



# Pueblo of San Felipe Cultural Resource Protection

Requesting Moratorium on ACEC Excavation

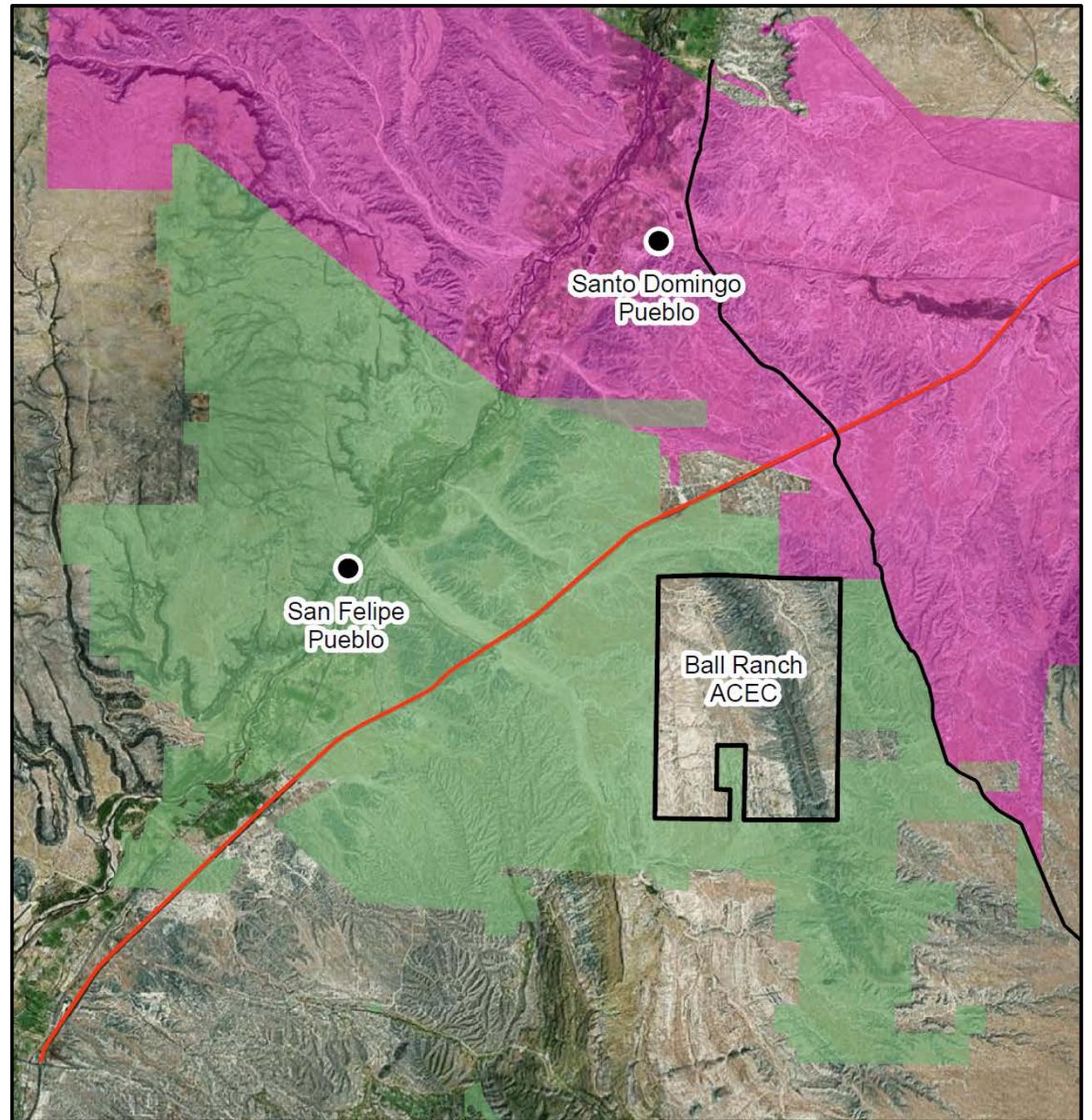
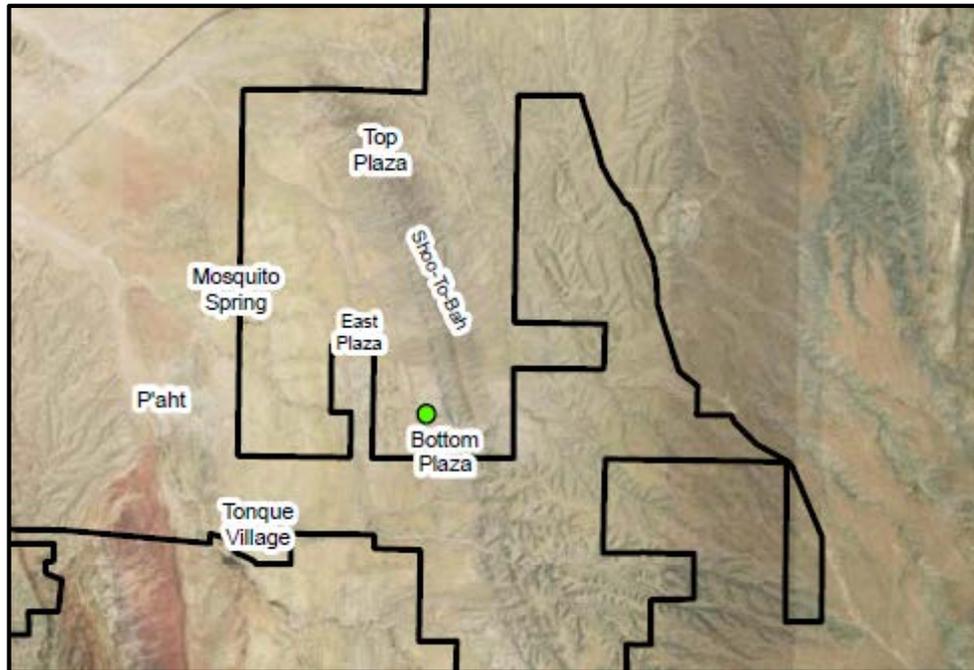
State of New Mexico

