

TOHONO O'ODHAM NATION OFFICE OF THE CHAIRMAN AND VICE CHAIRWOMAN

Verlon M. Jose
CHAIRMAN



Carla L. Johnson
VICE CHAIRWOMAN

October 31, 2023

The Honorable Secretary Deb Haaland
U.S. Department of the Interior
1849 C Street, N.W., Washington, DC 20240
Email: officeofthesecretary@ios.doi.gov

RE: U.S. Bureau of Land Management Authorization of Anticipatory Demolition of San Pedro Valley Historic Properties in Response to the Notice of Dispute Concerning BLM Failures to Identify and Consult with Indian Tribes Regarding Properties of Traditional Religious and Cultural Importance

Dear Secretary Haaland:

On behalf of the Tohono O'odham Nation, we respectfully ask for your immediate intervention to halt the unlawful and deeply harmful destruction of the San Pedro Valley. We specifically request that you withdraw or suspend the limited notice to proceed ("LNTP") issued on September 26, 2023 by the New Mexico State Office of the U.S. Bureau of Land Management ("BLM") for the Arizona portion of the SunZia Southwest Transmission Project ("SunZia"). The Nation is joined by, *inter alia*, the San Carlos Apache Tribe, and Archaeology Southwest (Collectively referred to herein as the "Disputing Parties") in this plea.

This urgent request is necessary because BLM issued the LNTP in advance of the completion of both the historic property identification process and the Historic Property Treatment Plan for the historic properties adversely affected by the SunZia undertaking. BLM issued the LNTP without informing the Disputing Parties and prior to even attempting to resolve the August 4, 2023 dispute formally filed with your office and the BLM by the Disputing Parties. The LNTP is based on BLM's acceptance of a flawed and incomplete historic property inventory report that BLM knew did not identify or address many of the historic properties the Tribes and others have repeatedly advised BLM are present in the area, including Traditional Cultural Properties ("TCPs").

Our August 4 Notice of Dispute identifies the San Pedro Valley as a historic property—a TCP (or multiple properties) or a traditional cultural landscape (or multiple such landscapes) eligible for listing in the National Register. On numerous occasions over more than a decade—and most recently in the letters enclosed with the Notice of Dispute—we have advised BLM of the presence of TCPs and of the cultural salience of the San Pedro Valley as a whole.

Together We Are Stronger

Secretary Haaland

Re: BLM Anticipatory Demolition of Historic Properties During Dispute Resolution

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The initial BLM response to our Notice of Dispute was heartening. Following several exchanges New Mexico State Director Barnes' September 27, 2023 email affirmed that, "BLM is committed to ongoing consultation ... regarding this dispute and would very much like to work with you to mutually resolve it." On October 5, 2023, the Disputing Parties provided detailed suggestions to State Director Barnes on preferred processes and standards for dispute resolution.

What the Disputing Parties did not know in late September is that New Mexico BLM had, through the September 26 LNTP, authorized heavy equipment operations to build roads and clear transmission line tower pads in San Pedro Valley. The Disputing Parties learned of this apparent anticipatory demolition of one or more historic properties only this past weekend, and only after sending an investigator into the field to follow up on reports of suspicious activities. Here's what the investigator found and what we now know is still happening to the San Pedro Valley:



(October 28, 2023; photo point 13, coordinates: 32.140480°, -110.313780° – 1.5 miles west of San Pedro River)

Under your Joint Secretarial Order No. 3403 on Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters, the BLM has the obligation to, "give consideration and deference to Tribal proposals, recommendations, and knowledge that affect management decisions on such lands." Instead of shouldering these obligations and meeting Section 106 requirements for compliance with the National Historic Preservation Act in consultation with Tribes, BLM has made clear its intentions to prioritize SunZia interests.

Secretary Haaland

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We hope you will agree that bulldozers are poor tools for consultations or for treating places having exceptional significance in O'odham, Apache, and Zuni religion, culture, and history. More to the point, we request that you intervene immediately to withdraw or suspend the LNTP pending the resolution of the dispute. Finally, we ask that you assign responsibility for resolution of this dispute to a trusted official outside of the BLM.

We look forward to your prompt response to this urgent matter and, as noted in our August 4 Notice of Dispute, to restoring the Section 106 process for the SunZia undertaking to alignment with the regulations implementing the National Historic Preservation Act and other pertinent authorities. We gratefully anticipate Federal Government reassertion of Indian fiduciary responsibilities and reestablishment of lawful, meaningful, and timely government-to-government consultations regarding the proposed SunZia undertaking.

Sincerely,

TOHONO O'ODHAM NATION



Verlon Jose, Chairman Tohono O'odham Nation

Cc: Arizona State Historic Preservation Officer, Kathryn Leonard, kleonard@azstateparks.gov
Arizona State Museum Director Patrick Lyons, plyons@arizona.edu
Gila River Indian Community Governor, Hon. Stephen Roe Lewis, P. O. Box 97, Sacaton, AZ 85147
Gila River Indian Community THPO, Barnaby Lewis, Barnaby.Lewis@gric.nsn.us
Hopi Tribe Chairman, Hon. Timothy L. Nuvangyaoma, TNUvangyaoma@hopi.nsn.us
Hopi Tribe Cultural Preservation Office Director, Stewart Koyiyumtewa, SKoyiyumtewa@hopi.nsn.us
Mescalero Apache Tribe President, Hon. Gabe Aguilar, gaguilar@mescaleroapachetribe.com
Mescalero Apache Tribe THPO, Holly Houghton, holly@mathpo.org
National Trust for Historic Preservation, Elizabeth Merritt, emerritt@savingplaces.org
Pueblo of Zuni Governor, Hon. Val R. Panteah, Sr., val.panteah@ashiwi.org
Pueblo of Zuni THPO, Kurt Dongoske, kdongoske@cableone.net
Pueblo of Zuni ZCRAT, Octavius Seowtewa, oct.seowtewa@gmail.com
Tohono O'odham Nation THPO, Peter Steere, peter.steere@tonation-nsn.gov
Tohono O'odham Nation Attorney General howard.shanker@tonation-nsn.gov
San Carlos Apache Tribe Vice Chairman, Tao Etpison, tao2k10@gmail.com
San Carlos Apache Tribe THPO, Vernelda Grant, apachevern@yahoo.com
San Carlos Apache Tribe Attorney General, A.B. Ritchie, Alex.Ritchie@scat-nsn.gov
U.S. Bureau of Land Management Director Tracy Stone-Manning, apautz@blm.gov
U.S. President's Advisory Council on Historic Preservation Executive Director Reid Nelson, melson@achp.gov
San Carlos Apache Tribe Chairman Terry Rambler, trambler@scatui.net
U.S. Department of Energy Federal Preservation Officer Josh Silverman, josh.silverman@hq.doe.gov
Archaeology Southwest President and CEO William Doelle, wdoelle@archaeologysouthwest.org