



July 28, 2026

U.S. Department of the Interior
Bureau of Land Management
Farmington Field Office
6251 North College Boulevard, Suite A
Farmington, NM 87402

NEPA Number: DOI-BLM-NM-F010-2026-0002-EA
Project Name: Evaluation of Potential Revocation of Chaco Withdrawal
Environmental Assessment

The Archaeological Institute of America submits these following comments concerning the Environmental Assessment (EA) conducted under the National Environmental Policy Act (NEPA) of the proposal to revoke Public Land Order No. 7923.¹ Pursuant to Land Order No. 7923, approximately 338,690 acres of public land adjacent to the Congressionally-established boundary of the Chaco Culture National Historical Park were withdrawn for twenty years from location and entry under the mining laws and from leasing under the mineral leasing laws. These withdrawn lands constitute an approximately 10-mile buffer zone surrounding the Chaco Culture National Historical Park. As explained below, the Archaeological Institute of America believes that the Bureau of Land Management (BLM) in completing this EA failed to undertake the required investigation and assessment of the effects of this federal undertaking on cultural resources. For this reason, any further consideration of revocation of the withdrawal of these lands must be postponed until this full assessment occurs with full consideration of possible adverse effects on the cultural resources of this region surrounding Chaco Canyon.

Interest of the Archaeological Institute of America (AIA)

The Archaeological Institute of America (AIA) is a private, non-profit charitable corporation founded in 1879 and chartered by an act of Congress in 1906.² The AIA is the oldest and largest organization in the United States that is devoted to the world of archaeology. It has over one hundred local societies located throughout the United States, including in Santa Fe, New Mexico, Central Arizona (Phoenix) and Tucson, Arizona. The AIA has a membership of approximately 150,000 professional archaeologists, corresponding members, students, and lay enthusiasts united by a shared passion for the past, for archaeology and for its role in furthering human knowledge. The first excavations the AIA supported were in the southwestern United States in 1880. The AIA was instrumental in enactment of the American Antiquities Act in 1906, the first significant U.S. legislation to protect the American archaeological heritage. In 1907, the AIA founded the School of American Archaeology in Santa Fe, New Mexico, later known as the School for Advanced Research. In 2011, Congress declared the first "AIA National Archaeology Day," which is now observed annually and attracts nearly 200,000 participants.

¹ <<https://eplanning.blm.gov/Project-Home/?id=d949f582-402d-f111-8341-001dd804183b>> accessed July 22, 2026.

² Archaeological Institute of America, "History: Our Story" <https://www.archaeological.org/about/history/>.



At the core of its mission, the AIA promotes archaeological inquiry and public understanding of the material record of the human past to foster an appreciation of past cultures and how these inform a better understanding of the present and future. The AIA supports archaeologists, their research and its dissemination, and ethical professional practice; educates people of all ages about the significance of archaeological discovery, and advocates for the preservation of the world's archaeological heritage. Cultural heritage encompasses both tangible and intangible assets, memories, stories, places, and landscapes that bring communities together under a shared understanding of the past in the present. When safeguarded and protected as a whole, cultural heritage holds societies together under the roof of a collective history and a creative imagination of the future, whether it is local, regional, or national. Heritage provides communities with resilience and a sense of belonging. Archaeologists of the AIA not only play an important role in the scientific study of places, monuments, and artifacts of heritage but they are also stewards and stakeholders of heritage with their practices of care and advocacy.

Introduction

The AIA believes that the Environmental Assessment (EA) conducted by the Bureau of Land Management (BLM) fails to comply with statutory requirements. The EA failed to consider the impact of the proposed revocation of Land Order No. 7923 on (1) the preservation of archaeological and cultural resources, both those known and unknown, which would lose protection under the revocation of the withdrawal; (2) the cultural landscape as a whole, rather than in the context of specific federal projects and other undertakings, such as leases, in order to satisfy the statutory requirements of NEPA and the National Historic Preservation Act (NHPA); and (3) the potential of increased vulnerability through looting and vandalism of sites located within the withdrawn area through increased human activity. We therefore assert that the requirement to evaluate this proposed federal undertaking under Section 106 of the National Historic Preservation Act has not been satisfied.³

The National Environmental Policy Act requires that agencies consider the effects of their actions on all aspects of the human environment.⁴ As culture is an essential element of human existence, it is an element of the human environment. Therefore, cultural aspects of the natural environment, the built environment, and human social institutions must be considered in NEPA analyses. The primary vehicle for determining potential effects on historic and cultural resources is the National Historic Preservation Act. In sum, as set out below, it is not sufficient, in our view, to postpone an analysis under the NHPA, as BLM here has done,⁵ of the effects of the proposed revocation to a future date when another federal undertaking has been proposed.

