



ALL PUEBLO COUNCIL OF GOVERNORS

Officers:
E. Paul Torres, Chairman
Governor J. Michael Chavarria, Vice Chair
Governor Val Panteah, Sr., Secretary

RESOLUTION

ALL PUEBLO COUNCIL OF GOVERNORS

RESOLUTION NO. APCG 2018- 28

REQUESTING THAT ANY SANDOVAL COUNTY OIL AND GAS ORDINANCE CONTAIN TRIBAL PROTECTIONS AND ADEQUATE TRIBAL NOTIFICATION AND CONSULTATION

Acoma

Cochiti

Isleta

Jemez

Laguna

Nambe

Ohkay Owingeh

Picuris

Pojoaque

Sandia

San Felipe

San Ildefonso

Santa Ana

Santa Clara

Santo Domingo

Taos

Tesuque

Ysleta Del Sur

Zia

Zuni

WHEREAS, the All Pueblo Council of Governors (APCG) is comprised of the Pueblos of Acoma, Cochiti, Isleta, Jemez, Laguna, Nambe, Ohkay Owingeh, Picuris, Pojoaque, San Felipe, San Ildefonso, Sandia, Santa Ana, Santa Clara, Santo Domingo, Taos, Tesuque, Zia and Zuni, and one pueblo in Texas, Ysleta Del Sur, each having the sovereign authority to govern their own affairs;

WHEREAS, the purpose of the APCG is to advocate, foster, protect, and encourage the social, cultural and traditional well-being of the Pueblo Nations; and

WHEREAS, through their inherent and sovereign rights, the APCG will promote the language, health, economic and natural resources, and educational advancement of all Pueblo people; and

WHEREAS, the 20-member Pueblos of APCG possess inherent government authority and sovereignty over their lands and natural resources, which includes the protection of their language, culture and traditions intricately connected with the land and natural resources; and

WHEREAS, there are 10 Pueblos within Sandoval County comprising 15% of the County's population and approximately half of the County's land base: The Pueblos of Cochiti, Jemez, Laguna, San Felipe, San Ildefonso, Sandia, Santa Ana, Santa Clara, Santo Domingo and Zia; and

WHEREAS, the Pueblos have used the land and waters of the area now known as Sandoval County from time immemorial, and the Pueblos have an enduring obligation to protect the land, cultural resources, cultural sites, wildlife, air and water now and into the future; and

WHEREAS, the Sandoval County Commission proposes to enact an oil and gas ordinance which will affect the Pueblos and Tribes of Sandoval County, the Pueblos downstream of Sandoval County, and those with ancestral land and cultural resources within Sandoval County; and





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Zuni

WHEREAS, some of the Pueblos within Sandoval County have developed and implemented comprehensive water quality monitoring programs, water quality ordinances, and tribal and EPA-approved water quality standards; conduct and report on water quality assessments; identify non-point sources of pollution to our waterways; and have implemented wetlands protection programs; and

WHEREAS, there are cultural sites and burial grounds of our ancestors throughout all the state of New Mexico, both registered with the State Historic Preservation Office and those that remain known to and protected by Tribal Historic Preservation Offices or other similar offices, established by each respective Pueblo; and

WHEREAS, the Pueblos within Sandoval County must have adequate opportunity to meaningfully consult on any oil and gas ordinance posted for final action by the Sandoval County Commission.

NOW THEREFORE, BE IT RESOLVED, that APCG requests the Sandoval County Commission ensure any oil and gas ordinance considered for final posting include protections for tribal lands, cultural resources, water, air and wildlife.

THEREFORE, BE IT FURTHER RESOLVED, that APCG requests any Ordinance considered for final action by the Sandoval County Commission include provisions to protect tribal interests including:

1. Written notice to all Pueblos within Sandoval County and to the APCG with an opportunity for meaningful and timely government-to-government consultation regarding proposed applications for oil and gas exploration, development and permitted activities, and any other potential ground disturbing activities related to oil and gas activity.
2. Public hearings for exploratory or production well drilling permit or use applications.
3. Protections for the environment and the public from toxins and byproducts of oil and gas activities.
4. Hydrological and geological analysis which demonstrates surface and aquifer water protection.
5. Noise and light levels which are protective of human health and wildlife.
6. Baseline air and water quality information, with ongoing monitoring.





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7. Setbacks from tribal lands as established by each Pueblo.
8. Evidence that there is no encroachment onto tribal land or tribal mineral rights from wells, including horizontal drilling.
9. Proof of easements through any tribal lands and as verified by each Pueblo.
10. Compliance with tribal environmental standards for those Pueblos with treatment as state status as approved by the U.S. Environmental Protection Agency to manage water and air quality on their lands.
11. Evidence of consultation and agreement with each individual Pueblo, including Tribal Historic Preservation Offices or other similar offices, concerning how activities affecting tribal historic and cultural properties should be identified, considered, and managed.

Picuris
Pojoaque

THEREFORE, BE IT FURTHER RESOLVED, government-to-government consultation must be conducted on land use matters with at least the 10 Pueblos with lands in Sandoval County.

Sandia
San Felipe

THEREFORE, BE IT FURTHER RESOLVED, any ordinance posted for final vote must have a period for government-to-government consultation with each Pueblo of not less than thirty (30) days.

San Ildefonso
Santa Ana

THEREFORE, BE IT FINALLY RESOLVED, that for the sake of clarity and this Resolution, "government-to-government consultation" with each Pueblo includes, but is not limited to, the following:

Santa Clara
Santo Domingo
Taos

- a. Identifying and notifying the Pueblos located wholly or partially within Sandoval County, and their leadership or official designees, regarding proposed applications for oil and gas exploration, development and permitted activities, and any other potential ground disturbing activities related to oil and gas activity.

Tesuque
Ysleta Del Sur

- b. Conferring with the tribal council or appropriate tribal officials or their designees, consistent with each Pueblo's internal law, and soliciting their views on land use proposals, changes in ordinances, rules or regulations, policies and initiatives, or other Sandoval County actions in connection with oil and gas permitting and operation that might affect tribal cultural resources or practices, natural resources, economic development, access to valued locations, or other aspects of tribal life.

Zia
Zuni

- c. Treating information and preferences of the Pueblos within Sandoval County as a necessary factor in defining the range of acceptable oil and gas permitting and operation options; and





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Acoma

- d. Creating and maintaining a permanent record to show how tribal information was obtained and used in Sandoval County's decision-making process.

Cochiti

Isleta

Jemez

Laguna

Nambe

Ohkay Owingeh

Picuris

Pojoaque

Sandia

San Felipe

San Ildefonso

Santa Ana

Santa Clara

Santo Domingo

Taos

Tesuque

Ysleta Del Sur

Zia

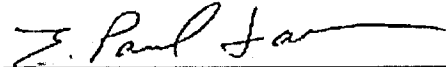
Zuni

CERTIFICATION

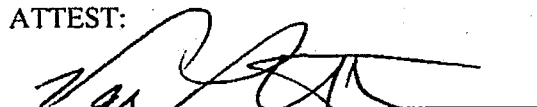
We, the undersigned officials of the All Pueblo Council of Governors hereby certify that the foregoing Resolution No. APCG 2018-28 was considered and adopted at a duly called council meeting held on the 15th day of November 2018, and at which time a quorum was present and the same was approved by a vote of 13 in favor, 0 against, 0 abstain, and 7 absent.

ALL PUEBLO COUNCIL OF GOVERNORS

By:


APCG Chairman E. Paul Torres

ATTEST:


Governor Val Panteah, APCG Secretary