3. Proposed work to establish mechanisms for properly managing the flow of the Peace River has been stalled by provincial jurisdictions and no timelines have been established for restarting and completing that work.

4. Work to establish water control structures in the Park and to advance modelling has been hampered by inadequate resources.

5. Indigenous groups report problems with transparency and inclusion.

Canada points to the inter-jurisdictional nature of water under Canadian law as a reason for these challenges. The Committee should expect outcomes, not a reiteration of challenges that have been known for decades. The important fact is that institutions and agreements to manage water in manner that is protective of the Park's OUV have not been established.

Despite Canada being a wealthy country, impediments from under-resourcing have stalled essential actions, including:

1. Important aspects of the environmental flow and hydrology assessment

2. The creation of a water governance framework to support environmental flow and hydrology work;

3. Installation of water control structures and weirs

4. Creation of research stations in the Peace Athabasca Delta

5. Enhancements in Peace Athabasca Delta research and monitoring, including the establishment of the proposed indigenous-led monitoring centre.

In December 2020, Canada announced that it intends to provide an additional three years of funding for the Action Plan. This appears to be a positive response to the Committee's observation that the Action Plan was inadequately resourced. However, the announcement warrants close scrutiny. For one thing, Canada has yet to provide details on how the money will be allocated, making it difficult to evaluate its sufficiency. Second, short term funding does not allow for the creation of stable governance mechanisms or meaningful partnerships with indigenous peoples. Third, short term funding is inconsistent with the need for longer term actions, like establishing an integrated cumulative effects monitoring program for the Peace Athabasca Delta. And as we observed in December: "While funding is critical, no one should lose sight of the fact funding must come with a clear timetable for taking actions and it must be combined with real commitments from all jurisdictions to fix the problems facing the Peace Athabasca Delta. Ultimately, the status of Wood Buffalo depends on how fast Canada moves to take real action to address the causes of its deterioration and establish new safeguards for the park."

For our part, as traditional stewards of the Peace Athabasca Delta, we have been investing time and resources to try to establish a partnership with Canada around the Action Plan. Yet, we struggle to match comments in the 2020 Report about Canada's "ongoing commitment to fair, transparent, and meaningful engagement" with our experience of having spent close to a full year seeking to formalize a partnership with Canada to identify priorities and substantive outcomes for Action Plan implementation without resolution. Clearly, Canada needs to do more, including providing long term funding for the monitoring and research entity proposed by the indigenous communities of Fort Chipewyan, for the words in the 2020 Report to match reality.



Fig. 4: Forest in the Site C Dam flood zone of the Peace River.
Photo: Garth Lenz / The Narwhal

Recommendations

Given the ongoing threats to the Park and the serious structural problems that undermine the prospect that the Action Plan will address the crisis with the Park,

- we recommend that the Committee note its concern that the deterioration of Wood Buffalo National Park has not been halted by the Action Plan and take appropriate steps for advisory bodies to support the Committee's consideration of inscribing the property on the 'Heritage in Danger" List.

- At the same time, we also recommend that the Committee request that the State Party address the issues raised previously by the Committee – such as immediately establishing effective water governance mechanisms and agreements, creating effective indigenous partnerships that advance reconciliation (including advancing the establishment of and long term support for the monitoring and research institution proposed by the indigenous communities of Fort Chipewyan), resolving the lack of long-term resourcing for the Plan and expanding efforts to share governance authority over the Park itself – so that those outcomes can be evaluated by advisory bodies.

Canada has the ability and resources to correct course and halt the deterioration of Wood Buffalo National Park as it says it is committed to doing. We believe the Committee has a critical role to play in making sure this happens.

Chaco Canyon and the Greater Chaco Landscape at Grave Risk Because of Oil Drilling

Paul F. Reed, Archaeology Southwest

Archaeology Southwest

Chaco Culture National Historical Park (also known as Chaco Canyon), New Mexico is under grave threat from oil-gas development (see Fig. 1). Chaco Canyon is one of only 24 World Heritage sites in the United States, and it is the one most threatened by encroaching oil-and-gas infrastructure.

