



**Executive Directors Office**

2020 FEB 18 P 4:43

February 13, 2020

Mr. Sean I. Daugherty  
Paleontology Coordinator  
Rio Puerco Field Office, BLM  
Albuquerque, NM

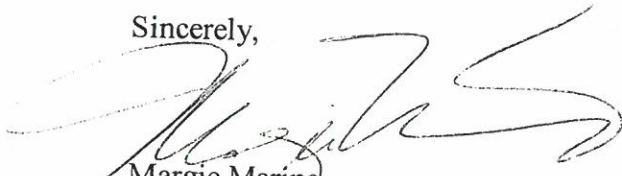
Dear Mr. Daugherty:

This letter is to inform you that the New Mexico Museum of Natural History and Science (NMMNHS) is planning a paleontological excavation at the Stearns Quarry, located on the Ball Ranch Area of Critical Environmental Concern (ACEC) on land under the jurisdiction of the US Bureau of Land Management (BLM) Rio Puerco Field Office. The museum applied for and received a permit from the BLM to conduct the Stearns Quarry excavation (NM 17-09E ). The title of the project is: Excavation of vertebrate fossils at the paleontology locality known as "Stearn's Quarry" within the BLM's Ball Ranch ACED.

NMMNHS paleontologists have not set the exact dates for their excavation at the Stearns Quarry, but are tentatively planning to work at the site for at least two weeks, and possibly as long as a month, in either April or May of 2020.

We will contact you when we have exact dates for the Stearns Quarry excavation. Please let me know if you have any questions or need any further information.

Sincerely,



Margie Marino  
Executive Director  
Phone: 505-841-2841  
Email: [Margie.Marino@state.nm.us](mailto:Margie.Marino@state.nm.us)

CC: Phil Gensler, BLM

## Pinu'u Stout

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**From:** Grace, Brian, DCA  
**Sent:** Tuesday, February 12, 2019 11:05 AM  
**To:** Morgan, Gary, DCA  
**Subject:** RE: Collections meeting

I'll have an answer for you later today.

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**From:** Morgan, Gary, DCA  
**Sent:** Tuesday, February 12, 2019 11:04 AM  
**To:** Grace, Brian, DCA  
**Subject:** RE: Collections meeting

Hi Brian,

I assume you are still planning a collections meeting tomorrow morning (Wed. Feb 13) at 10 AM.

If so, I have several agenda items: Annual reports to the BLM and BOR. The discussion of these reports should be very brief. Mainly, that the reports have been completed and submitted.

Also, is it too soon to have a discussion about the Stearns Quarry and San Felipe Pueblo? We were forbidden from doing any excavation at the Stearns Quarry by the previous Secretary of Cultural Affairs, but I think we should discuss our strategy about how to deal with this issue with regard to the new Secretary. For all we know, she may have already been approached by San Felipe Pueblo with their misinformation about the site.

Gary

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**From:** Grace, Brian, DCA  
**Sent:** Wednesday, January 30, 2019 9:41 AM  
**To:** Lucas, Spencer, DCA; Williamson, Thomas, DCA; Morgan, Gary, DCA; Wosik, Mateusz, DCA; Frederick, Lindsey, DCA; Ridgwell, Nicole, DCA  
**Subject:** Collections meeting

I would like to schedule the next collections meeting for Wednesday, February 13<sup>th</sup>. Please let me know if you have pressing matters that you need approval for, I apologies for the inconvenience.

Brian



Gensler, Philip &lt;pgensler@blm.gov&gt;

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## Eocene fossils

5 messages

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

Wed, Feb 13, 2019 at 2:39 PM

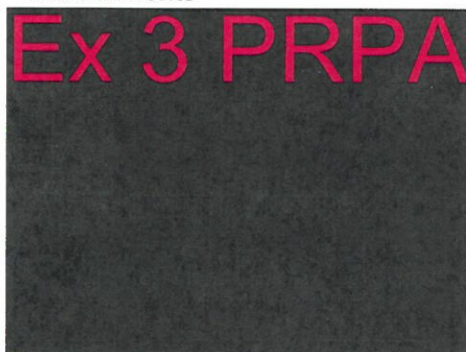
Hi Paul,  
Here is what Spencer submitted to excavate that brontothere bone bed. I think we asked for more info but this was the start.