President Theodore Roosevelt originally designated Chaco Canyon as the Chaco Canyon National Monument in 1907. In 1980, it was redesignated as Chaco Culture National Historical Park pursuant to an act of Congress. The cultural heritage of Chaco Canyon is an important asset for the heritage of Native American tribes and the broader

³ While there is no single definition of “cultural resources”, the Archaeological Resources Protection Act defines “archaeological resources” as “any material remains of past human life or activities which are of archaeological interest” and that are at least 100 years old. 16 U.S.C. § 470BB(1). Such resources may include pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, pit houses, rock paintings, rock carvings, graves, and human remains. *Id.*

⁴ Among the purposes of the NEPA is listed “that the Nation may—(4) preserve important historic, cultural and natural aspects of our national heritage ...”. 42 U.S.C. § 4331(b).

⁵ EA, § 2.4, at 9; § 4.3, at 67.



American public. The arid landscape surrounding Chaco Canyon contains countless archaeological and historical sites of remarkable cultural significance to Pueblo and other Tribal nations.

The Chacoan landscape was settled between ca. 850 to 1250 CE, with the construction of extensive buildings and settlements and when the area functioned as a thriving social and religious ceremonial center for the ancestral Chacoan people. “Remarkable for its monumental buildings, distinctive architecture, astronomy, artistic achievements, it served as a hub of ceremony, trade, and administration for the Four Corners Area—unlike anything before or since.”⁶ As the National Park Service website for Chaco Canyon indicates, “Chaco Canyon is a sacred and deeply personal place for many Indigenous peoples throughout the Southwest.”⁷ PLO No. 7923 protects the Greater Chaco Landscape which encompasses masonry great houses and small pueblos, the agricultural infrastructure, and hundreds of miles of roads which connect the canyon to settlements, shrines, and natural features in the surrounding area. For descendant communities of Native American tribes, this region is a living, thriving heritage landscape, visited by Pueblo people to reconnect with their ancestors and history. It is also an extremely important area for archaeological knowledge of both the prehistoric and historic periods and is of value to the entire American public.

Analysis

- (1) The BLM failed to attempt to identify previously unrecorded archaeological sites and other cultural resources located within the withdrawn area by giving insufficient time to identify such resources and by failing to consult meaningfully with Native American tribes concerning identification of additional culturally sensitive locations.

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As the EA admits, the revocation is a federal undertaking, thus triggering the requirements of Section 106 of the National Historic Preservation Act.⁸ The NHPA requires federal agencies to consider what effect a federal undertaking may have on historic properties listed, or eligible to be listed, on the National Register of Historic Places. As a first step, the agency is required to identify such historic properties that may be adversely affected by the undertaking. The agency must make a reasonable and good faith effort to identify such properties. *Pueblo of Sandia v. United States*, 50 F.3d 856 (10th Cir. 1995). The inclusion of sites eligible for listing on the National Register is particularly important for the protection of as-yet undiscovered archaeological sites and traditional cultural properties. In undertakings that may affect cultural resources, additional efforts may be required as sacred and traditional knowledge is not freely available. Once such historic properties are identified, the agency must determine whether any such properties may be affected by the undertaking.

The BLM acknowledged, in a statement submitted to Congress in 2023, that while there are 2800 documented archaeological sites in the Park, there is an additional 4730 documented sites within the 10-mile withdrawal radius outside of the Park. Revocation of the withdrawal area within a five-mile radius (Partial Revocation Alternative, Alternative C) would protect only 1900 of the documented sites, leaving 2830 unprotected. As BLM noted at the

⁶ Archaeology Southwest, “Who or What is Chaco?” <https://www.archaeologysouthwest.org/free-resources/fact-sheets/who-or-what-is-chaco/> accessed July 24, 2026.

⁷ National Park Service, “Chaco Culture” <https://www.nps.gov/chcu/index.htm> accessed July 24, 2026.