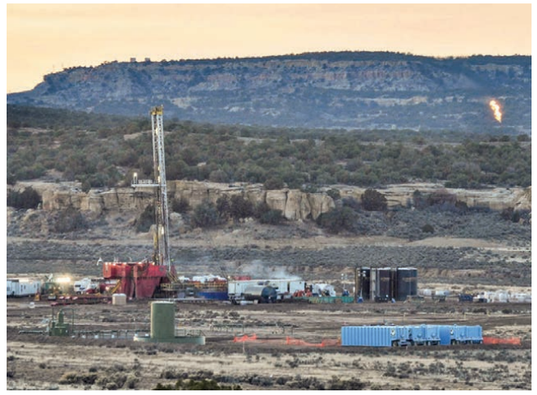


Fig. 1: Oil drilling rig at work in Greater Chaco (foreground). Note the ongoing flaring at a fracking well in the background. Photo © Paul Reed

Threats to Chaco's World Heritage Site status and impacts to its Outstanding Universal Values as a result of oil-gas development include:

1. flaring of excess natural gas from wells close to the Park's boundary, which compromises Chaco's designation as a Dark Skies Park;
2. impacts to Chaco's viewshed and soundscape as a result of visual and sound effects of infrastructure;
3. destruction of the integrity of the ancient Chacoan landscape as more and more oil wells and other facilities are built; and
4. severe impacts to the spiritual feeling and essence of the ancient Chacoan landscape.

Because of these threats, and beginning in 2016, Archaeology Southwest and its partners have strongly advocated for the creation of a 10-mile-radius protective zone. The cultural buffer area would be enforced around Chaco Canyon and two of its outlying great house communities. To put the 10-mile buffer zone in place, our coalition has pursued both legislative (through the US Congress) and regulatory (through the Federal managing agencies) action.

Chaco Canyon was the center of a thriving society that flourished in the Four Corners region of New Mexico from 850–1250 CE. The Chacoans and contemporaneous, affiliated Pueblo groups built hundreds of great house structures across the region, many of which were connected by kilometers of roads and other landscape features. This is the Greater Chaco Landscape. These places have deep spiritual and cultural importance to contemporary Pueblo people, who are descendants of the Chacoan people.

Today, this extensive ancient landscape is managed by a variety of federal, Tribal, state, and private owners. Many sites associated with ancient Chacoan society are protected within the boundaries of Chaco Culture National Historical Park. Chaco Canyon and several of its outlying great houses are UNESCO World Heritage Sites that preserve the history and culture of the Pueblo people.

Despite the protection offered by Chaco Culture National Historical Park, many sites lie outside the Park across the Greater Chaco Landscape. These places are scarcely protected from the ravages of oil-gas development, despite the World Heritage Site status of five sites / properties managed by the Bureau of Land Management (BLM). Increased oil-gas development associated with the Mancos-Gallup Shale play in northwest New Mexico has been threatening fragile Chaco-affiliated cultural resources across a large portion of the San Juan Basin since late 2011 (see Fig. 2). The threat to sensitive cultural resources is heightened by recent Trump administration orders that aim to prioritize energy development on public lands. These actions will further fragment and degrade the Greater Chaco Landscape.

In response to drastic expansion in oil drilling in the Mancos Shale formation, the BLM (Farmington Field Office) began the process of amending the long-term resource management plan for the area in 2014. Seven years later, this process is nearly complete. If the current approach continues under the incoming Biden administration, the Greater Chaco Landscape will not be protected. In their draft planning documents, the BLM and partner agency Bureau of Indian Affairs (BIA) favor policies that do not provide for a protective buffer zone around the Chaco Park. Beyond clear concerns for the protection of the World Heritage site at Chaco that a 10-mile buffer zone would offer,

