

# Congress of the United States

## Washington, DC 20510

August 26, 2020

The Honorable David Bernhardt  
Secretary  
U.S. Department of the Interior  
1849 C Street, NW  
Washington, DC 20240

Dear Secretary Bernhardt:

As Members of Congress representing New Mexico, we have written you and the Bureau of Land Management (BLM) New Mexico State Office over the course of the COVID-19 pandemic concerning onsite inspections, a cultural resource study of the area around Chaco National Historical Park, and the Farmington District Resource Management Plan Amendment (RMPA). We appreciate the willingness you and agency officials have shown to alter previous timelines. In May, you announced a 120-day delay in the public process for the RMPA. In early June, BLM State Director Tim Spisak allowed moving back onsite inspections for APDs, which were at one point scheduled for the state's primary election day, and again agreed to postpone beyond the worst period of COVID-19 infection in the state. We thank you and your department for taking these steps and we urge you to delay these processes again.

The conditions that warranted delay this spring stubbornly remain in place today despite stringent state, local, and tribal government actions and precautions. Sadly, the COVID-19 virus still infects New Mexicans at a rate preventing safe public gatherings. The June 19th 7-day case average was 105. The August 19th 7-day case average was 133. The 7-day average death toll likewise has remained at a total of five for each of those weeks.

The COVID-19 pandemic continues to radically alter the lives of New Mexicans, limiting their ability to fully participate in public processes fundamental to the economy and way of life in and around the BLM Farmington District in the Northwest corner of our state. Despite these concerns, several public processes proceed apace, hurtling forward to provide additional acreage for an oil and gas industry with seemingly little need for it, given the worst price and oversupply conditions in at least a decade. Accordingly, we ask you to indefinitely pause onsite inspections for applications for permit to drill (APDs) and the larger public process for the RMPA until this deadly virus can be contained.

The Honorable David Bernhardt

August 26, 2020

Page 2

Further, virtual public hearings planned for the end of this month still offer the same hollow promise of meaningful public engagement. The disperse population and rural character of the Farmington District has so far prevented the presence of adequate internet service in the surrounding area. Many homes lack access to this now basic utility, and the public facilities such as schools, libraries, and city and Tribal buildings with suitable internet access that could otherwise host meetings rightfully remain closed to large groups to protect the public health. This has not changed since May.

This pandemic also ensures state, local, and tribal government leaders are focused on keeping their citizens safe, stopping the spread of the virus, and providing basic services interrupted by the pandemic and subsequent economic downturn. In order for public comment to be meaningful, it has to be considered, and local leaders are too busy keeping their constituents alive and safe to sort through complicated documents and processes required by the National Environmental Policy Act (NEPA).

Given the importance of the oil and gas industry to New Mexico economy and the importance of the Chaco Culture National Historical Park, and other nearby historical and archaeological features, to the Pueblos, Apache, and the Navajo Nation, the logical and necessary course of action is to delay the RMPA public hearings until the public can meaningfully engage with the documents and safely gather to comment on them. NEPA not only suggests but requires citizen comment and involvement in reviewing projects. The long history of projects reviewed under NEPA is filled with examples when citizen involvement corrected fatal flaws or dramatically improved the initially planned development.

Furthermore, the Federal government has specific trust and treaty responsibilities to American Indians and Alaska Natives. As you know, the Fiscal Year 2020 (FY20) Interior, Environment, and Related Agencies Appropriations bill, as part of P.L. 116-94, included \$1 million for an ethnographic study of the area surrounding the Chaco Culture National Historical Park to be conducted by Tribes and included in the RMPA. We fail to understand why the BLM continues to move the required cultural study forward on a parallel process to the RMPA. Instead, the cultural study should be completed first and then used to inform any amendment to the Resource Management Plan. In addition, the public health conditions preventing safe public comment periods for the RMPA may well prevent work on the cultural study. While this may further delay the RMPA process, we fail to see how an adequate RMPA can be completed without full consideration of the study as intended.

Finally, regarding onsite inspections conducted under leases sold under the current Resource Management Plan, we continue to request you work with the leaseholders and interested members of the public to find mutually agreeable times and conditions under which they may move forward at a later date and in a responsible manner. We appreciate leaseholders won these leases, pay federal rent on them, and have a defined period of time in which to develop them.

However, in light of these circumstances, we ask you and the BLM to work with members of the public, tribal interests, and leaseholders to delay until a suitable future date can be found and a safe working plan is developed to conduct these important meetings. Among other options, the

The Honorable David Bernhardt

August 26, 2020

Page 3

BLM has the power to work with the leaseholder and come to a mutually agreeable suspension of the lease. Through suspension, the leaseholder may be held harmless, and the term of the lease and any payments and progress on the lease can be stopped for a pre-defined period of time.

Thank you again for your attention to these interrelated matters. We look forward to your consideration of our request and favorable reply.

Sincerely,



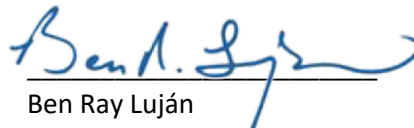
Tom Udall  
United States Senator

/s/ \_\_\_\_\_

Martin Heinrich  
United States Senator



Deb Haaland  
Member of Congress



Ben Ray Luján  
Member of Congress