Re: Request that BLM Halt Oil and Gas Leasing in Greater Chaco Region of the Rio Puerco Field Office, Restart Rio Puerco Resource Management Plan Revision Process

Dear State Director Spisak, District Manager Burns, and Field Manager Martinez:

The undersigned are writing to call on you to back down from plans to lease public lands for oil and gas development in the Greater Chaco region of the Rio Puerco Field Office of New Mexico. We are also calling on you to restart the Resource Management Plan ("RMP") revision process for the Field Office and to integrate the process with the RMP Amendment currently underway for the adjacent Farmington Field Office.

On June 20, the U.S. Bureau of Land Management ("BLM") intends to sell more than 37,000 acres of public lands oil and gas leases in the northern portion of the Rio Puerco Field Office, all of which are in northern Sandoval County, New Mexico. This comes on the heels of the sale of more than 2,500 acres of leases in the same portion of the Field Office in March 2019 and 41,000 acres in December 2018. What’s more, this November, the agency intends to sell off an additional 2,800 acres of lands in the northern Rio Puerco Field Office.
All indications are that these leases will facilitate development of the Mancos shale with horizontal drilling and hydraulic fracturing. They are all in close proximity to current Mancos shale horizontal oil and gas development occurring in the adjacent Farmington Field Office. Even the BLM has acknowledged that this area of the Rio Puerco Field Office is located in an area with “very high” potential for oil and gas occurrence that could be developed using horizontal drilling and also located in an area with medium to high Mancos shale development potential between 2018 and 2037.¹

As the map below shows, many of these lease parcels are in close proximity to Chaco National Historical Park and are within the Greater Chaco region, a culturally significant landscape that is vital to Navajo and Pueblo Indigenous peoples who live in and have significant ties to the region.

While the BLM is selling public lands for development of the Mancos shale in the Rio Puerco Field Office, it has never accounted for the cumulative effects of Mancos shale development within the Field Office and never addressed Mancos shale development in its RMP. In fact, the current RMP guiding oil and gas development in the Rio Puerco Field

¹ According to the BLM’s most recent Reasonably Foreseeable Development Scenario for the neighboring Farmington Field Office, https://eplanning.blm.gov/epl-front-office/projects/nepa/110578/161453/197157/2018.02.27_Crocker_Glover_FFO_RFD.pdf. Although this analysis looked specifically at reasonably foreseeable Mancos shale development within the Farmington Field Office, the study’s maps clearly indicate that the areas of medium to high horizontal development potential overlap with the northern portion of the Rio Puerco Field Office where leasing is proposed.
Office was approved in 1986, more than 30 years ago. Although the BLM attempted to revise the RMP in 2012, it never completed the revision. Importantly, even under the proposed RMP circulated for public comment in 2012, the agency never accounted for or even acknowledged the prospect of horizontal drilling and fracking of Mancos shale in the Rio Puerco Field Office. The proposed RMP relied on a 2010 Reasonably Foreseeable Development Scenario report that projected no horizontal wells would be developed in the Field Office over the life of the RMP.

In light of the U.S. Court of Appeals for the Tenth Circuit’s May 7, 2019 opinion in Diné Citizens Against Ruining our Environment v. Bernhardt, No. 18-2089, 2019 WL 1999298 (10th Cir. May 7, 2019), it’s clear the BLM has no legal basis to authorize leasing in the Rio Puerco Field Office that would enable development of the Mancos shale. Mancos shale development in the region poses unique environmental threats, including impacts to cultural values, water quantity and quality, air quality, and local communities.

Furthermore, given that the agency’s previously proposed 2012 RMP revision also did not account for development of the Mancos shale, it’s clear the agency cannot finalize the RMP revision as originally proposed. The BLM has moved to amend the RMP for the neighboring Farmington Field Office in order to address the impacts of Mancos shale development.2 Similarly, the BLM must restart the RMP revision process for the Rio Puerco Field Office and issue a new proposal that addresses Mancos shale development. This must include preparing and circulating a new draft environmental impact statement and providing a new opportunity for public involvement on a proposed RMP.

