

To: Amy Lueders, BLM New Mexico State Director

CC: Victoria Barr, BLM Farmington District Office Director
Michele Lujan Grisham, NM 1st District United States Representative
Martin Heinrich, NM United States Senator
Ben Ray Lujan, NM 3rd District United States Representative
Tom Udall, NM United States Senator

Date: January 24th, 2017

From: Harry Domingo, Counselor Chapter President
Ervin Chavez, Nageezi Chapter President
George Werito, Ojo Encino Chapter President
David Rico, Torreon/Starlake Chapter President

RE: January 25th, 2017 Lease Sale and Amendment No. 1

Amy Lueders,

We (the undersigned Navajo chapter presidents) are very thankful for the opportunity to have met with you in Santa Fe on January 17th. However, there are some issues that we feel you must be made aware of in your final decision on continuing the January 25th, 2017 lease sale.

First, all of the Navajo Nation chapters within the FFO RMPA planning area, and the Eastern Navajo Agency Council have made their position about this lease sale very clear via resolution. An important key element of the resolution, which is within the control of the BLM, is ensuring that the RMPA is completed before further actions (including lease sales) occur. This is to ensure proper stipulations for a unique area of the United States known as the Eastern Navajo checkerboard. For decades, the unique needs of this area have not been attended too by federal agencies. As a result, there are severe issues facing the Navajo residents here. This is an opportunity to begin addressing this unique and complex situation, but as the January 2017 lease sale amendment No. 1 posted on January 19th, 2017 shows, the BLM has only begun to recognize the need for different stipulations and conditions of approval (COAs) for this area of the country.

Additionally, the amendment to the lease sale shows that a FONSI cannot be signed since it recognizes that there are both known and unknown impacts which will occur. The mitigation measures for the known impacts have not been created via this amendment, and it is impossible for the BLM to create mitigation measures for the unknown impacts. The chapters do not believe that the BLM, under such circumstances, can sign a FONSI in good faith. Additionally, other impacts could arise which might not be able to be mitigated. In such a situation different federal planning mechanisms would be required. The chapters are also concerned that later COAs added might be viewed by the industry as an act of taking, which could limit the ability of the BLM to mitigate impacts from this lease sale.

This is the reason that all of the eastern agency chapters within the FFO RMPA planning area and the Eastern Navajo Agency Council are in agreement that no further BLM actions, including this lease sale, should take place until the RMPA is completed. This RMPA will provide the foundation for a better future for eastern agency checkerboard Navajo communities. Leasing before this document is complete will constrain the BLM's ability to protect these tribal communities fully.

For decades the BLM has not integrated Navajo community concerns into its planning efforts. If tribal consultation occurred, it was at the Nation-to-Nation level, which has meant the finer level details of direct community impacts have not been addressed. This has begun to change in the past few years. The Farmington District/Field Offices have begun to make positive gains in this area of concern, the New Mexico state office should learn from the current FDO/FFO efforts.

Previously, when Ojo Encino Chapter submitted a protest regarding a previous iteration of this lease sale, the New Mexico State Office setup a meeting with the chapter. Federal officials from both Santa Fe and Farmington came to Ojo Encino to meet and discuss the protest issues. Ojo Encino is a local tribal governmental institution; this was an appropriate measure since tribal consultation require face-to-face contact and conversing. Written notices and responses do not constitute consultation. This meeting lasted many hours, and staff better understood the finer details and nuances of the issues faced by the Navajo communities, and also gave an opportunity for chapter officials to learn as well. The meeting was conducted within the community, so it was accessible by community members to participate. Unfortunately, the BLM state office did not contact Ojo Encino Chapter for this current lease sale protest to establish a meeting within the community.

The Ojo Encino Chapter government understands that protests are not typically handled with in-person meetings; however, as a tribal entity, we expect the BLM to take its tribal consultation and trust responsibilities with the utmost respect, effort, and seriousness. The meeting on January 17th, 2017 in the eyes of the undersigned chapter governments, did not constitute a seriousness of purpose (to fulfill either tribal consultation or trust responsibilities) due to its location and structure. Thus the New Mexico State Office did not get a genuine opportunity to learn the in-depth issues faced by Navajo communities and how it can mitigate and prevent further damages to the Navajo communities in question.

We all stand at a crossroads now. We can continue down the same path which has been followed for decades, ignoring Navajo communities. But, We can also choose differently and transform the future into one which Eastern Navajo checkerboard communities are respected and included in federal land planning. The current lease sale as it stands is not prepared to take us down the path to a better future. The amendment No. 1 indicates that the BLM recognizes there is a better path to utilize, yet it does not choose this path. Your leadership, compassion, and fortitude will be needed to forge a new and respectful future; please be considerate of this when making your final decision.

With Respect,

Harry Domingo
Counselor Chapter President

Ervin Chavez
Nageezi Chapter President

George Werito
Ojo Encino Chapter President

David Rico
Torreon/Starlake Chapter President