From: Schwartz, Melissa A
To: Taylor, Rachael S; Haaland, Secretary
Subject: FW: [EXTERNAL] Oil group alleges conflict over Haaland family"s advocacy
Date: Friday, December 23, 2022 10:46:45 AM

From: politicoemail@politicopro.com <alert@email.politicopro.com>
Sent: Friday, December 23, 2022 10:46 AM
To: Schwartz, Melissa A <melissa_schwartz@ios.doi.gov>
Subject: [EXTERNAL] Oil group alleges conflict over Haaland family's advocacy

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Oil group alleges conflict over Haaland family's advocacy

By Heather Richards

12/22/2022 01:42 PM EST

Oil and gas interests are criticizing Interior Secretary Deb Haaland over her child's advocacy for greater drilling protections in northern New Mexico.

The Interior Department is currently weighing a 20-year moratorium on new oil and gas leasing within 10 miles of the Chaco Culture National Historical Park, an area with deep historical significance to Pueblo people that is also rich with natural gas deposits.

Somáh Haaland, who like their mother is from the pueblos of Laguna and Jemez, recently joined a group of Indigenous advocates and community leaders in Washington to speak to members of Congress about banning oil and gas outside of the park.

Somáh Haaland is the media organizer for the Pueblo Action Alliance, which works on environmental issues in Indigenous communities. They were also the narrator of the film "Our Story: The Indigenous-Led Fight to Protect Greater Chaco," about local organizing to bar continued drilling on the Chaco landscape.

During the recent Washington trip, Sen. Martin Heinrich and Rep. Teresa Leger Fernández, both New Mexico Democrats, spoke briefly at a Dec. 14 screening of the film, according to a press release from WildEarth Guardians. Both are supporters of the "Chaco Cultural Heritage Area Protection Act of 2022," which would permanently end leasing withing 10 miles of the park.

The younger Haaland, representing the Pueblo Action Alliance, participated in a post-screening panel with other organizers and artists associated with the film.

Kathleen Sgamma, president of the Western Energy Alliance, said the advocacy work is inappropriate.

“Let’s imagine for a moment that David Bernhardt’s daughter lobbied the Interior Department regarding oil and natural gas when he was Interior secretary. The cry from the environmental lobby would be deafening,” said Sgamma. “The lack of self-awareness is stunning.”

Interior declined to comment on whether organizers spoke to Deb Haaland during the trip. Somáh Haaland declined to comment.

Jeremy Nichols, director of the climate and energy program at WildEarth Guardians, said the energy organization’s accusation of a conflict of interest was “shameful.”

“To claim that it's a conflict for Indigenous peoples with direct ties to the region, like [Somáh] Haaland, to speak out for the protection of this same landscape is reprehensible,” he said in an email. “This isn't about ethics, for the Western Energy Alliance, this is just more vicious attacks on Pueblo, Navajo, and other Indigenous people who dare speak out against the oil and gas industry's attack on the Greater Chaco landscape.”

Before joining the Biden administration, Secretary Haaland was a Democratic congresswoman for New Mexico and strongly advocated for Chaco drilling protections.

As secretary, she convened the Honoring Chaco Initiative, a series of interviews and meetings with federal agencies and tribes to cultivate a better cultural understanding of managing the landscape. She also initiated a two-year pause on new leasing around Chaco in 2021 to consider the longer moratorium.

New oil and gas leasing around Chaco has been banned for several years by Congress, pending the completion of a first-ever ethnographic, archaeological study of the area considered for a moratorium. The Senate’s omnibus spending package for fiscal year 2023, expected to pass Thursday, would continue that contingency ban.

Chaco Canyon starting around the 850 A.D. became a cultural epicenter in the Southwest, still visible today in great stone houses and remains of a well-engineered road system. The national park protects the largest standing houses, but archaeologists and Pueblo leaders have long argued that the lands around the park have many archaeological sites in need of protection.

They’ve also said continued industrialization, with pollution, noise and other disruptions, is at odds with protecting the cultural integrity of an area well-known in Pueblo history.