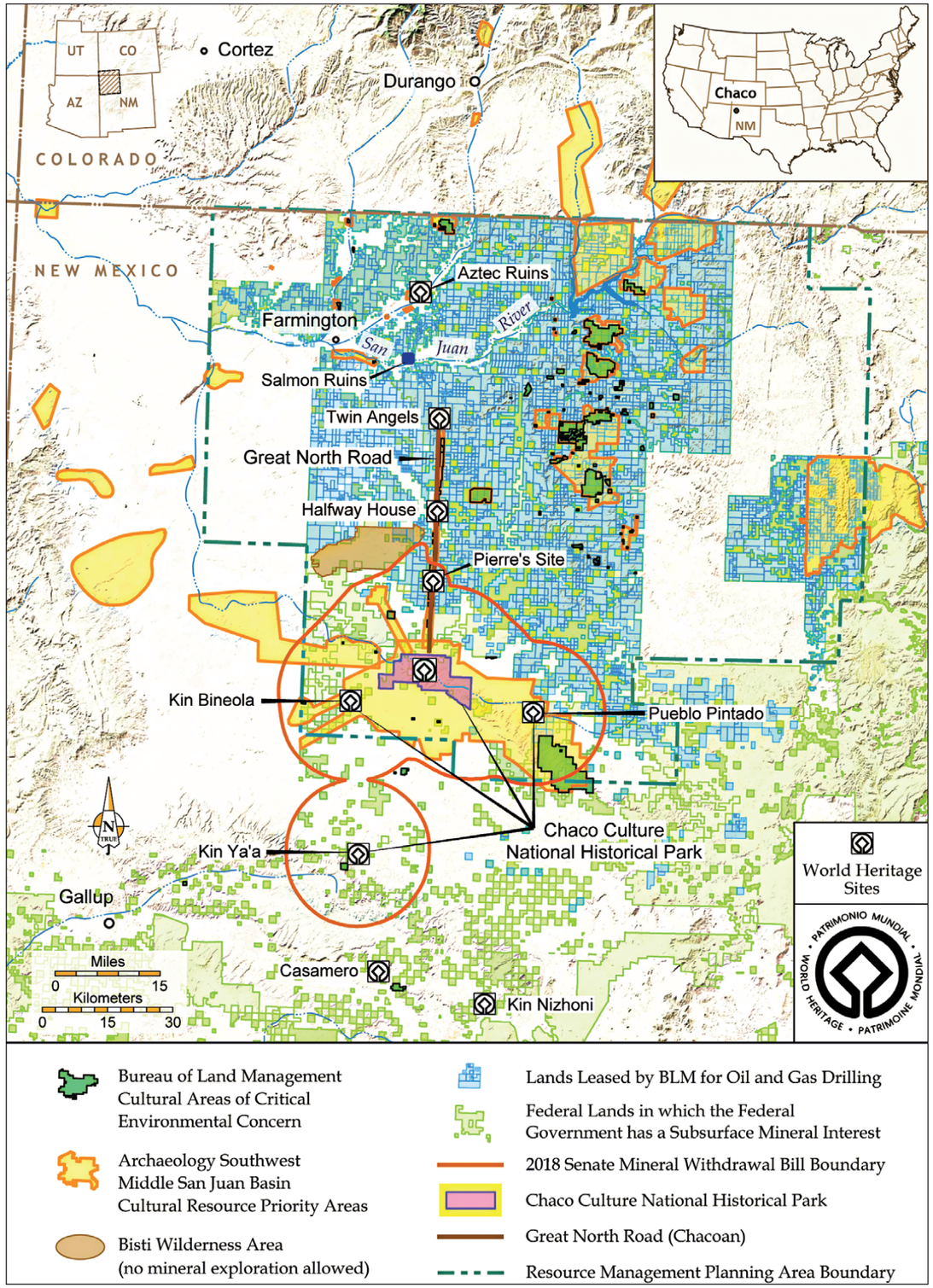


Fig. 2: The location of Chaco Culture National Historic Park, oil-gas leasing encroaching on Chaco, and the Greater Chaco Landscape in the American Southwest. Note the proposed 10-mile cultural buffer zone.

