



Navajo Nation asks BLM and BIA to suspend Farmington Mancos-Gallup RMPA planning process to allow meaningful consultation

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WINDOW ROCK, Ariz. — On Thursday, the Navajo Nation Council passed emergency legislation (Resolution No. CS-75-20) requesting both the Bureau of Land Management (BLM) and the Bureau of Indian Affairs (BIA) immediately and indefinitely suspend planning activities by the federal government for the oil and gas production activity in the Mancos Shale/Gallup Formation. The Navajo Nation's request was approved by the Council ahead of the Sept. 25 deadline for public input set by the federal agencies.

The resolution states that, due to the ongoing coronavirus (Covid-19) pandemic, Navajo communities affected by the federal government's management decisions continue to face severe challenges in holding meaningful discussions virtually.

The legislation states, "The Navajo Nation's Public Health Emergency Orders prohibit in-person meetings of five or more individuals. Order No. 2020-004. Public Health Emergency Orders have been implemented to prevent the spread of COVID-19. Telephonic and video meetings are problematic because of the limited access to these formats; many Navajo families do not have access to computers and the internet. In-person forums must have meaningful discussions of the Programmatic Agreement and the Farmington Mancos-Gallup Resource Management Plan Amendment. In-person forums of the size that are needed for these meaningful discussions are currently not advisable due to COVID-19."

Council Delegate Daniel E. Tso (Baca/Prewitt, Casamero Lake, Counselor, Littlewater, Ojo Encino, Pueblo Pintado, Torreón, Whitehorse Lake), sponsor of Resolution No. CS-75-20 stated, "It's egregious that the BLM and BIA continued forward without ever truly conducting adequate tribal consultation with the Navajo Nation mother government, the affected local community governments and the front line communities on the choices that are contained in the draft RMP-A."

The BLM and BIA are jointly developing a resource management plan (RMP) amendment to the Farmington RMP of 2003. The Mancos-Gallup Amendment is intended to include an environmental impact statement (EIS) to manage federal decisions regarding development activities, including rights-of-way, vegetation, wilderness lands, mineral leasing and associated decisions on Navajo tribal trust and individual Indian allotment lands.

The Naabik'iyáti' Committee previously approved Resolution No. NABIMY-23-20 requesting an extension to the earlier deadline of May 14 by the BLM and BIA for public input. The public input period was extended to Sept. 25. However, the Navajo Nation has maintained a strict prohibition of large social gatherings of more than five people and continues to enforce nightly and weekend curfews to combat the spread of Covid-19.

In a letter from Delegate Tso to BLM Director Tim Spisak dated Aug. 13, Delegate Tso requested the immediate and indefinite suspension of the RMP-A process. Council's resolution on Thursday further supported that request to the BLM Farmington Field Office (FFO) and BIA Navajo Regional Office (NRO).

The National Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHPA) Section 106 consultation process includes inviting consulting parties, like the Navajo Nation and surrounding tribes, to participate in the decision-making process. The resolution by the Council acknowledges that the EIS process is particularly critical due to the tribal properties and culturally significant sites within the project's area. The EIS will help determine whether the project will harm any historic properties or cultural sites and landscapes.

Adverse effects on those historic properties are addressed through a draft programmatic agreement between federal, state and Navajo Nation agencies. The programmatic agreement would establish the Navajo Nation as a consulting party and signatory through the Navajo Nation Tribal Historic Preservation Officer.

Navajo Nation Council Speaker Seth Damon (Bááhááí, Chichiltah, Manuelito, Tsé Lichíí', Rock Springs, Tsayatoh) added, "To ensure the participation of the Navajo citizenry in meaningful discussion regarding the Farmington Mancos-Gallup Resource Management Plan Amendment, the associated EIS and the underlying programmatic agreement, it is in the best interest of the Navajo Nation to request the suspension of the federal planning process for these documents and agreements until such time that the Navajo people can meet safely again."

The BLM and BIA acknowledged that the Navajo Nation has a unique perspective, understanding and knowledge about the San Juan Basin's historic properties and should be included under Section 106 of the NHPA.

The Navajo Nation's request to the BIA and BLM was given the unanimous approval of the Navajo Nation Council on Sep. 24. The resolution also authorizes the Speaker of the Navajo Nation Council and the President of the Navajo Nation, and their designees, to advocate for the suspension.

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