However, the Navajo Nation has proposed a 5-mile buffer around Chaco to allow for some additional development. Many Navajo allottees have private oil and gas drilling rights they want to exploit and fear a federal ban — which would limit direct access to federal reserves — could have a ripple effect that reduces the value of nearby drilling.

To view online:
https://subscriber.politicopro.com/article/eenews/2022/12/22/oil-group-alleges-conflict-over-haaland-familys-advocacy-00075162

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USA

From: Garcia, Monica L
To: Taylor, Rachael S
Cc: Gottry, Heather C
Subject: FW: [EXTERNAL] RE: Secretary Deb Haaland - Use of Official Title/Photo Request
Date: Thursday, December 8, 2022 6:19:40 PM

Rachael – Forwarding the email exchange below for your awareness. The website has been updated as we requested and has resolved the endorsement issues from the DEO perspective.
Please let us know if we can be of further assistance.
-Monica

From: Garcia, Monica L
Sent: Thursday, December 8, 2022 5:57 PM
To: Soni Grant <SGrant@biologicaldiversity.org>
Cc: Gottry, Heather C <heather.gottry@sol.doi.gov>; Michael J Ramsey <spokenimage1@gmail.com>
Subject: RE: [EXTERNAL] RE: Secretary Deb Haaland - Use of Official Title/Photo Request
Soni – Thank you kindly for your prompt response and making the revisions. I appreciate your honoring this request so quickly.
I will take a look and run this by the Secretary's team and let you know if we have any further requests.
Have a good evening.
-Monica

From: Soni Grant <SGrant@biologicaldiversity.org>
Sent: Thursday, December 8, 2022 4:42 PM
To: Garcia, Monica L <monica.garcia@sol.doi.gov>
Cc: Gottry, Heather C <heather.gottry@sol.doi.gov>; Michael J Ramsey <spokenimage1@gmail.com>
Subject: [EXTERNAL] RE: Secretary Deb Haaland - Use of Official Title/Photo Request

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Dear Monica,
Thank you for alerting me to this. I apologize for this error on our part. I've removed the Secretary's photo from the website and have changed any mention of her on the site (in "order of appearance" and in the thank you section – both on the about page) to "The Honorable Deb Haaland".
Could you please take a look when you have a chance and make sure this works for your team?
We are grateful for the Secretary's participation in the Our Story.
Many thanks,
Soni

Soni Grant, PhD (they/them)
NM Campaigner, Climate Law Instiute
Center for Biological Diversity
312-286-9511

From: Garcia, Monica L <monica.garcia@sol.doi.gov>
Sent: Thursday, December 8, 2022 2:06 PM
To: Soni Grant <SGrant@biologicaldiversity.org>
Cc: Gottry, Heather C <heather.gottry@sol.doi.gov>

Subject: Secretary Deb Haaland - Use of Official Title/Photo Request

Dr. Grant - Hello. I am the Deputy Director of the Departmental Ethics Office at the U.S. Department of the Interior and I'm reaching out on behalf of Secretary Deb Haaland. We are writing to request your assistance with the prompt removal of all references to the Secretary's official title as "Secretary" and removal of the Secretary's official photo from the website for the film *Our Story: The Indigenous Led Fight to Protect Greater Chaco*, at https://www.wearegreaterchaco.com/about.

As you are aware, the Secretary participated in the film *Our Story: The Indigenous Led Fight to Protect Greater Chaco* when she was an elected Member of Congress and not in her official capacity as the Secretary for the U.S. Department of the Interior. We recently learned that the website for the film references the Secretary's official title and displays her official photograph.

Please be advised that the Secretary did **not** authorize the use of her official title as "Secretary" or the use of her official photo as Secretary of the Interior in connection with her participation in the film. Furthermore, she has not and did not authorize the use of her official title or official photo on any email, social media post, advertisement, or any other communication related to the film.

As an employee within the Executive Branch, the Secretary is subject to ethics prohibitions with respect to endorsement, and she must not use or permit the use of her official position or title or any authority associated with her public office to endorse any product, service, or enterprise with limited exception. Use of the Secretary's official title and official photo on this website could raise significant concerns with respect to the ethics endorsement prohibitions.

