

CHACO ALLIANCE

Robert Begay
BIA Regional archaeologist, Navajo Region

August 18, 2017

Re: our conversation about the Chaco road (CR7950)

Dear Robert,

Thank you for speaking with me on July 13, 2017. Two different projects, one in 2006, and one in 2014 have improved the primary road into Chaco (CR7950) to within 4.4 miles of Chaco Culture National Historical Park (CCNHP). The last unimproved section of the road crosses Navajo land, and San Juan County (SJC) has determined it has no right of way. Both the original 3 mile chip seal of the road in 2006, and the 2014 stabilized aggregate improvement, appear to have violated federal and state laws because of lack of consultation with the tribes and the SHPO as well as lacking the proper permits from the BLM. In the 2014 improvement, six archaeological sites were left unprotected, adding to potential legal issues. These sites were documented and known to both the BLM and San Juan County. I believe that the Navajo THPO was not consulted in the 2014 improvement, and I doubt that any formal consultation took place with the Navajo THPO in the 2006 improvement. The Hopi and other Pueblos were not consulted in either improvement. The BIA was never a party to the actions although the road crosses both BLM and Navajo land; the BLM should have been a party from the start, but appears to claim no responsibility in either of the final improvements. My concern is that, because of its unimproved and deteriorating condition, the last 4.4 miles of the road will become the focus of a renewed improvement effort, and that the effort will once again bypass the required consultation with the tribes and SHPO. In addition, there are four eligible NRHP archeological sites on the last 4.4 miles, all four of which are Navajo (two of the four eligible sites are also Anasazi). Those sites cannot be left unprotected as has happened in the past. Our understanding is that the road bisects two of the sites.

Having recently returned from visiting CCHNP, I am aware that the road is a contentious issue. There appears to be a lack of understanding by many, including the management of CCNHP and San Juan County, about what has happened to CR7950, and why SJC does not maintain the last 4.4 miles. There is a long history that reinforces distrust of the NPS by local residents, and that distrust often impacts the dialogue when the road is discussed. In addition, the new management of the park lacks familiarity with the complicated history of the road and with the local Navajo community. It remains unclear why the BIA/ Navajo Department of Transportation (NDOT) does not maintain the northeast 4.4 mile entrance to CCNHP since the southern road into Chaco (BIA 57) is maintained. I am aware that several members of the Nageezi Chapter have reached out to SJC about maintenance of the road. I am also aware that a 2013 Memorandum of Understanding (MOU) was made between the Navajo Nation and SJC that discusses road maintenance.

We are seeking answers to the following questions:

1) Will the BIA take an active role in educating the park, SJC, and the local chapter about the status of the last 4.4 miles of the road?

2) Will the BIA determine if it must permit any work that exceeds regular maintenance on the last 4.4 miles, even if the work is requested by the local chapter? Does the transfer of BIA funds to NDOT constitute an undertaking per Section 106 of the NHPA? And does the use of federally transferred funds for any road work constitute a federal undertaking? Will the BIA work with the park and the local chapter to get regular maintenance scheduled? Regular maintenance will solve many of the road's problems and avoid an acrimonious debate about other alternatives. The Chaco Alliance supports improvements to the road as long as those improvements follow proper consultation procedures and do not involve chip sealing. It has been determined that any road work beyond regular maintenance poses an adverse effect to the sites in and along the road, including the application of stabilized aggregate.

3) Will the BIA determine the condition of the six sites that were impacted by the 2014 road improvement as well as determining what consultation has occurred with the Navajo THPO on either the 2006 or 2014 road improvement projects? In addition, in the 1990's CCNHP bladed a new roadway in the last 4.4 miles over an existing two-track, changing the original road's path to avoid proximity to a residence. The referenced portion of the "new" road passes by or through three sites that are NRHP eligible; three of the sites are Navajo, two are also Anasazi. Since the 4.4 miles are primarily Navajo Tribal Fee land, does the BIA have any responsibility for determining what kind of consultation took place prior to the roadwork done by CCNHP?

Thank you for your time and consideration. I look forward to our continued communication, and I would be happy to send any documents you need. As you know, the area around CCNHP is active in energy development. We are concerned about impacts to the local communities from the fracking expansion, and we are concerned that the behavior SJC (and BLM) has exhibited on CR 7950 may extend to other road projects and impact more sacred sites because proper procedure is not being followed.

Sincerely,

/s/Anson Wright

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