

1 A MEMORIAL

2 REAFFIRMING NEW MEXICO'S COMMITMENT TO PROTECTING AND  
3 PRESERVING TRIBAL, CULTURAL AND HISTORICAL SITES AND  
4 RESOURCES IN THE GREATER CHACO CANYON LANDSCAPE.

5  
6 WHEREAS, the Chaco culture national historical park is a  
7 state, national and international treasure; and

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

12 WHEREAS, the greater Chaco landscape as designated by  
13 the bureau of land management includes the Chaco culture  
14 national historical park and numerous sites along the great  
15 northern road, a Chacoan road heading north from Chaco  
16 culture national historical park; and

17 WHEREAS, Chacoan roads are important archaeological  
18 resources, but also important cultural resources to the  
19 Native American nations, tribes and pueblos of New Mexico;  
20 and

21 WHEREAS, the Native American nations, tribes and pueblos  
22 of New Mexico are ancient communities, each with a unique  
23 culture, heritage, language and world view, that have worked  
24 steadfastly to maintain and protect their spirituality and  
25 traditional cultural practices; and

1           WHEREAS, many Native American nations, tribes and  
2 pueblos of New Mexico have an archaeological, historical and  
3 cultural connection to the Chaco culture national historical  
4 park, and many locations within the greater Chaco landscape,  
5 and consider the national historical park and other areas  
6 within the greater Chaco landscape to be sacred sites; and

7           WHEREAS, the protection of Chaco culture national  
8 historical park and other sites within the greater Chaco  
9 landscape, as designated by the bureau of land management, is  
10 essential for the continued vitality of associated Native  
11 American nations, tribes and pueblos of New Mexico; and

12           WHEREAS, the protection of Chaco culture national  
13 historical park and other sites is essential to protect  
14 archaeological and cultural resources of the tribes, nations  
15 and pueblos, the state of New Mexico and the United States;  
16 and

17           WHEREAS, the protection of Chaco culture national  
18 historical park and other sites is essential to supporting  
19 the economic benefits provided by the tourism generated from  
20 visitors to the park and other sites within the greater Chaco  
21 landscape; and

22           WHEREAS, pursuant to the Federal Land Policy and  
23 Management Act of 1976, the bureau of land management is  
24 required to manage federal public lands "in a manner that  
25 will protect the quality of scientific, scenic, historical,

1 ecological, environmental, air and atmospheric, water  
2 resource, and archeological values"; and

3 WHEREAS, pursuant to the Federal Land Policy and  
4 Management Act of 1976, "The Secretary shall, with public  
5 involvement and consistent with the terms and conditions of  
6 this Act, develop, maintain, and, when appropriate, revise  
7 land use plans which provide by tracts or areas for the use  
8 of the public lands"; and

9 WHEREAS, pursuant to federal regulations adopted to  
10 implement the Federal Land Policy and Management Act of 1976,  
11 the land use process used by the bureau of land management is  
12 the development of regional management plans and amendments  
13 to those plans; and

14 WHEREAS, in addition to provisions for public  
15 involvement in the resource management plan through public  
16 meetings and notice and comment periods, federal law and  
17 policy mandate that the bureau of land management and the  
18 bureau of Indian affairs of the United States department of  
19 the interior consult with Indian tribes concerning cultural  
20 resources and sacred sites located on public lands, including  
21 the National Environmental Policy Act, the National Historic  
22 Preservation Act, the American Indian Religious Freedom Act,  
23 the Native American Graves Protection and Repatriation Act,  
24 Executive Order 13007 (Sacred Sites), Executive Order 13175  
25 (Consultation and Coordination with Indian Tribal

1 Governments) and the Memorandum of Understanding Regarding  
2 Interagency Coordination and Collaboration for the Protection  
3 of Indian Sacred Sites; and

4 WHEREAS, the United States formally announced on  
5 December 16, 2010 its support for the United Nations  
6 declaration on the rights of indigenous peoples; and

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

14 WHEREAS, the United Nations declaration on the rights of  
15 indigenous peoples, in Article 11, states that "Indigenous  
16 peoples have the right to practice and revitalize their  
17 cultural traditions and customs. This includes the right to  
18 maintain, protect, and develop the past, present and future  
19 manifestations of their cultures, such as archaeological and  
20 historical sites, artefacts, designs, ceremonies,  
21 technologies and visual and performing arts and literature";  
22 and

23 WHEREAS, the United Nations declaration on the rights of  
24 indigenous peoples, in Article 18, supports the rights of  
25 indigenous peoples to participate in decision-making

1 processes affecting their rights; and

2 WHEREAS, the United Nations declaration on the rights of  
3 indigenous peoples, in Article 19, requires that nations  
4 shall consult with indigenous people in good faith in order  
5 to obtain their "free, prior and informed consent" before  
6 adopting measures that affect them; and

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

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

17 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF  
18 REPRESENTATIVES OF THE STATE OF NEW MEXICO that the United  
19 States department of the interior's bureau of land management  
20 and bureau of Indian affairs be requested to adhere to  
21 federal statutes, regulations and executive orders supporting  
22 the government-to-government relationships the United States  
23 has with the nations, tribes and pueblos of New Mexico  
24 through the process of consultation; and

25 BE IT FURTHER RESOLVED that the United States department

1 of the interior's bureau of land management and bureau of  
2 Indian affairs desist from any leasing or issuance of permits  
3 without prior tribal consultation in the greater Chaco  
4 landscape, as designated by the bureau of land management,  
5 until the resource management plan amendment is complete in  
6 accordance with federal law; and

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