

**Counselor Chapter of the Navajo Nation • Polynesian Kingdom of Atooi/Hawaiian Kingdom
Pueblo of Sandia • United Nations Association Albuquerque Chapter
Californians for Western Wilderness • Center for Biological Diversity • Chaco Alliance
Common Ground Community Trust • Diné Citizens Against Ruining Our Environment • Earthworks
Food & Water Watch • Food & Water Action • Frack Free Four Corners • Frack Free New Mexico
Frack Off Chaco • Great Old Broads for Wilderness • Indigenous Womens Knowledge, Inc.
Natural Resources Defense Council • New Energy Economy • New Mexico MoveOn
New Mexico Story Power • Pueblo Action Alliance • Rio Arriba Concerned Citizens
San Juan Citizens Alliance • Sierra Club Rio Grande Chapter • SkyTruth • Southwest Native Cultures
Vitale Therapeutics, Inc. • We Are One River • Western Watersheds Project • WildEarth Guardians**

August 22, 2018

**BY ELECTRONIC MAIL AND
U.S. CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

Aden Seidlitz
Acting Director
New Mexico State Office
U.S. Bureau of Land Management
301 Dinosaur Trail
Santa Fe, NM 87508

Re: Request for Public Hearings on Proposed December 2018 Oil and Gas Lease Sale

Dear Acting Director Seidlitz:

Pursuant to the National Environmental Policy Act (“NEPA”) and in support of Articles 26, 27, 29 and 32 of the United Nations Declaration of the Rights of Indigenous Peoples, the undersigned request that the U.S. Bureau of Land Management (“BLM”) hold public hearings in conjunction with its proposed December 2018 oil and gas lease sale in New Mexico. Given the immense environmental controversy surrounding the agency’s proposed lease sale, as well as substantial public interest in holding hearings, the agency is required to hold such hearings prior to making any decision related to the December 2018 oil and gas lease sale.

In accordance with White House Council on Environmental Quality NEPA regulations, the BLM must “[m]ake diligent efforts to involve the public in preparing and implementing [its] NEPA procedures.” 40 C.F.R. § 1506.6(a). To this end, the BLM is obligated to “[h]old or sponsor public hearings or public meetings whenever appropriate[.]” *Id.* § 1506.6(c). It is appropriate to hold public hearings or meetings whenever there is “[s]ubstantial environmental controversy concerning the proposed action or substantial interest in holding the hearing.” *Id.* § 1506.6(c)(1). The agency’s duty to hold public hearings around its actions is also set forth in the BLM’s NEPA Handbook H-1790-1 at Section 6.9.1.

Here, there is no denying that there is substantial environmental controversy around the agency’s proposed lease sale in December 2018. The proposed sale includes many parcels in the Greater Chaco region, including many parcels in close proximity to Chaco Culture National Historical Park. In March of this year, the Secretary of the Interior directed the BLM to defer

leasing in the Greater Chaco region due to cultural resource concerns and public controversy and worries over the impacts of leasing. The same issues remain in relation to the December lease sale, and while we urge the BLM to similarly defer its leasing plans, we also believe the proposed action warrants a public forum for discourse and scrutiny.

The proposed lease sale is controversial given a recent federal court ruling that held the BLM illegally ignored the potentially significant environmental impacts of leasing in the Greater Chaco region. *See San Juan Citizens All. v. U.S. Bureau of Land Mgmt.*, No. 16-CV-376-MCA-JHR, 2018 WL 2994406 (D.N.M. June 14, 2018). The same environmental impacts that BLM failed to analyze in that case are also at issue in relation to the proposed December 2018 lease sale and must be addressed.

There is also substantial interest in holding a hearing. The undersigned, which represent four associated government agencies, 27 organizations, and over 5 million members, are extremely interested in having a public forum within which to engage the BLM and to voice concerns and comments. This coupled with the level of controversy and interest in oil and gas leasing issues in the Greater Chaco region, demonstrates that there is an enormous amount of public interest in holding a hearing.

We request the BLM hold at least three hearings around the December 2018 oil and gas lease sale, including one in Farmington, NM, one within the Tri-Chapter region of the Eastern Agency of the Navajo Nation (the Tri-Chapters include Ojo Encino, Torreon, and Counselor), and one in Santa Fe where the New Mexico State Office of the BLM is located.

Absent public hearings, the December 2018 oil and gas lease sale will stand as an affront to the American public interest and our right to due process. We request the BLM respond in writing to our request as soon as possible.

Sincerely,

Jeremy Nichols, Climate & Energy Program Director

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U.S. Senator Martin Heinrich
U.S. Representative Ben Ray Luján
U.S. Representative Michelle Lujan- Grisham