Indian Affairs Committee

September 30, 2021

# San Felipe Pueblo

From time immemorial the Pueblos of San Felipe, Santo Domingo, Cochiti and our sister pueblos have known, stewarded, and benefited from the cultural resources within the area known today as the BLM Ball Ranch ACEC, which is within the exterior boundary of San Felipe Pueblo.



# A Brief Timeline

- 2014 Permit request from DCA to BLM, San Felipe begins preservation activities
- 2015 National Congress of American Indians (NCAI) and Southern Pueblos Council show their Support of San Felipe's protection of this area through Resolutions.
- October 4, 2017 the BIA Office of Justice Services opened a Archaeological Resource Protection Act Violation Investigation for the cultural resources already damaged
- October 6, 2017 Governor Ortiz presented to this Committee and the minutes show support was given to instruct DCA Secretary to prevent disruption on this land
- November 14, 2017, the University of New Mexico pulled their support and participation from the permit.
- December 20, 2017 Secretary Gonzales instituted a Moratorium on the excavation permit
- DCA staff lobbied the current Administration and the moratorium was not upheld  
February 12, 2019 DCA staff described our cultural resource preservation efforts as "misinformation"

# Tribal Leadership Consultation

- On August 23, 2019 Tribal Leaders from San Felipe, Santo Domingo and Cochiti met with BLM State Office and described in no uncertain terms how important these resources are to the Pueblos.
- BLM failed to inform leadership that the remains were already being excavated by DCA staff and volunteers, and being cut and prepped in the laboratory
- February 2019 DCA staff recommended to PaleoSolutions that they prospect and excavate *all* the paleontological resources within the ACEC, using the information gained through Government to Government consultation against us.
- In August we learned that BLM entered into a contract with PaleoSolutions to excavate the “Stearns Quarry” and throughout the ACEC.



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October 3, 2019 As justification for permitting the excavation, Governor Grisham suggested to San Felipe that it would be better to have the State of New Mexico excavate these remains instead of Paleo Solutions and suggested the Pueblo could have the remains back when the museum was finished with them if the Pueblo was able to obtain control of the land. This is not cultural preservation.

# DCA

**Paul C. Murphey** <[pmurphey@paleosolutions.com](mailto:pmurphey@paleosolutions.com)> Tue, Feb 19, 2019 at 12:45 PM To: "Gensler, Philip" <[pgensler@blm.gov](mailto:pgensler@blm.gov)>

Cc: John Foster <[john@paleosolutions.com](mailto:john@paleosolutions.com)>

Hey Phil,

I left you a vmail yesterday. I had a good chat with Gary on Friday and based on what he told me, the museum had no timeframe in mind for completing the excavation. He planned to just keep going out there with volunteers until they had collected everything even if it took years. So considering the BLM has limited funds, we either need a specific dollar amount to shoot for and then we will squeeze in as much field work as possible into that, or we need to decide on a duration of excavation that we think would result in a decent research collection and then figure out that cost.

Gary also recommended that in addition to the Stearns Quarry, we plan on prospecting the entire BLM parcel

# DCA

8/1/2019

DEPARTMENT OF THE INTERIOR Mail - Eocene fossil locality



**IMG\_1591.JPG**  
5732K



**IMG\_1604.JPG**  
2343K

This information obtained through FOIA request which took BLM over 13 months to prepare, delivered via US Mail during Covid-19 closures

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**Paul C Murphey** <pmurphey@paleosolutions.com>  
To: "Gensler, Philip" <pgensler@blm.gov>

Wed, Feb 6, 2019 at 10:57 AM

Thanks Phil, I'll check these out in my laptop once I get to Oceanside this afternoon. But they look cool on the phone. That molar is a whopper. Very cool. Exciting project. Looking forward to hearing what you find out about sole sourcing and timing as far as the proposal and field work. I know you want the fossils outta there ASAP.

Sent from my iPhone

Paul C Murphey, Ph.D.  
Paleo Solutions  
303-882-8048

# NAGPRA and Paleontology

- The arguments being used today by both the DCA and the BLM that the scientific value of the remains are more important than the cultural value, mirror objections to the Native American Graves Protection and Repatriation Act (NAGPRA) in 1990's
- We believe the NM DCA are on the wrong side of history on this matter
- Scientific study will continue even when tribal cultural resources and values are respected, and protected where they were laid to rest.

# Our Requests

- **Respectfully requesting an immediate and permanent moratorium on excavations, prospecting, casual collecting and other disturbances in the ACEC by the State of New Mexico**
- **Cultural competency training for all DCA staff**
- **Support from the Indian Affairs Committee to ensure cultural resources are protected**