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*Preserving America's Heritage*

May 21, 2019

The Honorable Lisa Murkowski  
Chairman  
Senate Committee on Energy and Natural Resources  
Dirksen Senate Office Building, SD-304  
Washington, DC 20510

The Honorable Joe Manchin  
Ranking Member  
Senate Committee on Energy and Natural Resources  
Dirksen Senate Office Building, SD-304  
Washington, DC 20510

Dear Chairman Murkowski and Ranking Member Manchin:

I am writing to the Committee to convey the support of the Advisory Council on Historic Preservation (ACHP) for S. 1079, the Chaco Cultural Heritage Area Protection Act of 2019. The ACHP has a long history of concern for the protection of the unique resources of the Greater Chaco region and is pleased to see the Congress take steps to promote their long-term preservation.

Charged by the National Historic Preservation Act of 1966 (NHPA) to advise the President and the Congress on historic preservation matters, the ACHP's perspective on the challenges facing Chaco is twofold. First, a primary mission of the ACHP is to oversee and frequently engage in the federal historic preservation review process, established by Section 106 of the NHPA. In that capacity, the ACHP has been involved in Section 106 reviews for oil and gas development in the Chaco region for over two decades. We are fully aware of the threats that such development can pose to the fragile historic properties that comprise the Chacoan cultural heritage. Recently, I wrote to the acting Secretary of the Interior, stressing the need for a comprehensive approach to protection and sound management that has long been unmet, as evidenced by the continued recurrence of proposed lease sales that threaten to damage these sites and encroachment from approved development.

Similarly, the NHPA directs the Secretary of the Interior to coordinate participation by the United States in the World Heritage Convention in cooperation with the Secretary of State, the Smithsonian Institution, and the ACHP. To meet this statutory responsibility, the ACHP brings its expertise in the protection of historic properties, taking particular note of the treaty obligations of the United States government to protect and preserve the nation's World Heritage Sites for future generations. Chaco Culture National Historical Park and associated properties managed by the National Park Service and the Bureau of Land Management were inscribed in the World Heritage List in 1987 as the Chaco Culture World Heritage Site in recognition of their "Outstanding Universal Value." It is one of only 23 such sites in the United States.

The official "Statement of Outstanding Universal Value" for the Chaco Culture World Heritage Site, updated by the United States in 2014, states:

*... threats to its integrity from adjacent development (including associated utilities and roads), energy exploration, extraction, as well as transportation projects and proposals have increased.*

ADVISORY COUNCIL ON HISTORIC PRESERVATION

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*. . . A long-term goal for the property is to ensure that interventions that may occur within or adjacent to the property – including development, energy exploration, extraction, and transportation projects – do not have a negative impact on the property’s Outstanding Universal Value, authenticity and integrity.*

Chaco also is a place of transcendent spiritual and traditional cultural importance to Indian tribes of the region. Many Pueblos and Indian Tribes in the Four Corners region recognize that the Chaco Culture area is rich with sacred sites of utmost importance to them. The threats posed by continued development are not merely physical impacts on historic properties; they can impair the traditions and tribal way of life that has endured for centuries.

S. 1079 would take great strides in addressing these concerns and ensuring the long-term protection of this unique resource. By creating the “Chaco Cultural Heritage Withdrawal Area,” the legislation would remove development threats on federal lands within and adjacent to the Chaco National Historical Park and other portions of the World Heritage Site. It should be noted that by doing so the Congress would be fulfilling the obligations of the World Heritage Convention for states party to protect their World Heritage Sites and, where necessary, to create buffer zones for that purpose. The Operational Guidelines for the Implementation of the World Heritage Convention state:

*103. Wherever necessary for the proper protection of the property, an adequate buffer zone should be provided.*

*104. For the purposes of effective protection of the nominated property, a buffer zone is an area surrounding the nominated property which has complementary legal and/or customary restrictions placed on its use and development to give an added layer of protection to the property. This should include the immediate setting of the nominated property, important views and other areas or attributes that are functionally important as a support to the property and its protection. . .*

The provisions of S. 1079 would in large part meet the threats identified in the Chaco Culture World Heritage Site Statement of Outstanding Universal Value.

The ACHP urges the Committee to support this important step. At the same time, we would note that other actions, such as a comprehensive management plan for lands under the control of both the National Park Service and the Bureau of Land Management, the protection from development for non-federal lands within the Chaco landscape, and the engagement of local Indian tribes in the management of the greater Chaco Culture area, are desirable to further protect and preserve these important resources. The ACHP would welcome the opportunity to work with the Congress and the Administration in the future to advance these goals.

Sincerely yours,



Milford Wayne Donaldson  
Chairman