To avoid any questions moving forward, we are requesting your assistance in removing any reference to "Secretary Deb Haaland" and removing her official photograph taken as Secretary of the Interior on the above-linked website and any other communications or materials related to the film. The Secretary, however, *may* be identified as "The Honorable Deb Haaland."

To ensure compliance with the endorsement prohibitions, we request that the Greater Chaco Coalition and any others involved with the film please review any use – including on social media – of the Secretary's name, official title, official photo, or authority as Secretary of the Interior and confirm that they are not being used in connection with her participation in the film. If any such unauthorized use is identified, please inform the Department at once and remove it immediately.

We appreciate your prompt attention to this matter. If helpful, I am happy to discuss any questions about the ethics prohibitions on the use of the Secretary's official title, official photograph, or official authority.

Thank you in advance for your assistance with this request.

- Monica

Customer service matters to us. Please take our short survey, click here.

Monica L. Garcia
Deputy Director for Ethics Law & Policy
and Alternate Designated Agency Ethics Official
Departmental Ethics Office | Office of the Solicitor
U.S. Department of the Interior | MIB 5308
(O): (202) 208-0460
(C): (202) 880-4474
Email: monica.garcia@sol.doi.gov

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From: Garcia, Monica L
To: Taylor, Rachael S
Cc: Gottry, Heather C; Kelly, Katherine P
Subject: FW: [EXTERNAL] Reminder: Chaco Canyon film screening in SVC on Dec. 14th.
Date: Thursday, December 8, 2022 5:44:57 PM
Attachments: image001.png

Rachael – Forwarding the communication sent to Athan Manuel at the Sierra club for your awareness.
Thanks very much.
-Monica

From: Garcia, Monica L
Sent: Thursday, December 8, 2022 5:44 PM
To: athan.manuel@sierraclub.org
Cc: Gottry, Heather C <heather.gottry@sol.doi.gov>
Subject: RE: [EXTERNAL] Reminder: Chaco Canyon film screening in SVC on Dec. 14th.

Mr. Manual - Hello. I am the Deputy Director of the Departmental Ethics Office at the U.S. Department of the Interior and I'm reaching out on behalf of Secretary Deb Haaland. We have received the message below and are writing to request your assistance to insure that any future communications related to the Secretary's potential attendance at an upcoming screening for the film *Our Story: The Indigenous Led Fight to Protect Greater Chaco* **do not** reference her official title as "Secretary" or "Secretary of the Interior."

Please note that if the Secretary elects to attend the upcoming December 14 screening of the film, she will do so purely in her personal capacity and not in her official capacity as Secretary of the Interior. If she elects to attend in her personal capacity, the Secretary will not make official remarks on behalf of the Department and will not engage in any discussion or answer questions with respect to the Department's official activities.

As you may be aware, the Secretary participated in the film *Our Story: The Indigenous Led Fight to Protect Greater Chaco* when she was an elected Member of Congress and not in her official capacity as the Secretary for the U.S. Department of the Interior. As such, the Secretary has **not** authorized the use of her official title as "Secretary" in connection with her participation in the film. Furthermore, she has not and did not authorize the use of her official title or official photo on any email, social media post, advertisement, or any other communication related to the film.

As an employee within the Executive Branch, the Secretary is subject to ethics prohibitions with respect to endorsement, and she must not use or permit the use of her official position or title or any authority associated with her public office to endorse any product, service, or enterprise with limited exception. Use of the Secretary's official title in connection with communications about the film could raise significant concerns with respect to the ethics endorsement prohibitions.

To avoid any questions moving forward, we are requesting your assistance in removing any reference to "Secretary Deb Haaland" on any future communications or materials related to her participation the film or with respect to her potential attendance at any events, in her personal capacity, related to the film. To the extent that she has agreed to be referenced in future communications, she would need to be listed as "The Honorable Deb Haaland."

We appreciate your prompt attention to this matter. If helpful, I am happy to discuss any questions about the ethics prohibitions on the use of the Secretary's official title, official photograph, or official authority.

