

SENATE MEMORIAL 43

53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018

INTRODUCED BY

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Pursuant to House Rule 24-1, this document incorporates amendments that have been adopted prior to consideration of this measure by the House. It is a tool to show the amendments in context and is not to be used for the purpose of amendments.

A MEMORIAL

PROTECTING AND PRESERVING TRIBAL, CULTURAL AND HISTORICAL SITES AND RESOURCES IN THE GREATER CHACO CANYON LANDSCAPE.

WHEREAS, the Chaco culture national historical park is a state, national and international treasure; and

WHEREAS, the Chaco culture national historical park is but one of several sites within the greater Chaco landscape as designated by the bureau of land management of the United States department of the interior; and

WHEREAS, the greater Chaco landscape as designated by the

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bureau of land management includes the Chaco culture national historical park and numerous sites along the great northern road, a Chacoan road heading north from Chaco culture national historical park; and

WHEREAS, Chacoan roads are important archaeological resources, and they are also important cultural resources to the Native American nations, tribes and pueblos of New Mexico; and

WHEREAS, the Native American nations, tribes and pueblos of New Mexico are ancient communities, each with a unique culture, heritage, language and world view, that have worked steadfastly to maintain and protect their spirituality and traditional cultural practices; and

WHEREAS, many Native American nations, tribes and pueblos of New Mexico have an archaeological, historical and cultural connection to the Chaco culture national historical park and to many locations within the greater Chaco landscape, and they consider the national historical park and other areas within the greater Chaco landscape to be sacred sites; and

SIAC→WHEREAS, today, Native American families still reside in the greater Chaco area and deserve the protection from threats to their land, air and water; and←SIAC

WHEREAS, the protection of Chaco culture national historical park and other sites within the greater Chaco landscape, as designated by the bureau of land management, is

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essential for the continued vitality of associated Native American nations, tribes and pueblos of New Mexico; and

WHEREAS, the protection of Chaco culture national historical park and other sites is essential to protect archaeological and cultural resources of the Native American tribes, nations and pueblos, the state of New Mexico and the United States; and

WHEREAS, the protection of Chaco culture national historical park and other sites is essential to supporting the economic benefits provided by the tourism generated from visitors to the park and other sites within the greater Chaco landscape; and

WHEREAS, pursuant to the Federal Land Policy and Management Act of 1976, the bureau of land management is required to manage federal public lands "in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values"; and

WHEREAS, pursuant to the Federal Land Policy and Management Act of 1976, "The Secretary shall, with public involvement and consistent with the terms and conditions of this Act, develop, maintain, and, when appropriate, revise land use plans which provide by tracts or areas for the use of the public lands"; and

WHEREAS, pursuant to federal regulations adopted to

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implement the Federal Land Policy and Management Act of 1976, the land use process used by the bureau of land management is the development of regional management plans and amendments to those plans; and

WHEREAS, in addition to provisions for public involvement in the resource management plan through public meetings and notice and comment periods, federal law and policy mandate that the bureau of land management and the bureau of Indian affairs of the United States department of the interior consult with Indian tribes concerning cultural resources and sacred sites located on public lands, including the National Environmental Policy Act of 1969, the National Historic Preservation Act, the American Indian Religious Freedom Act, the Native American Graves Protection and Repatriation Act, Executive Order 13007 (Sacred Sites), Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments) and the Memorandum of Understanding Regarding Interagency Coordination and Collaboration for the Protection of Indian Sacred Sites; and

WHEREAS, the United States formally announced on December 16, 2010 its support for the United Nations Declaration on the Rights of Indigenous Peoples; and

WHEREAS, the United Nations Declaration on the Rights of Indigenous Peoples, in Article 8, states, "Indigenous peoples and individuals have the right not to be subject to the destruction of their culture" and that nations must provide

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effective mechanisms for the prevention of any action that has the aim or effect of depriving them of their cultural values; and

WHEREAS, the United Nations Declaration on the Rights of Indigenous Peoples, in Article 11, states, "Indigenous peoples have the right to practice and revitalize their cultural traditions and customs. This includes the right to maintain, protect, and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature"; and

WHEREAS, the United Nations Declaration on the Rights of Indigenous Peoples, in Article 18, supports the rights of indigenous peoples to participate in decision-making processes affecting their rights; and

WHEREAS, the United Nations Declaration on the Rights of Indigenous Peoples, in Article 19, requires that nations shall consult with indigenous people in good faith in order to obtain their "free, prior and informed consent" before adopting measures that affect them; and

WHEREAS, the resource management plan amendment is considering special protections for the Chaco culture national historical park, the northern road and other associated archaeological and cultural sites within the greater Chaco landscape as defined by the bureau of land management, based on

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the results of the agencies' consultation with Native American tribes, nations and pueblos; and

WHEREAS, the bureau of land management's ongoing process for amendment of the 2003 resource management plan is the mechanism for enforcement and protection of these rights;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NEW MEXICO that the United States department of the interior's bureau of land management and bureau of Indian affairs be requested to adhere to federal statutes, regulations and executive orders supporting the government-to-government relationships the United States has with the Native American nations, tribes and pueblos of New Mexico through the process of consultation; and

BE IT FURTHER RESOLVED that the United States department of the interior's bureau of land management and bureau of Indian affairs desist from any leasing or issuance of permits without prior tribal consultation in the greater Chaco landscape, as designated by the bureau of land management, until the resource management plan amendment is complete in accordance with federal law and that there be no hydraulic fracturing within a SRC→thirty-mile←SRC SRC→ten-mile←SRC radius of Chaco culture national historical park; and

BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the United States department of the interior's bureau of land management and bureau of Indian affairs, the

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secretary of cultural affairs, the secretary of Indian affairs,
the governor, the New Mexico congressional delegation and the
appropriate interim legislative committees.

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