Phil

Regional Paleontologist NM, AZ, CA  
301 Dinosaur Trail  
Santa Fe, NM 87502  
505-954-2172

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### 3 attachments



Stearns quarry excavation.jpg  
285K

 **Location, puposes and methdology (2).docx**  
16K

 **Application Stearns quarry.pdf**  
59K

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

Tue, Feb 19, 2019 at 12:45 PM

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 since there are other localities with a more diverse fauna in the area.

From: Jason Moore jrm@unm.edu  
Subject: Re: Stearns quarry  
Date: 16 September 2014 10:29  
To: Lucas, Spencer, DCA spencer.lucas@state.nm.us



Wow. I'm glad that it seems like the BLM aren't just caving. I suppose I'll have to find something else to keep me busy the next few months...

J

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Jason R. Moore  
Assistant Professor  
Honors College, MSC 06 3890,  
1 University of New Mexico,  
Student Health Building,  
Albuquerque, NM 87131  
(505) 277 7408

On 16 Sep 2014, at 09:10, Lucas, Spencer, DCA <spencer.lucas@state.nm.us> wrote:

Attached letter shows lengths to which San Felipe Pueblo is going to stop the excavation!

I thought BLM would roll over and play dead on this, but Phil Gensler told me yesterday that they are going to fight/override it.

I hope that will be the case, but I think this means excavation will not begin this Fall.

Spencer G. Lucas, Ph.D.  
New Mexico Museum of Natural History and Science  
1801 Mountain Road N. W.  
Albuquerque, New Mexico 87104-1375 USA  
tel: 505-841-2873; FAX: 505-841-2808

the NMMNH Bulletins are free online at:

<http://nmnaturalhistory.org/bulletins>

<letter.pdf>

From: Jason Moore jrm@unm.edu  
Subject: Re: Another letter  
Date: 26 August 2014 11:04  
To: Lucas, Spencer, DCA spencer.lucas@state.nm.us



Cheers for the info. I look forward to the updates.

J

On 26 Aug 2014, at 11:02, Lucas, Spencer, DCA <spencer.lucas@state.nm.us> wrote:

Gensler will talk to me this afternoon in person about ways to try and get around this, but he told me it is a growing trend for Native American entities to object to paleontology and get their way.

I will keep you posted!

Spencer G. Lucas, Ph.D.  
New Mexico Museum of Natural History and Science  
1801 Mountain Road N. W.  
Albuquerque, New Mexico 87104-1375 USA  
tel: 505-841-2873; FAX: 505-841-2808

the NMMNH Bulletins are free online at:

<http://nmnaturalhistory.org/bulletins>

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**From:** Jason Moore [mailto:jasonrmoore34@gmail.com] **On Behalf Of** Jason Moore  
**Sent:** Tuesday, August 26, 2014 11:01 AM  
**To:** Lucas, Spencer, DCA  
**Subject:** Re: Another letter

Bollocks.

J

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Jason R. Moore  
Assistant Professor  
Honors College, MSC 06 3890,  
1 University of New Mexico,  
Student Health Building,  
Albuquerque, NM 87131  
(505) 277 7408

On 26 Aug 2014, at 10:39, Lucas, Spencer, DCA <spencer.lucas@state.nm.us> wrote:

This is not good news!