Map: Catherine Gilman for Archaeology Southwest

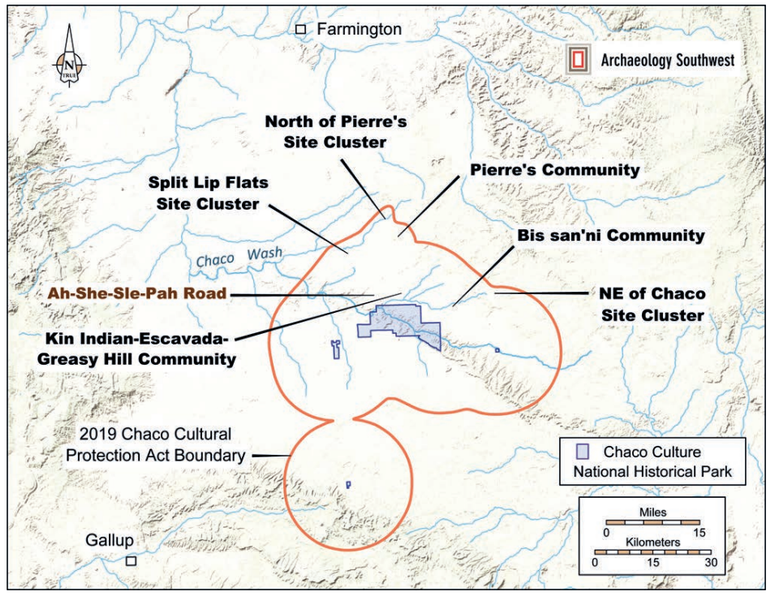


Fig. 3: The Greater Chaco Landscape showing site clusters/communities and the 10-mile cultural protection and buffer zone.

Map: Catherine Gilman for Archaeology Southwest

there are also significant concerns about the archaeological and cultural sites within the 10-mile buffer zone.

The 2019 US House of Representatives bill (HR 2181) and pending Senate companion bill, known as the Chaco Cultural Heritage Protection Act, will provide permanent protection in a 10-mile buffer zone by withdrawing the Federal minerals from oil-gas development. A version of this bill was originally introduced in the US Senate in 2018, where it was not passed out of committee. Subsequently, in 2019, the Chaco Protection Act was introduced in the US House as HR 2181 but the bill stalled in the US Senate in 2020. As the US Senate and House of Representatives begin work in 2021 under Democratic leadership, passage of the Chaco Protection Act should be near the top of the priority list. When the bill passes, it is very likely that President Biden will sign it into law. In addition, the All-Pueblo Council of Governors passed a resolution supporting the Chaco Protection Act in 2018 (APCG 2018; see Appendix).

To better understand the nature and extent of cultural resources in the 10-mile protection zone, Archaeology Southwest undertook a reconnaissance project in 2020, focusing on the northwest, north, and northeast portions; see Figure 3 (Reed 2020). The approximately 700,000-acre area encompassed by the zone contains roughly 4,200 known archaeological and historic sites. These sites speak to episodic use of the area by diverse cultural groups (Paleoindian, Archaic, Puebloan, Navajo, and others) from about 12,000 BCE to the present. Because less than 20 percent of the area enclosed by the 10-mile zone has been surveyed, however, the actual cultural and historic property count is undoubtedly much higher. In addition, little recent ethnographic work has been undertaken with any Pueblo or Tribal groups, aside from the Pueblo of Acoma's 2018 project with Archaeology Southwest. Dozens of traditional cultural properties (TCPs) were revealed during the Acoma Project, indicating that there are probably hundreds, if not thousands, of TCPs and other Tribal cultural sites as yet unidentified across Greater Chaco.

The primary objective in this work is connected to the ongoing planning processes undertaken by the BLM and BIA and focused on an examination of the Greater Chaco Landscape at a different scale than is usually pursued by the Agencies. Although the Agencies' primary avoidance policy has spared many cultural resources from outright destruction, it has resulted in a fragmented cultural landscape across the Greater Chaco Landscape. A better perspective considers cultural sites as pieces of larger communities on the landscape: a community- or landscape-based approach.

During the project, we assessed six site clusters or communities: Pierre's Community (included in the World Heritage designation for Chaco); North of Pierre's cluster; Split Lip Flat and Ah-She-Sle-Pah road cluster; Kin Indian-Escavada-Greasy Hill Community; Bis san'ni Community; and Chaco Northeast site cluster (see Fig. 3). The communities at Pierre's and Bis san'ni are well known archaeologically. The other four areas are not well known. These six areas represent a sample of the clustered sites and communities within the 10-mile zone and across Greater Chaco, and they clearly illustrate the high density of sites directly adjacent to Chaco Culture National Historic Park. These findings affirm our assertion that the 10-mile zone of protection is not arbitrary. The 10-mile zone contains irreplaceable ancient and historic sites and communities that merit greater protection than current policy and regulations provide.

Beyond the limited but important work completed by Archaeology Southwest in 2020, additional cultural research is necessary to understand the Greater Chaco Landscape and protect Chaco (see Fig. 4). Two separate cultural-ethnographic projects were funded by the US Government in 2018 and 2019. Together, these projects provide $1.4 million in funding for Pueblos and Tribes to complete ethnographic-cultural work throughout the Greater Chaco Landscape. The timeline for the larger 2019-funded project is 18–24 months. This, then, is a very good reason for BLM and BIA to suspend the current planning

process until preliminary results from these projects are available, at minimum. Many additional TCPs and other sensitive cultural sites will be identified, and these will need careful evaluation prior to new leasing or permitting of oil-gas activities.



