other areas within the greater
14 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 tribes, nations
23 and pueblos, the state of New Mexico and the United States; and

24 WHEREAS, the protection of Chaco culture national
25 historical park and other sites is essential to supporting the

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

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

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

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

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

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

10 WHEREAS, the United States formally announced on December
11 16, 2010 its support for the United Nations declaration on the
12 rights of indigenous peoples; and

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

20 WHEREAS, the United Nations declaration on the rights of
21 indigenous peoples, in Article 11, states that "Indigenous
22 peoples have the right to practice and revitalize their
23 cultural traditions and customs. This includes the right to
24 maintain, protect, and develop the past, present and future
25 manifestations of their cultures, such as archaeological and

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1 historical sites, artefacts, designs, ceremonies, technologies
2 and visual and performing arts and literature"; and

3 WHEREAS, the United Nations declaration on the rights of
4 indigenous peoples, in Article 18, supports the rights of
5 indigenous peoples to participate in decision-making processes
6 affecting their rights; and

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

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

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

22 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE
23 OF NEW MEXICO that the United States department of the
24 interior's bureau of land management and bureau of Indian
25 affairs be requested to adhere to federal statutes, regulations

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1 and executive orders supporting the government-to-government
2 relationships the United States has with the nations, tribes
3 and pueblos of New Mexico through the process of consultation;
4 and

5 BE IT FURTHER RESOLVED that the United States department
6 of the interior's bureau of land management and bureau of
7 Indian affairs desist from any leasing or issuance of permits
8 without prior tribal consultation in the greater Chaco
9 landscape, as designated by the bureau of land management,
10 until the resource management plan amendment is complete in
11 accordance with federal law; and

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