There is precedent for restraint in the Rio Puerco Field Office. When the BLM initially proposed to lease lands for oil and gas development in the northern Rio Puerco Field Office in January 2014, the agency ultimately deferred the sale on the basis that “leasing the parcels would harm resource values and may limit the choice of reasonable alternative actions being considered in the Rio Puerco Draft RMP-EIS.”3

Further, in March 2018, former Secretary of the Interior Ryan Zinke directed the BLM to defer leasing in the portion of northern Sandoval County that is in the Farmington Field Office pending the completion of an ongoing analysis of more than 5,000 cultural sites in the area.4

As the map below shows, the locations of these deferred parcels are literally stones’ throws away from parcels the agency offered for sale in December 2018 and March 2019 and that the agency is proposing to sell in June and November 2019. In fact, some of the deferred parcels from March 2018 were even further away from Chaco Culture National Historical Park than the Rio Puerco parcels the BLM has offered for sale or is proposing to

sell. It makes no sense that it would be appropriate to defer leasing in the portion of Sandoval County that happens to be in the Farmington Field Office, but not appropriate to defer leasing in other portions of northern Sandoval County simply because of the arbitrary boundary between the Rio Puerco and Farmington Field Offices.

In light of the agency’s past restraint, in light of the 10th Circuit’s recent ruling on Mancos shale development in northwest New Mexico, and in light of the clear inadequacies of the current Rio Puerco RMP, the BLM has no reasonable basis for continuing to lease oil and gas parcels within the Rio Puerco Field Office.

Furthermore, in light of the fact that the Rio Puerco Field Office is clearly facing increasing pressure to develop the region’s Mancos shale using horizontal drilling and fracking, the BLM must restart its RMP revision in order to account for this new pressure and the reasonably foreseeable impacts. A restart of the Rio Puerco RMP revision process is not only warranted, but also compelled under applicable regulations.

Under regulations implementing the National Environmental Policy Act ("NEPA"), if a draft environmental impact statement is "so inadequate as to preclude meaningful analysis," the BLM is obligated to revise the draft and circulate it for review and public comment. 40 C.F.R. § 1502.9(a). Additionally, BLM’s planning regulations clearly contemplate that RMPs must account for “new data, new or revised policy, a change in circumstances or a proposed action that may result in a change in the scope of resource uses or a change in the terms, conditions and decisions of the approved plan.” 43 C.F.R. § 1610.5-5.
Here, given that the draft environmental impact statement prepared in 2012 for the Rio Puerco RMP revision is devoid of any analysis or assessment of Mancos shale oil and gas development, it must be revised and re-circulated for review and public comment. And, given that the proposed RMP released in 2012 also failed to account for development of Mancos shale, it must be revised and/or amended, and also recirculated for review and public comment. Given that the Farmington Field Office is currently amending its RMP to account for Mancos shale development, it would appear to make most sense to ensure Mancos shale development in the Rio Puerco Field Office is addressed in an RMP amendment and/or revision that addresses development in both Field Offices.

Accordingly, we call on you take the following actions to ensure responsible and careful management of public lands and resources in the Rio Puerco Field Office:

- We call on you to deny the issuance of oil and gas lease parcels that were sold in the Rio Puerco Field Office in December 2018 and March 2019. Although the BLM sold these leases, the agency has yet to formally approve the issuance of the leases and still has discretion to deny issuance.

- We call on you to cancel plans to sell oil and gas leases in the Rio Puerco Field Office, including plans to offer leases for sale in June and November 2019, unless and until the Rio Puerco RMP is updated to account for the impacts of Mancos shale development in the region.

- We call on you to restart the Rio Puerco RMP revision process to ensure that the reasonably foreseeable impacts of Mancos shale development are properly accounted for and effectively managed. To this end, we call on you to prepare and circulate a new draft environmental impact statement for the proposed Rio Puerco RMP revision that fully analyzes, assesses, and discloses the impacts of Mancos shale development.

- We call on you to integrate the Rio Puerco RMP revision process with the Farmington Field Office RMP amendment process that is currently underway to ensure that the cumulative impacts of Mancos shale development are fully analyzed, assessed, and addressed to ensure protection of the Greater Chaco region’s cultural values, water, air, and communities.

Thank you for your time and attention to this matter. We request that you provide a written response setting forth the actions you intend to take in the Rio Puerco Field Office to ensure full protection of the region’s cultural values, public lands, and other resources.

Sincerely,
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