Fig. 4: Chaco's Great North Road from the site of Pueblo Alto, looking north. This view shows the expansive Greater Chaco Landscape that surrounds the National Park.
Photo © Paul Reed

Why not manage this highly sensitive, complicated, World Heritage-protected cultural landscape with a different approach? The BLM and BIA could proactively identify areas of possible leasing where the Mancos Shale formation is present, where no families are currently living, and where known cultural and historic site densities are low. These areas could then be vetted by interested Pueblos and Tribes, and cultural resource concerns could be front-loaded into the process, rather than after oil companies have purchased lease parcels and are committed to specific locales. In addition, BLM and BIA can bring the APCG and individual Pueblos and Tribes into an active, decision-making role in the management of their ancestral lands.

It is clear that the BLM and BIA should postpone their final decisions on these planning processes and not attempt to finalize planning documents in 2021. Currently, prices for oil and gas are depressed, demand is low, and there is little prospect of improvements in the market in the near future. The draft planning documents will guide oil-gas development over the next 15 to 20 years. Delaying the final decision provides the time necessary to complete cultural-ethnographic studies that will surely inform more robust protection of the Greater Chaco Landscape and provide an appropriate protective buffer for the World Heritage sites in Chaco Cultural National Historic Park.

The 1987 UNESCO World Heritage Site designation included Chaco Culture National Historic Park (see Fig. 5), Aztec Ruins National Monument, and five additional sites/properties on BLM-managed lands across the Greater Chaco Landscape. To manage these important places across several US Government, state, Tribal, and other entities, the Interagency Management Group (IAG) was organized. This group is charged with consistent and coordinated management through review of management decisions, sharing of technical expertise, and assistance with necessary legislation. Despite the importance of the IAG in the protection of Chaco's World Heritage Sites, the group has not met for years, as of January 2021. This failure is BLM's responsibility, and it seems clear that BLM is failing to proactively to protect the universal values of these World Heritage Sites.



Fig. 5: Pueblo Bonito, the grandest of Chaco's protected World Heritage Sites.
Photo © Paul Reed

Because of the threat to Chaco and the Greater Chaco Landscape, I implore the UNESCO World Heritage Committee to immediately contact the US Dept. of Interior and BLM offices to make clear that the Agencies' plans for managing the Greater Chaco Landscape are not only wholly inadequate, but also pose great risks to Chacoan World Heritage Sites.

References

All Pueblo Council of Governors (APCG). 2018. "Resolution Supporting Legislation Withdrawing Certain Federal Land in the State of New Mexico Surrounding Chaco Culture National Historic Park from All Forms of Mineral and Geothermal Leasing." All Pueblo Council of Governors Resolution No. APCG 2018-10.

Reed, Paul F. 2020. "An Archaeological Reconnaissance of Chaco's 10-Mile Zone of Protection." Preliminary report. Archaeology Southwest Report 2020-102.

Annex: All Pueblo Council of Governors Resolution of 2018 on Chaco Culture

ALL PUEBLO COUNCIL OF GOVERNORS

Officers:
E. Paul Torres, Chairman
Governor J. Michael Chavarria, Vice Chair
Governor Val Panteah, Sr., Secretary

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Isleta
Jemez
Laguna
Nambe
Ohkay Owingeh
Picuris
Pojoaque
Sandia
San Felipe
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Santa Ana
Santa Clara
Santo Domingo
Taos
Tesuque
Ysleta Del Sur
Zia
Zuni

RESOLUTION

ALL PUEBLO COUNCIL OF GOVERNORS

RESOLUTION NO. APCG 2018-10

RESOLUTION SUPPORTING LEGISLATION WITHDRAWING CERTAIN FEDERAL LAND IN THE STATE OF NEW MEXICO SURROUNDING CHACO CULTURE NATIONAL HISTORIC PARK FROM ALL FORMS OF MINERAL AND GEOTHERMAL LEASING .