⁸ EA § 4.3, at 67.



time, “the 10-mile withdrawal would afford greater protection to Chacoan outliers, which are archaeological sites, such as roads and structures like those in Chaco Canyon that were constructed in and around the San Juan Basin. ... Fluid mineral development activities that cause ground disturbance ... have the potential to physically alter these cultural and historic sites. ...[T]hese ground disturbing activities could destroy, displace, or otherwise physically alter aspects of integrity that qualify these sites for listing on the National Register of Historic Places....⁹ In addition to these documented sites, it is acknowledged that numerous additional sites in the revocation area are undocumented.

BLM’s attempt to identify cultural resources that might be affected by the revocation focused on a records review, internal BLM sources and other repositories.¹⁰ Twenty-one outliers on BLM managed lands were identified; nine are in the larger proposed revocation area (Alternative B) and five are located in the smaller proposed revocation area (Alternative C). Other components of the Chacoan landscape include features, such as roads leading from Great Houses, some of which connect individual structures and landscape features. The EA further lists that approximately 7552 known historic properties of all cultural affiliations and time periods are present within the 10-mile withdrawal area and 4,710 within the 5-mile withdrawal area. “These numbers only represent a fraction of the sites that exist as large portions of the region have not been formally inventoried.”¹¹ Similarly, with respect to traditional cultural resources, BLM states that its numbers are “minimum estimates, as past ethnographic studies were not comprehensive and BLM lacks access to all available data.”¹² It is this lack of information, as admitted by BLM, that necessitates efforts to identify these cultural resources so that the effect of revocation on them can be adequately assessed.

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Because of the inherent sensitivity of traditional cultural resources and the Native knowledge required to conduct an effective identification of such sites, the Department of the Interior and the Chaco Heritage Tribal Association entered into a data-sharing agreement governing how and when such information would be accessed, released and used for federal purposes. The process required by the agreement, which included subsequent meetings between high-level government and tribal officials, has broken down. Nonetheless, BLM proceeded with its EA even in the absence of the information that might have been obtained.¹³ Regardless of why the agreement process broke down, BLM acknowledges that it does not have all the information it needs and which is necessary to make a good faith effort to assess the impact of the revocation on cultural and historic resources.

⁹ Statement of Nada Wolff Culver, Principal Deputy Director, Bureau of Land Management, U.S. Department of the Interior, to House Committee on Natural Resources Hearing on H.R. 4374 (July 13, 2023) <<https://www.doi.gov/ocl/hr-4374>> accessed July 24, 2026.

¹⁰ EA, § 3.4.4.2, at 30-33.

¹¹ EA, § 3.4.4.23.4.4.2, at 32.

¹² *Id.*

¹³ Chaco Heritage Tribal Association Press Release, The Department of the Interior Dismisses its Agreement to Come to the Table (July 16, 2026) <https://www.kob.com/wp-content/uploads/2026/07/2026-07-16_PR_CHTA-re-Draft-EA-PLO-7923.pdf> accessed July 26, 2026.



- (2) The BLM failed to consider the effect of the revocation of the withdrawal on the cultural landscape as an integrated whole.

The BLM did not conduct a Section 106 analysis on the revocation area as a whole to determine whether the revocation will have an effect and, if so, whether the effect is adverse and what mitigation efforts would then be required. Rather, the EA postpones an analysis to a time when an area, which has not yet been adequately inventoried for cultural resources, may be disturbed by mineral exploration or mining operations.¹⁴ The lack of analysis means that potentially adverse effects on cultural and archaeological resources will be evaluated only on a project-by-project basis. As a result, consideration of effects on cultural and historic resources will be conducted in isolation from each other. This constitutes a failure to evaluate the complete picture, which is encapsulated in the concept of cultural landscapes.

Yet, landscapes themselves are integrated, singular cultural resources. Properly caring for and protecting cultural resources may require reserving broad landscapes within which sites of cultural, archaeological and historical value are located. Archaeology studies the ancient and recent human past, including the development of human societies and cultures, through material remains. Archaeological methodology focusses on the study of both landscapes and individual sites and artifacts located within landscape-level analyses. Landscape analyses examine historic and prehistoric sites within the context of the environmental variables that influenced the human behavior that created those sites.¹⁵ Landscapes, for purposes of such analysis, refer to the natural setting that facilitated human adaptations to specific environments and the relationship of sites and objects to each other and to the natural setting. Landscapes include objects like biota (such as plants and animals used by humans), non-biotic (such as tool stone quarry sites, pottery clay sources, cliff faces suitable for granaries and rock art, alcoves for habitation, and floodplains for growing crops), and viewsheds when such viewsheds are relevant to human subsistence, such as observation points along big game migration corridors or for undertaking religious ceremonies.

