



All Pueblo
Council of
Governors

Officers:
Wilfred Herrera, Jr., Chairman
Governor Phillip A. Perez, Vice-Chair
David M. Toledo, Secretary

RESOLUTION

ALL PUEBLO COUNCIL OF GOVERNORS

RESOLUTION NO. APCG 2021 – 13

SUPPORTING PRESERVATION OF THE CAJA DEL RIO TRADITIONAL CULTURAL LANDSCAPE AND URGING THE UNITED STATES FOREST SERVICE (“USFS”) AND DEPARTMENT OF ENERGY (“DOE”) TO FULLY ASSESS POTENTIAL ENVIRONMENTAL AND CULTURAL RESOURCE IMPACTS OF THE PROPOSED ELECTRICAL POWER CAPACITY UPGRADE PROJECT

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 All Pueblo Council of Governors is to advocate, foster, protect, and encourage the social, cultural and traditional well-being of the Pueblo Nations;

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

WHEREAS, the 20 Pueblos possess inherent government authority and sovereignty over their lands;

WHEREAS, the Pueblos possess their own cultural territory and sovereign right to protect their cultural resources, including their traditional cultural properties and sacred sites, whether or not these cultural resources are located within each Pueblo’s current exterior boundaries; and

WHEREAS, in the course of colonization of the American Southwest by Spain, Mexico, and the United States our Pueblo landholdings were unjustly encroached by non-Indians without the expressed consent of the Pueblos to reside or lay claim to Pueblo lands;

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



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WHEREAS, the United States Supreme Court issued United States v. Joseph (1876) ruling Pueblo peoples as New Mexico citizens and not as Indians leaving the Pueblos without the protection of the federal government from land encroachment;

WHEREAS, the Supreme Court reversed prior precedent established in Joseph to declare the Pueblos' and their people as Indians in United States v. Sandoval (1913) and declaring the Pueblos fall under the federal government's authority and guardianship, thus requiring the involvement of Congress to resolve the estimated 3,000 non-Indian claimants of Pueblo lands between 1876 thru 1934;

WHEREAS, the Pueblo Lands Act of 1924 was enacted by the federal government that would establish the Pueblo Lands Board with the authority to determine the exterior boundaries of any land granted or confirmed to the Pueblo Indians of New Mexico and in question between non-Indians and the Pueblos;

WHEREAS, in the history of the United States federal land management policy, Pueblo People have been absent in the decision making and stewardship of our existing cultural resources and landscapes;

WHEREAS, the protection of the Pueblos' cultural resources, landscapes and access to continued use of lands beyond our Pueblos existing landholdings is necessary for our survival;

WHEREAS, our Pueblo peoples are deeply connected to our languages, traditions, and cultural resources, all of which embody the gifts of the Creator, to support our responsibilities to be caretakers and stewards of the present world;

WHEREAS, the Caja del Rio is recognized by our Pueblo's traditional leadership as a significant region of Pueblo cultural properties where our ancestors built housing structures, ceremonial kivas, roads, irrigation infrastructure, petroglyphs and other cultural resources;

WHEREAS, the Caja del Rio contains a dense concentration of thousands of sacred sites, structures, petroglyphs, irrigation systems, and other cultural resources;

WHEREAS, Pueblos maintain an ongoing connection and use of the Caja del Rio landscape and its cultural resources, and sacred sites through story, song, pilgrimage, and prayer, and preserving the landscape's original historic and cultural context and setting is critical for ongoing cultural religious access and use; and

WHEREAS, many of these cultural resources and sacred sites are not documented and the Caja del Rio cultural landscape may be eligible for nomination

Acoma

Cochiti

Isleta

Jemez

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Picuris

Pojoaque

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and inclusion as a traditional cultural property in the National Register of Historic Places;

Acoma

WHEREAS, the Caja del Rio is a multi-jurisdictional landscape containing federal, state, and private land, and currently managed by the United States Forest Service (USFS), New Mexico State Land Office, and the Bureau of Land Management;

Cochiti

Isleta

WHEREAS, under the existing multi-jurisdictional landscape, the Caja del Rio continues to suffer longstanding management challenges including the desecration of cultural sites, misuse of off highway vehicles (OHV) beyond authorized law, undeterred dumping of refuse, poaching, and unregulated shooting, all of which continue to result in serious unmitigated, cumulative, and irreversible impacts to cultural resources;

Jemez

Laguna

Nambe

WHEREAS, the DOE's National Nuclear Security Administration ("NNSA") is proposing to construct and operate a 12.5-mile-long, 3-phase, overhead 115-kilovolt power transmission line to begin at the Norton Substation on BLM land spanning approximately 9.7 miles across the USFS section of Caja del Rio and 2.7 miles across White Rock Canyon to terminate at the Los Alamos National Laboratory Substation on Department of Energy land;