Thank you in advance for your assistance with this request.

- Monica

From: Athan Manuel <athan.manuel@sierraclub.org>
Sent: Thursday, December 8, 2022 2:38 PM
Subject: [EXTERNAL] Reminder: Chaco Canyon film screening in SVC on Dec. 14th.

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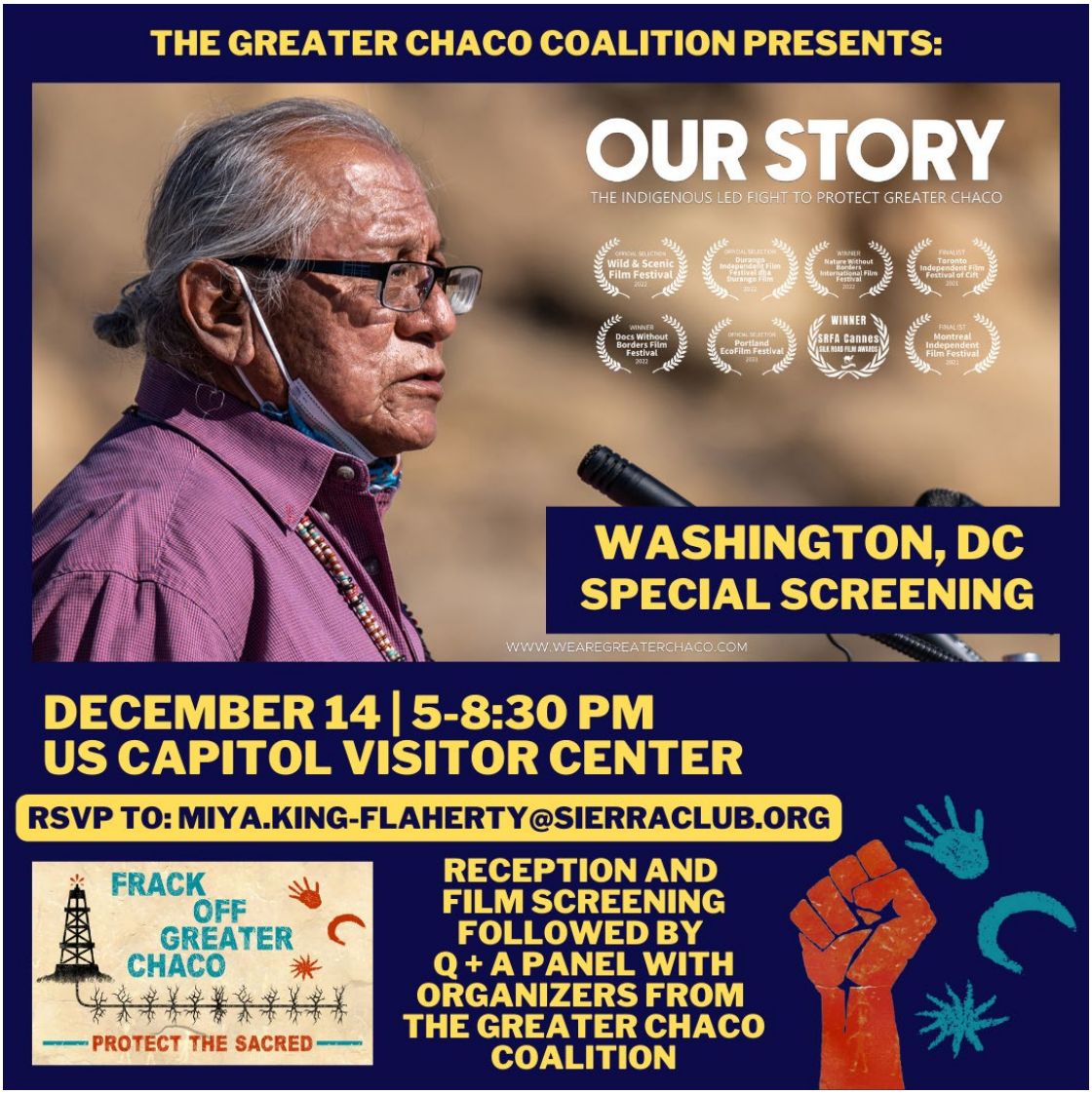
I want to remind folks that the Greater Chaco Coalition is screening their film "Our Story: The Indigenous Led Fight to Protect Greater Chaco" on Wednesday, Dec. 14th. The film is narrated by Sec. Haaland's daughter Somah, and we expect her and Sen. Heinrich (who got us the room) to attend. The reception starts at 5 pm in SVC 201/200. Please RSVP to Miya King-Flaherty if you want to join us.