Analysis at the landscape-level is considered a best practice for archaeological research. The study of individual archaeological sites and artifacts in isolation, as opposed to viewing them in relationship to each other, offers considerably less insight into the meaning and import of those sites and artifacts over space and time. Isolated sites do not fully illustrate how early humans moved across, adapted to, and utilized the land within a region, in the same way that relational and spatial analyses do. Archaeological analyses of landscapes allow understanding of the internal relationships among places physically connected via roads, pathways and trails. Separating sites and allowing development between individual sites sacrifice the connectivity and holistic nature of the settlement ecology. When evaluated individually, sites may appear to be of less importance and their cultural significance not understood to rise to a level where they should be protected. However, taken in aggregate and studied within the context of broader landscapes, these sites help explain such issues as human responses to shifting food resources

¹⁴ EA § 2.4, at 9.

¹⁵ C. Parcero-Oubiña, F. Criado-Boado, and D. Barreiro, *Landscape Archaeology*, in C. SMITH (ed) *ENCYCLOPEDIA OF GLOBAL ARCHAEOLOGY* 4379 (2014) (defining “landscape archeology” as “the analysis, through material culture, of the special dimension of human activity; in other words, exploring how human communities have related to a geographic space through time in terms of how they appropriated this space and/or transformed its appearance through work and its significance through cultural practices.”). https://doi.org/10.1007/978-1-4419-0465-2_264.



through time and in response to changing climates; the construction of the Chaco ceremonial center and its related settlements; and patterns of religious activity within a ritual calendar. Archaeological research requires studying landscapes as well as sites and artifacts at the landscape-level, which can only be accomplished if the entire landscape is conserved. Assessment of possible adverse effects under the NHPA thereby also must be done at the holistic landscape level. Analysis of landscapes unlocks information about Native American tribes and other settlers within the landscape, which are not otherwise accessible by the study of sites and artifacts in isolation.

- (3) The BLM failed to consider possible indirect effects of the revocation of the withdrawal on degradation of the integrity of archaeological sites within the revocation area due to looting and vandalism

The AIA acknowledges that the area subject to revocation of the withdrawal remains protected through other federal legislation, which prohibits the carrying out of excavation and other land disturbing activities on federal and tribal lands without a permit. Nonetheless, it is possible that the activities of prospecting for new mineral and mining opportunities may bring more individuals to this area, thus posing an indirect more specific and different type of threat from possible looting and vandalism of sites than the direct effect posed through mining and other extractive projects. The EA states that opening the area to location and entry under federal mining laws is unlikely to result in increased recreational or informal mineral collection activity; it further states that there is no documented evidence of rockhounding or casual prospecting within the withdrawn area and no known occurrences of gemstones, fossils or other collectible minerals “typically sought by recreational users.”¹⁶ It is of great concern to the AIA that no mention is made of the possible effect that revocation would have on prospecting for archaeological artifacts and that this threat was apparently not considered. Such activities are well documented as severely affecting the cultural and historical value of archaeological sites in the American Southwest.

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The greatest threats to cultural resources within the Great Chaco area include energy development, urbanization, natural weathering and deliberate destruction motivated by the innumerable artifacts looted, stolen and lost.¹⁷ Chacoan outliers include the network of connected sites of highly variable size spread across the ancient Southwest.¹⁸ These are made more vulnerable through increased development, which draws more people to the area.

Archaeological sites throughout the world are vulnerable to looting for the purpose of obtaining artifacts to sell on the market. Such looting diminishes or destroys the nonrenewable cultural value of a site that includes the stratigraphic relationship between objects and other remains. Preservation and scientific study are required to recover as much information and knowledge about the past as possible. The American Southwest is not immune to this phenomenon. Numerous cases of looting of archaeological sites and Native American burials and remains

¹⁶ EA, § 4.3, at 67; see also EA, § 3.4.4.2.2, at 32-33. Possible threats to paleontological resources through future potential development are discussed in Appendix C.

¹⁷ Archaeology Southwest, “Encroaching Development” <<https://www.archaeologysouthwest.org/encroaching-development/>> accessed July 26, 2026.

