

116TH CONGRESS
1ST SESSION

S. 1079

To provide for the withdrawal and protection of certain Federal land in
the State of New Mexico.

IN THE SENATE OF THE UNITED STATES

APRIL 9, 2019

Mr. UDALL (for himself and Mr. HEINRICH) introduced the following bill;
which was read twice and referred to the Committee on Energy and Nat-
ural Resources

A BILL

To provide for the withdrawal and protection of certain
Federal land in the State of New Mexico.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Chaco Cultural Herit-
5 age Area Protection Act of 2019”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) there are archeological, sacred, and historic
9 resources located throughout the Greater Chaco re-

1 gion, which spans the States of New Mexico, Ari-
 2 zona, Utah, and Colorado;

3 (2) the Chaco Culture National Historical Park,
 4 a unit of the National Park System and a United
 5 Nations Educational, Scientific and Cultural Organi-
 6 zation World Heritage Site, is known around the
 7 world—

8 (A) for multi-story buildings constructed
 9 by the Chacoan people that are still standing;
 10 and

11 (B) as the nerve center of a culture that
 12 spread throughout and dominated the Four
 13 Corners area during the 9th, 10th, and 11th
 14 centuries;

15 (3) the Chacoan people built hundreds of miles
 16 of roads and a network of villages, shrines, and com-
 17 munications sites, many of which are still visible;

18 (4) many Pueblos and Indian Tribes in the
 19 Four Corners area claim cultural affiliation with,
 20 and are descended from, the Chacoan people;

21 (5) the landscape around the Chaco Culture
 22 National Historical Park includes hundreds of inter-
 23 nationally and nationally significant cultural re-
 24 sources, including prehistoric roads, communities,
 25 and shrines—

1 (A) many of which are related to the re-
2 sources found in the Chaco Culture National
3 Historical Park, including the resources recog-
4 nized by the amendment made by section 3 of
5 the Chacoan Outliers Protection Act of 1995
6 (16 U.S.C. 410ii note; Public Law 104–11)
7 providing for additional Chaco Culture Archeo-
8 logical Protection Sites;

9 (B) a significant number of which are con-
10 centrated within the immediate area sur-
11 rounding the Chaco Culture National Historical
12 Park; and

13 (C) that are commonly recognized by ar-
14 cheologists;

15 (6) long considered one of the best places for
16 stargazing in the world, Chaco Culture National
17 Historical Park—

18 (A) in 1991, established a night skies pro-
19 tection initiative and interpretive program to
20 protect the night sky in the area of the Chaco
21 Culture National Historical Park; and

22 (B) in 2013, was certified as an Inter-
23 national Dark Sky Park;

1 (7) the Greater Chaco landscape in the State of
2 New Mexico extends beyond Chaco Culture National
3 Historical Park and encompasses—

4 (A) local communities, including Pueblos
5 and Indian Tribes; and

6 (B) public land, which includes additional
7 cultural resources and sacred sites;

8 (8) for over 110 years, the Federal Government
9 has recognized the importance of the area in which
10 the Chacoan people lived and has acted to protect
11 historic and sacred sites in the area, including—

12 (A) Chaco Canyon, which was designated
13 as a National Monument in 1907 and as the
14 Chaco Culture National Historical Park in
15 1980;

16 (B) the Aztec Ruins, which was designated
17 as a National Monument in 1923 and expanded
18 in each of 1928, 1930, 1948, and 1988; and

19 (C) the 39 Chaco Culture Archeological
20 Protection Sites designated in 1995;

21 (9) recognizes that the standard for Tribal con-
22 sultation is outlined in Executive Order 13175 (25
23 U.S.C. 5301 note; relating to consultation and co-
24 ordination with Indian Tribal governments);

1 (10) extensive natural gas development has oc-
2 curred in the Greater Chaco region that affect the
3 health, safety, economies, and quality of life of local
4 communities;

5 (11) renewed interest in oil exploration and pro-
6 duction within the Mancos/Gallup Shale play has in-
7 creased the potential for—

8 (A) significant impacts on resources and
9 visitor experiences at the Chaco Culture Na-
10 tional Historical Park; and

11 (B) additional impacts on local commu-
12 nities in the Greater Chaco region, including
13 Pueblos and Indian Tribes;

