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**Pueblo Action Alliance \* Southwest Native Cultures \* Tewa Women United**  
**350 New Mexico \* Adelante Consulting, Inc. \* Archaeology Southwest**  
**Arroyo Hondo Land Trust \* Big Bend Defense Coalition \* Blancett Ranches**  
**Center for Biological Diversity \* Chaco Alliance \* Clean Energy Now Texas**  
**Colorado Latino Forum \* Common Ground Rising \* Earth Care \* Earthworks**  
**Earth Holder Community Food and Water Action \* For the Wild \* Frack Free Four Corners**  
**Frack Free New Mexico \* Frack Off Greater Chaco \* Great Old Broads for Wilderness**  
**Green Latinos Colorado \* Knowaste, LLC \* Multicultural Alliance for a Safe Environment**  
**National Parks Conservation Association \* Natural Resources Defense Council**  
**New Energy Economy \* New Mexico Environmental Public Health Network**  
**New Mexico Wild \* New Mexico MoveOn \* PNM Shareholders for a Responsible Future**  
**Prosperity Works \* Public Citizen \* Retake Our Democracy \* Rio Arriba Concerned Citizens**  
**San Juan Citizens Alliance \* SEED \* Sierra Club Rio Grande Chapter \* Roadrunner, LLC**  
**The Wilderness Society \* VitaleTherapeutics, Inc. \* We Are One River**  
**Wagon Mound Development Association \* WildEarth Gaurdians**

September 17, 2020

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

**Re: Requesting the Department of Interior to Suspend the Bureau of Land Management Farmington Mancos-Gallup Draft Resource Management Plan Amendment; Join New Mexicans in Making COVID-19 Response a Priority**

Dear Secretary Bernhardt:

The undersigned urge you to direct the U.S. Bureau of Land Management (“BLM”) Farmington Field Office to immediately suspend the Mancos-Gallup Draft Resource Management Plan Amendment process. We urge that you take this action so that we can focus on protecting the health and well-being of our society, instead of focusing on the health of the oil and gas industry.

On May 14-18, 2020 the Bureau of Land Management, in coordination with the Bureau of Indian Affairs (BIA) Navajo Regional Office, conducted five virtual meetings to solicit public comment on the joint Farmington Mancos-Gallup Draft Resource Management Plan Amendment and Environmental Impact Statement (RMPA/EIS) in the absence of in-person meaningful consultation. During the comment period, these virtual meetings proved to be grossly inadequate and an affront to environmental justice obligations. As a result, on May 20,

2020 the Secretary of Interior David Bernhardt extended the comment period by 120 days to September 25,2020 in order to allow the public and especially Tribal communities to respond to the rapidly evolving COVID-19 health crisis. Devastatingly, nearly 120 days later, the impact of the pandemic has not improved – ***in fact, it has gotten worse***. Yet, the Bureau of Land Management repeated this folly August 26-29 holding four additional grossly inadequate virtual public meetings before the comment deadline.

COVID-19 impacts continue to increase, and [Navajo Nation and Pueblos across New Mexico have been hit the hardest by the virus](#). Tribal governments have enforced a series of mitigation restrictions in protection of vulnerable populations, first responders, and other essential staff including but not limited to social distancing and household self-isolation, non-essential travel and transportation, outside visitor access, curfews, shopping day designations, and tribal cultural event suspension. COVID-19 restrictions and response efforts continue today, including Navajo Nation’s regular 32-48 hour lockdown on weekends, and nightly/daily curfews implemented on Pueblos.

Instead of supporting a pandemic response, the Bureau of Land Management is proposing to undertake numerous actions with major implications for the Greater Chaco Landscape, without the ability for meaningful public engagement. The Bureau of Land Management’s ongoing land-use planning processes continue, including approvals of new drilling permits and even on-site visits, in addition to continuation of the public comment process on the RMPA/EIS. Additionally, the FY2020 Interior, Environment, and Related Agencies Appropriations bill appropriated \$1 million for an ethnographic study conducted by Tribes to be included in the RMPA/EIS. This study is not yet completed and the RMPA/EIS should not be considered without its inclusion.

The U.S. government has specific trust and treaty responsibilities to American Indians and Alaska Natives (AI/ANs), including but not limited to necessary compliance with the Archaeological Resources Protection Act, the National Historic Preservation Act, specifically Section 106 requirements, the National Environmental Policy Act, Native American Graves Protection & Repatriation Act, American Indian Religious Freedom Act, and Federal Land Policy and Management Act. Virtual meetings do not constitute meaningful consultation, nor do they facilitate free, prior, and informed consent.<sup>1</sup> [Conditions for participation in online meetings from members of the Navajo Nation and Pueblos continues to be inhibited](#). The vast majority of Navajo Nation and Pueblos lack adequate internet and phone access, and many families, struggling to stem the spread of a deadly virus, are unable to meaningfully participate in virtual meetings. Rural New Mexico has limited internet service, and for those who were able to participate in BLM’s recent virtual meetings, many were cut off because of connectivity issues.

The public health crisis has already impacted normal working and living conditions and is impairing the ability of not only state, local, and tribal officials, but also the general public, issue experts, and others to provide thoughtful and meaningful participation and involvement in potential agency actions that directly affect millions of people. Furthermore, low-wealth communities and communities of color, including Indigenous communities, are being

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<sup>1</sup> United Nations Declaration on the Rights of Indigenous Peoples Article 19, Article 32.

disproportionately harmed by this emergency, and these communities are also on the frontlines of oil and gas extraction in New Mexico.<sup>2</sup> Environmental justice must be served. In the midst of the public health and economic emergency caused by the COVID-19 crisis, we urge you to protect the most vulnerable New Mexicans from the dangers and insecurity that result from the public health crisis, not take advantage of our inability to engage in BLM decision making.<sup>3</sup>

The Bureau of Land Management and Bureau of Indian Affairs must suspend the Farmington Draft Resource Management Plan Amendment process, extending the comment deadline, until Tribal authorities and the public are able to meaningfully participate with in person engagement that does not risk health and safety. In light of the COVID-19 emergency, there is no need for the BLM to keep burdening the already-burdened public.

Join us in making the response to the COVID-19 crisis the highest priority for this nation. Now is the time to protect communities, not exploit them. We urge you to suspend the Bureau of Land Management Farmington Mancos-Gallup Draft Resource Management Plan Amendment process immediately.

Sincerely,

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<sup>2</sup> The Environmental Protection Agency defines “environmental justice” as “the fair treatment and meaningful involvement of all people, regardless of race, color, national origin, or income, in the development, implementation, and enforcement of environmental laws, regulations, and policies.” And according to the EPA, environmental justice “will be achieved” when “everyone enjoys” two things: 1) “the same degree of protection from environmental and health hazards,” and 2) “equal access to the decision-making process to have a healthy environment in which to live, learn, and work.” Executive Order 12898 requires each federal agency to “make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations in the United States.” 59 Fed. Reg. 32 (1994).

<sup>3</sup> Council on Environmental Quality Guidance explicitly directs agencies to ensure meaningful community involvement, stating that “[a]gencies should be aware of the diverse constituencies within any particular community when they seek community representation and should endeavor to have complete representation of the community as a whole. Agencies also should be aware that community participation must occur as early as possible if it is to be meaningful.” [https://www.epa.gov/sites/production/files/2015-02/documents/ej\\_guidance\\_nepa\\_ceq1297.pdf](https://www.epa.gov/sites/production/files/2015-02/documents/ej_guidance_nepa_ceq1297.pdf)

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