¹⁸ Archaeology Southwest, “Who or What Is Chaco?” <<https://www.archaeologysouthwest.org/free-resources/fact-sheets/who-or-what-is-chaco/>> accessed July 26, 2026.



have been recorded in the Southwest.¹⁹ The National Park Service describes looting, vandalism and unintentional disturbance of archaeological sites as a major problem in national parks and federal lands.²⁰ Native American prehistoric objects are offered for sale on the internet. For example, while not numerous, an object described as a Chaco Canyon effigy handle mug pottery was recently being offered, while more common are objects attributed to related cultures.²¹

Sites located within the withdrawal area are protected by several federal statutes, including the Archaeological Resources Protection Act, the Antiquities Act and the Native American Graves Protection and Repatriation Act. Nonetheless, protection of archaeological sites in the Southwest through this patchwork of federal laws is not as effective as it needs to be, in large measure because of the challenges of establishing from which exact land and the owner of such land an artifact originated. In the view of the AIA, any increase in human activity in these areas may create an increased risk to the preservation of these vulnerable sites.

Based on the preceding analyses, the AIA believes that the BLM has violated the requirements of the NHPA by failing (1) to adequately identify the archaeological sites and other cultural resources in the withdrawal area; (2) to assess the effect of the revocation on the sites in the withdrawal area and on the cultural landscape analyzed as a unitary whole, and (3) to assess indirect effects on sites resulting from the potential for increased looting and vandalism created by the revocation.

While the interest of the AIA focuses on the knowledge to be gained from archaeological research, we also value the continuing relationship among the land, the past and the present people. The Chaco landscape is not just a repository for the past. The Acoma governor described it as: “Chaco is not a museum. It is a part of a living landscape that is relied upon by Acoma and a number of other Pueblo people as part of their identity, their culture and their prayers.”²² The AIA therefore acknowledges that these resources are of primary relevance and cultural significance to the people whose lives are entwined with the cultural landscape.

¹⁹ See, e.g., Claire Lavarreda, “Against Looting: Research Project with the Association on American Indian Affairs and Archaeology Southwest” (April 24, 2026) (documenting over seventy cases of violations of ARPA and NAGPRA between 2006 and 2026) <https://cssh.northeastern.edu/nulab/against-looting-a-research-project-with-the-association-on-american-indian-affairs-and-archaeology-southwest/> accessed July 26, 2026.

²⁰ National Park Service, “Looting & Vandalism” <<https://www.nps.gov/subjects/archeology/looting-vandalism.htm>> accessed July 26, 2026.

²¹ See <https://nativeamericantraders.com/native-american-prehistoric-items-native-american-prehistoric-item-chaco-canyon-effigy-handle-mug-ph16/> accessed July 26, 2026. The Chaco mug is being offered at \$1100. Other objects attributed to related cultures range in price between \$525 and \$1200. No claim or assertion is made here with respect to the authenticity or legal status of these objects, as these cannot be determined based on visual inspection of an online photo. The website states the pottery “is all from old collections purchased over the years from auction houses and private individuals. We do not purchase newly collected pots.” Occasional prehistoric objects described as Chaco or attributed to related cultures may be found on eBay.

²² Joshua Bowling, NM US Rep Stansbury, Native leaders vow to fight BLM proposal to undo Chaco Canyon protections, Source NM (July 17, 2026) <https://sourcenm.com/2026/07/17/nm-us-rep-stansbury-native-leaders-vow-to-fight-blm-proposal-to-undo-chaco-canyon-protections/> accessed July 24, 2026.



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In consideration of the above, we believe that the requirements of NEPA and the NHPA to identify archaeological and cultural resources within the revocation area and to assess the effect of revocation of the withdrawal on these resources have not been satisfied. The revocation must be reconsidered in its entirety with respect to archaeological and cultural resources. The unique heritage and scientific values of the Greater Chaco Landscape require the protections created by PLO No. 7923, not only for the benefit of the Native American tribes who are connected to this land but also for the sake of all those who value humanity's archaeological past.

Sincerely,

A handwritten signature in cursive script, reading "Brian Daniels".

Brian Daniels, Ph.D., RPA, President, Archaeological Institute of America

A handwritten signature in cursive script, reading "Patty Gerstenblith".

Patty Gerstenblith, Ph.D., J.D., Member, AIA Cultural Heritage Committee