14 (12) a mineral withdrawal in the landscape
15 around the Chaco Culture National Historical Park
16 would prevent leasing and development in the imme-
17 diate area surrounding the Chaco Culture National
18 Historical Park, which would protect resources and
19 visitor experiences at the Chaco Culture National
20 Historical Park; and

21 (13) additional studies and protective measures
22 should be undertaken to address health, safety, and
23 environmental impacts on communities and interests
24 of Pueblos and Indian Tribes in the Greater Chaco
25 landscape.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) COVERED LEASE.—The term “covered
4 lease” means any oil and gas lease for Federal
5 land—

6 (A) on which drilling operations have not
7 been commenced before the end of the primary
8 term of the applicable lease;

9 (B) that is not producing oil or gas in pay-
10 ing quantities; and

11 (C) that is not subject to a valid coopera-
12 tive or unit plan of development or operation
13 certified by the Secretary to be necessary.

14 (2) FEDERAL LAND.—

15 (A) IN GENERAL.—The term “Federal
16 land” means—

17 (i) any Federal land or interest in
18 Federal land that is within the boundaries
19 of the Chaco Cultural Heritage Withdrawal
20 Area, as depicted on the Map; and

21 (ii) any land or interest in land lo-
22 cated within the boundaries of the Chaco
23 Cultural Heritage Withdrawal Area, as de-
24 picted on the Map, that is acquired by the
25 Federal Government after the date of en-
26 actment of this Act.

1 (B) EXCLUSION.—The term “Federal
2 land” does not include trust land (as defined in
3 section 3765 of title 38, United States Code).

4 (3) MAP.—The term “Map” means the map
5 prepared by the Bureau of Land Management enti-
6 tled “Chaco Cultural Heritage Withdrawal Area”
7 and dated April 2, 2019.

8 (4) SECRETARY.—The term “Secretary” means
9 the Secretary of the Interior.

10 **SEC. 4. WITHDRAWAL OF CERTAIN FEDERAL LAND IN THE**
11 **STATE OF NEW MEXICO.**

12 (a) IN GENERAL.—Subject to any valid existing
13 rights, the Federal land is withdrawn from—

14 (1) all forms of entry, appropriation, and dis-
15 posal under the public land laws;

16 (2) location, entry, and patent under mining
17 laws; and

18 (3) operation of the mineral leasing, mineral
19 materials, and geothermal leasing laws.

20 (b) AVAILABILITY OF MAP.—The Map shall be made
21 available for inspection at each appropriate office of the
22 Bureau of Land Management.

23 (c) CONVEYANCE OF FEDERAL LAND TO INDIAN
24 TRIBES.—Notwithstanding subsection (a), the Secretary
25 may convey the Federal land to, or exchange the Federal

1 land with, an Indian Tribe in accordance with a resource
 2 management plan that is approved as of the date of enact-
 3 ment of this Act, as subsequently developed, amended, or
 4 revised in accordance with the Federal Land Policy and
 5 Management Act of 1976 (43 U.S.C. 1701 et seq.) and
 6 any other applicable law.

7 **SEC. 5. OIL AND GAS LEASE MANAGEMENT.**

8 (a) **TERMINATION OF NON-PRODUCING LEASES.**—A
 9 covered lease—

10 (1) shall automatically terminate by operation
 11 of law pursuant to section 17(e) of the Mineral
 12 Leasing Act (30 U.S.C. 226(e)) and subpart 3108
 13 of title 43, Code of Federal Regulations (or suc-
 14 cessor regulations); and

15 (2) may not be extended by the Secretary.

16 (b) **WITHDRAWAL OF TERMINATED, RELINQUISHED,**
 17 **OR ACQUIRED LEASES.**—Any portion of the Federal land
 18 subject to a covered lease terminated under subsection (a)
 19 or otherwise or relinquished or acquired by the United
 20 States on or after the date of enactment of this Act is
 21 withdrawn from—

22 (1) all forms of entry, appropriation, and dis-
 23 posal under the public land laws;

24 (2) location, entry, and patent undermining
 25 laws; and

1 (3) operation of the mineral leasing, mineral
2 materials, and geothermal leasing laws.

3 **SEC. 6. EFFECT.**

4 Nothing in this Act—

5 (1) affects the mineral rights of an Indian
6 Tribe or member of an Indian Tribe to trust land
7 or allotment land; or

8 (2) precludes improvements to, or rights-of-way
9 for water, power, or road development on, the Fed-
10 eral land to assist communities adjacent to or in the
11 vicinity of the Federal land.

○