--

Athan Manuel

Director, Lands Protection Program
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From: Taylor, Rachael S
To: Haaland, Secretary
Subject: FW: Ethics Review - Navajo Nation Meeting (4/25)
Date: Tuesday, April 25, 2023 10:45:05 AM
Attachments: 2023-04-07 Joint Ltr Haaland Chaco DRAFT[36][1].pdf

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Per our discussion

From: Gottry, Heather C <heather.gottry@sol.doi.gov>
Sent: Monday, April 24, 2023 5:34 PM
To: Taylor, Rachael S <rachael_taylor@ios.doi.gov>
Cc: Anderson, Robert T <Robert.Anderson@sol.doi.gov>; Bledsoe Downes, Ann M <ann.bledsoedownes@sol.doi.gov>; Garcia, Monica L <monica.garcia@sol.doi.gov>
Subject: RE: Ethics Review - Navajo Nation Meeting (4/25)

Rachael - Hello! The Departmental Ethics Office has completed a review of the request submitted by Buu Nygren, President, The Navajo Nation, and Crystalyne Curley, Speaker, Navajo Nation Council, to meet with the Secretary at the Main Interior Building in Washington, DC, on April 25, 2023.

Topline Guidance: After reviewing the information provided, the DEO has determined that there is no legal objection to the Secretary attending and participating in a meeting on April 25, 2023, with the representatives of the Navajo Nation listed below at the Main Interior Building in Washington, DC, in her official capacity and consistent with ethics guidance discussed below.

Consistent with the recusals summarized below and given the potential that discussion during the meeting requested by the Navajo Nation may focus on particular matters pending at the Department that the DEO has not reviewed for recusal compliance, we strongly recommend that, to the degree possible, the Secretary refrain from discussing any particular matters involving specific parties, such as agreements, leases, permits, litigation, contracts, allotments, *etc*. at this meeting.

Additionally, as discussed in greater detail below, we recommend that the Secretary consider the "catch all provision" in 5 C.F.R. § 2635.502 prior to exercising her discretion under section 204 of the Federal Land Policy and Management Act of 1976, as amended (FLPMA) to withdraw 336,404.42 acres of public lands located within a radius of approximately 10 miles surrounding all units of Chaco Culture National Historical Park, for 20 years, subject to valid existing rights, and document her review and determination. The DEO stands ready to assist with the review and determination as necessary and appropriate.

If the Secretary personally determines that a reasonable person with knowledge of the relevant facts would not question her impartiality in performing her official duties when exercising her discretion under section 204 of FLPMA, then she is not prohibited by the impartiality regulations from participating in the withdrawal decision as part of her official duties. While we do not believe that the Secretary is required to complete this determination prior to the meeting with Navajo Nation, we recommend it be completed as soon as practicable.

Background: As reflected in the attached letter, dated April 7, 2023, Buu Nygren, President, The Navajo Nation, and Crystalyne Curley, Speaker, Navajo Nation Council, have requested a meeting with the Secretary to discuss "concerns over the proposed withdrawal of public lands from location and entry under United States' mining laws and from leasing under the mineral leasing laws around the Chaco Culture National Historical Park for 20 years and over the Honoring Chaco Initiative."

