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HOUSE MEMORIAL 70

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

INTRODUCED BY

Derrick J. Lente

A MEMORIAL

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

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

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

WHEREAS, the greater Chaco landscape as designated by the  
bureau of land management includes the Chaco culture national  
historical park and numerous sites along the great northern  
road, a Chacoan road heading north from Chaco culture national  
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, that 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 HOUSE OF  
23 REPRESENTATIVES OF THE STATE OF NEW MEXICO that the United  
24 States department of the interior's bureau of land management  
25 and bureau of Indian affairs be requested to adhere to federal

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