Ohkay Owingeh

Picuris

Pojoaque

WHEREAS, the Santa Fe National Forest Service ("SNFS") and DOE are joint lead agencies for the proposed project with DOE as the project proponent tasked with developing the environmental and cultural resource analysis under the National Environmental Policy Act ("NEPA") and SNFS tasked with evaluating environmental and cultural resource impacts (National Historic Preservation Act, 54 U.S.C. §§ 300101-307108) of the proposed EPCU project, and is in the process of developing a draft environmental assessment; and

Sandia

San Felipe

San Ildefonso

Santa Ana

WHEREAS, the National Historic Preservation Act ("NHPA") 36 CFR § 800.8(c) requires that during preparation of a NEPA Environmental Assessment the relevant federal agencies must "(1) identify consulting parties; (2) identify historic properties and assess the effects of the undertaking on such properties in a manner consistent with the standards and criteria of §§ 800.4 through 800.5..."; (3) consulting regarding the effects of the undertaking on historic properties with the SHPO/THPO, Indian tribes, and Native Hawaiian organizations that might attach religious and cultural significance to affected historic properties, other consulting parties, and the Council, where appropriate, during NEPA scoping, environmental analysis, and the preparation of NEPA documents; (4) [i]nvolve the public in accordance with the agency's published NEPA procedures..." and (5) [d]evelop in consultation with identified consulting parties alternatives and proposed measures that might avoid,

Santa Clara

Santo Domingo

Taos

Tesuque

Ysleta Del Sur

Zia

Zuni



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minimize or mitigate any adverse effects of the undertaking on historic properties and describe them in the EA or [Draft Environmental Impact Assessment]”;

WHEREAS, the Santa Fe National Forest Service has not initiated a Section 106 Process in accordance with the National Historic Preservation Act to gather requisite cultural resource information informed by tribal cultural experts designated by Federal Indian Tribes for the proposed route and alternatives; and

WHEREAS, on November 15, 2021 the Department of the Interior and the Department of Agriculture issued a joint Secretarial Order on Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Water that enjoins the federal government to the principle of Stewardship and Co-Stewardship of cultural landscapes.

NOW, THEREFORE BE IT RESOLVED, the 20 Pueblo members of the All Pueblo Council of Governors recognizes the Caja Del Rio as a significant cultural landscape important to its member Pueblos and urge the federal government that all federal management designations shall be subject to the direction and guidance of the Pueblos in accordance to the United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP) expressed Free, Prior and Informed Consent (FPIC) principle.

BE IT FURTHER RESOLVED THAT, the All Pueblo Council of Governors recognizes ongoing address by Pueblos of concerns and disputes related to unresolved historic reacquisition of land grants in the Caja del Rio cultural landscape; and

BE IT FURTHER RESOLVED THAT, the All Pueblo Council of Governors urges USFS to fully analyze environmental and cultural impacts of the proposed EPCU project by conducting a full environmental impact statement; and

BE IT FURTHER RESOLVED THAT, the 20 Pueblo members of the All Pueblo Council of Governors urges USFS to comply with statutory obligations under the National Environmental Policy Act and National Historic Preservation Act’s Section 106 Tribal Consultation process to fully analyze the historic and cultural impacts of the proposed EPCU project in coordination and in accordance with the UNDRIP’s FPIC principle consistent with the expressed cultural survival of the Pueblos and until such consent if achieved, to be incorporated into the environmental assessment and a full environmental impact statement; and

BE IT FINALLY RESOLVED THAT, the All Pueblo Council of Governors hereby authorizes the All Pueblo Council of Governors Chairman, and his designee(s), to execute all actions and documents necessary to carry out the intent of this Resolution.

Acoma

Cochiti

Isleta

Jemez

Laguna

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CERTIFICATION

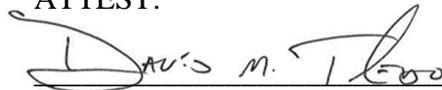
We, the undersigned officials of the All Pueblo Council of Governors hereby certify that the foregoing Resolution No. APCG 2021-13 was considered and adopted at a duly called council meeting held on 29th day of November 2021, and at which time a quorum was present and the same was approved by a vote of 15 in favor, 0 against, 0 abstain, and 5 absent.

ALL PUEBLO COUNCIL OF GOVERNORS

By:


Wilfred Herrera Jr., APCG Chairman

ATTEST:


David M. Toledo, APCG Secretary

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