It is the understanding of the DEO that the requested meeting has been scheduled for April 25, 2023, and that the following representative from the Navajo Nation will attend:

- Buu Nygren, President, Navajo Nation;
- Crystalyne Curley, Speaker, Navajo Nation Council;
- Bidtah Becker, Chief Legal Counsel, Navajo Nation;
- Manuel Rico, Chief of Staff Speakers Office, Navajo Nation Council;
- Jared Touchin, Deputy Chief of Staff Speakers Office, Navajo Nation Council;
- Justin Ahasteen, Executive Director Navajo Nation Washington Office (NNWO);
- Michael Lewis, Deputy Executive Director NNWO;
- Brenda Jesus, Council Delegate and Chair, Resources & Development Committee, Navajo Nation Council;
- Casey Allen Johnson, Council Delegate and Vice Chair, Resources & Development Committee, Navajo Nation Council; and
- Danny Simpson, Council Delegate, Navajo Nation Council.

As reflected in the letter dated April 7, 2023, and the meeting request information below, the leadership of the Navajo Nation have requested a meeting with the Secretary to discuss the potential withdrawal that impacts "thousands of our Navajo people who hold allotment lands and hundreds of Navajo people who live within the area of the 336,000 acres of public lands currently proposed to be withdrawn."

- Background on Proposed Chaco Area Withdrawal

On November 15, 2021, President Biden proposed the implementation of a 20-year ban on oil and gas drilling in Chaco Canyon and surrounding areas in northwestern New Mexico at the White House Tribal Nations Summit. Remarks by President Biden at the Tribal Nations Summit | The White House. On the same day, Secretary Haaland issued a press release

describes the next steps to be taken by the Department with respect to the President's proposal. https://www.doi.gov/pressreleases/secretary-haaland-announces-steps-establish-protections-culturally-significant-chaco. The landscape surrounding Chaco Culture National Historical Park is made up of lands that are owned and managed by the Bureau of Land Management (BLM), Navajo allottees, the State of New Mexico, and private individuals. The Chaco landscape also contains significant oil and gas deposits and solid mineral resources.

On November 22, 2021, Secretary Haaland completed a site visit to Chaco Canyon National Historic Park and made remarks at an event with following speakers:

- Secretary David Toledo, All Pueblo Council of Governors, Pueblo of Jemez;
- Governor Brian Vallo, Pueblo of Acoma & Chairman of the Chaco Heritage Tribal Association;
- Governor Martin Kowemy, Pueblo of Laguna;
- Chairman Timothy Nuvangyaoma, Hopi Tribe;
- Commissioner Stephanie Garcia Richard, New Mexico State Land Office;
- Rep. Melanie Stansbury, D-NM;
- Rep. Leger Fernandez, D-NM; and
- Sen. Ben Ray Luján, D-NM.

Based on the information provide to the DEO, approximately 100 stakeholders were invited to the portion of the event where the Secretary and others made official remarks. The DEO provided separate ethics guidance on that event on November 21, 2021.

On January 6, 2022, the BLM published notice in the Federal Register of the Department's proposal to withdraw 351,479.97 acres of public lands from location and entry under United States mining laws and from leasing under the mineral materials leasing laws, for a 20 year terms. 87 FR 785 (Jan. 6, 2022). This notice also segregated the identified public lands from location and entry under United States mining laws and from leasing under the mineral materials leasing laws, subject to valid and existing rights, initiated a 90-day comment period (which was subsequently extended to May 6, 2022 for a 120-day comment period) and included notice of several public meetings to discuss the proposal. In addition to requesting public comments, the BLM held the following public meetings on the proposal: February 23, 2022, in Farmington, New Mexico; February, 24, 2022, virtually; April 27, 2022, in Farmington, New Mexico; and April 29, 2022, in Albuquerque, New Mexico. BLM received 93,350 comments in response to its request for comments, of those comments 928 were unique comments and 388 were substantive comments.