WHEREAS, the All Pueblo Council of Governors 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; and,

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; and

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

WHEREAS, each All Pueblo Council of Governors member possesses its own cultural territory and sovereign right to protect its traditional cultural properties and sacred sites, whether or not they are located within each Pueblo's current exterior boundaries; and

WHEREAS, the protection of each Pueblos' traditional cultural properties and sacred sites is necessary to each Pueblos' cultural preservation now and into the future; and

WHEREAS, preserving the traditional cultural properties and sacred sites that exist in Chaco Canyon and in the Greater Chaco Region, including, but not limited to, the Chaco Roads, and Pierre's Site, along with protection of the night skies, soundscapes, view sheds, and sight-lines within and surrounding Chaco Canyon is essential to the cultures and traditions of the 20 Pueblos;

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Taos
Tesuque
Ysleta Del Sur
Zia
Zuni

WHEREAS, the 20 Pueblos recognize that the Greater Chaco region has been greatly impacted by oil and gas production that creates environmental degradation and creates human, animal, and plant health issues; and

WHEREAS, oil and gas drilling and related infrastructure, including roads and pipelines, in the Greater Chaco Region negatively impact and harm Pueblo traditional cultural properties and sacred sites and impair the cultural landscape(s) that include these traditional cultural properties; and

WHEREAS, the Bureau of Land Management and the Bureau of Indian Affairs has leased over 91% of public lands and federal minerals in northwest New Mexico, including those areas surrounding Chaco Culture National Historic Park, for oil and gas development; and

WHEREAS, part of the remaining 9% of un-leased federal lands in northwest New Mexico administered by the Bureau of Land Management and Bureau of Indian Affairs surrounds Chaco Culture National Historic Park; and

WHEREAS, the All Pueblo Council of Governors has opposed ongoing oil and gas leasing affecting Chaco Culture National Historic Park and the 20 Pueblos' cultural resources, traditional cultural properties, and sacred sites in the Greater Chaco Region by protesting the postponed March 2018 Oil and Gas lease sale, and voiced its concerns by acting as a Cooperating Agency to the Bureau of Land Management's Resource Management Plan Amendment; and

WHEREAS, Senator Tom Udall intends to introduce legislation during the in the 115th Congress, Second Session titled the "Chaco Cultural Heritage Area Protection Act of 2018"; and

WHEREAS, the "Chaco Cultural Heritage Area Protection Act of 2018" will withdraw federal land from all forms of location, entry, and patent under the mining laws and disposition of federal land under all laws relating to mineral leasing and geothermal leasing in an area surrounding Chaco Culture National Historic Park; and

WHEREAS, protection of core area described in the proposed "Chaco Cultural Heritage Area Protection Act of 2018" attached map, described as the "Chaco Cultural Heritage Withdrawal Area", is an important step in protecting the 20 Pueblos cultural resources, traditional cultural properties, and sacred sites in the Greater Chaco Region; and

WHEREAS, the withdrawal of these federal lands from future mineral leasing and development will assist in the protection and preservation of Chaco Culture National Historic Park and those cultural resources, traditional cultural properties, and sacred sites immediately surrounding the National Park.

ALL PUEBLO COUNCIL OF GOVERNORS

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Governor J. Michael Chavarria, Vice Chair
Governor Val Panteah, Sr., Secretary

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NOW THEREFORE BE IT RESOLVED, the 20 Pueblos express their emphatic support for the proposed "Chaco Cultural Heritage Area Protection Act of 2018" planned to be introduced by Senator Tom Udall; and

BE IT FURTHER RESOLVED, the All Pueblo Council of Governors does hereby request the five members of New Mexico's Congressional delegation to take such actions to support the "Chaco Cultural Heritage Area Protection Act of 2018" as they reasonably can to ensure the introduction and passage of this bill; and

BE IT FURTHER RESOLVED, hereby authorizes the APCG Chairman, and his designees(s), to execute all actions and documents necessary to initiate the intent of this resolution.

CERTIFICATION

We, the undersigned officials of the All Pueblo Council of Governors hereby certify that the foregoing Resolution No. APCG 2018-10 was considered and adopted at a duly called council meeting held on the 17th day of May, and at which time a quorum was present and the same was approved by a vote of 17 in favor, 0 against, 0 abstain, and 3 absent.

ALL PUEBLO COUNCIL OF GOVERNORS

By: E. Paul Torres
APCG Chairman E. Paul Torres

ATTEST:
Governor Val Panteah, APCG Secretary

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