Spencer G. Lucas, Ph.D.  
New Mexico Museum of Natural History and Science  
1801 Mountain Road N. W.  
Albuquerque, New Mexico 87104-1375 USA  
tel: 505-841-2873; FAX: 505-841-2808

the NMMNH Bulletins are free online at:

<http://nmnaturalhistory.org/bulletins>

**From:** Gensler, Philip [mailto:[pgensler@blm.gov](mailto:pgensler@blm.gov)]  
**Sent:** Tuesday, August 26, 2014 10:38 AM  
**To:** Lucas, Spencer, DCA  
**Subject:** Fwd: Another letter

Regional Paleontologist NM, AZ, CA  
301 Dinosaur Trail  
P.O. Box 27115  
Santa Fe, NM 87502  
505-954-2172

----- Forwarded message -----

**From:** Daugherty, Sean <[sdaugher@blm.gov](mailto:sdaugher@blm.gov)>  
**Date:** Tue, Aug 19, 2014 at 11:29 AM  
**Subject:** Another letter  
**To:** Philip Gensler <[pgensler@blm.gov](mailto:pgensler@blm.gov)>

Santa Ana has sent another letter, this one is claiming the area is a Traditional Cultural Landscape. This puts a large wrinkle on things. We will not be able to issue the permit anytime soon.

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Sean I Daugherty



# NATIONAL CONGRESS OF AMERICAN INDIANS

## The National Congress of American Indians Resolution #SD-15-020

### TITLE: To Protect Paleontological Resources on Tribal and Ancestral Tribal Lands

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*Swinomish Tribe*

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##### WESTERN

**Bruce Ignacio**  
*Ute Indian Tribe*

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**Jacqueline Pata**  
*Tlingit*

#### NCAI HEADQUARTERS

1516 P Street, N.W.  
Washington, DC 20005  
202.466.7767  
202.466.7797 fax  
www.ncai.org

**WHEREAS**, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

**WHEREAS**, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

**WHEREAS**, Indian culture and values include knowledge passed down from time immemorial, and this knowledge creates a culture of respect that teaches us to protect the remains of those within the earth because of their spiritual, cultural or traditional purposes; and

**WHEREAS**, there are fossilized remains of animals and plants that were once on this earth, and respect for these remains are upheld by Indian people today because these fossilized remains are important cultural items having ongoing historical, traditional, and cultural importance for Indian people, tribes, and pueblos; and

**WHEREAS**, government agencies and individuals have not shown respect for these remains and have instead taken actions to possess, profit, excavate, and study cultural patrimony known as Paleontological Resource; and

**WHEREAS**, the Paleontological Resources Preservation Act of 2009 (P.L. 111-11) excludes material associated with an archaeological resource or any cultural item as defined in the Native American Graves Protection and Repatriation Act (P.L. 101-601) (NAGPRA); and

**WHEREAS**, cultural patrimony is defined in NAGPRA as an object having ongoing historical, traditional, or cultural importance central to the Native American group or culture itself, rather than property owned by an individual; therefore these fossilized remains are items of cultural patrimony, and are should be protected as such; and

**WHEREAS**, fossilized paleontological remains are objects of cultural patrimony, and therefore the Department of the Interior (DOI) through the Bureau of Land Management (BLM), shall not excavate or permit excavation by other entities on tribal or ancestral tribal lands without tribal consultation, and shall respect these fossils as items of cultural patrimony.

**NOW THEREFORE BE IT RESOLVED**, that the National Congress of American Indians (NCAI) calls upon the Department of the Interior (DOI), the Bureau of Land Management (BLM) and other federal and state agencies to cease issuing permits for paleontological excavation and study on lands with tribal history and culture; and

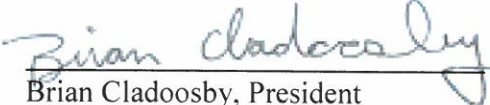
**BE IT FURTHER RESOLVED**, that paleontological remains of importance to Indian tribes are by definition items of cultural patrimony, and therefore to be protected as such under NAGPRA; and

**BE IT FURTHER RESOLVED**, that if an American Indian tribe seeks to re-acquire ancestral land for the purpose of protecting paleontological and other cultural resources, that process shall be facilitated by the DOI, BLM and other entities, agencies and lawmakers because of their status as cultural patrimony; and

**BE IT FINALLY RESOLVED**, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

#### CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2015 Annual Session of the National Congress of American Indians, held at the Town and Country Resort, San Diego, CA, October 18-23, 2015, with a quorum present.

  
Brian Cladoosby, President

**ATTEST:**

  
Aaron Payment, Recording Secretary