As part of the consideration of the proposal published in 87 FR 785 (Jan. 6, 2022), BLM prepared a Proposed Chaco Area Withdrawal Environmental Assessment in accordance with the National Environmental Policy Act (NEPA) to analyze and disclose the environmental consequences of the proposed 20-year withdrawal of approximately 338,690 acres of BLM administered public land in northwestern New Mexico from location and entry under the US mining laws and from leasing under the mineral leasing law. On November 10, 2022, BLM released the Proposed Chaco Area Withdrawal Environmental Assessment for a 30-day public review and comment period on the BLM National NEPA Register. BLM held public meetings to discuss the Proposed Chaco Area Withdrawal Environmental Assessment on November 14, 2022 in Farmington, New Mexico, and November 15, 2022 in Bernalillo, New Mexico. BLM received 16,715 comments on the Proposed Chaco Area Withdrawal Environmental Assessment, of those comments 237 unique submissions and 179 substantive comments.

The positions of affected stakeholders as represented in the comments to the proposed withdrawal notice and the draft environmental assessment vary, with some being strongly in favor of the proposed withdrawal and others being strongly opposed to it. Based on a review by BLM, supporters of the proposed withdrawal tend to be primarily concerned with preserving the cultural resources of the greater Chacoan landscape and assert that the benefits to the cultural resources, tourism, and recreation economy will compensate for any potential economic loss that may result from prohibiting new fluid and solid mineral development in the region for 20 years. Supporters of the proposed withdrawal also cite the importance of access to lands for traditional Tribal uses. Stakeholders opposed to the proposed withdrawal generally argue that mineral development activity in the withdrawal application area is economically important, particularly to Navajo Allottees.

- Tribal Consultation on Proposed Chaco Area Withdrawal

In addition to the public meetings listed above, BLM also formally and informally coordinated and consulted with other federal agencies, state and local governments, Native American tribes, and the interested public. On January 24, 2022, the BLM initiated Tribal consultation for the proposed Chaco withdrawal on a government-to-government basis with multiple Pueblos and Tribes of New Mexico, Arizona, and Colorado by sending them a letter and map describing the proposed action and inviting consultation. On March 25, 2022, the BLM sent a second letter. The BLM also held three public meetings from April 27 to April 29, 2022, in Farmington, Nageezi, and Albuquerque, New Mexico.

The BLM met with the Navajo Nation government on April 28, 2022, in Nageezi, NM. The President of the Navajo Nation, in addition to seven members of the 24th Navajo Nation Council, including the Speaker, made statements regarding the proposed withdrawal. Former President Jonathan Nez described his concern that the proposed withdrawal would initiate unnecessary land disputes between tribes in the region, in addition to the potential financial impacts to Navajo Allottees. The Navajo Nation Council also expressed opposition to the proposed withdrawal as well as concern that the level of tribal consultation was inadequate.

The BLM also met with Navajo Allottees at outreach sessions hosted by the Federal Indian Minerals Office. These sessions were held in Nageezi, NM on January 25, 2023; Farmington, NM on February 29, 2023; Pueblo Pintado, NM on March 9, 2023; and during a virtual call-in session on February 14, 2023. Feedback from the allottees was generally regarding concerns about potential lost revenue.

The BLM met with Governors from ten Pueblo Tribes, representatives from the All Pueblo Council of Governors, including the

Governor of the Pueblo of Laguna, and the Navajo Nation President on April 29, 2022, in Albuquerque, NM. The Pueblo Tribes expressed support for the proposed 10-mile withdrawal and referenced concerns related to additional ground disturbing activities associated with oil and gas development that may result in adverse impacts, both tangible and intangible, to historic properties including traditional cultural properties and landscapes.

- Honoring Chaco Initiative

In addition to the work undertaken by the Department with respect to the withdrawal, Secretary charged BLM and the Bureau of Indian Affairs (BIA) to conduct the Honoring Chaco Initiative, a regional conversation among BLM field offices, BIA, and interested Tribes, Pueblos, and other Tribal interests in the Greater Chaco area to develop a broader cultural approach to all land management decisions across the Greater Chaco Landscape. The discussions undertaken as part of the Honoring Chaco Initiative extended beyond the boundaries of the proposed mineral withdrawal set forth in 87 FR 785 (Jan. 6, 2022), and served as a supplement to the public engagement undertaken as part of the withdrawal proposal with a goal of bringing Tribes and Pueblos, Native organizations, elected officials, and other stakeholders together to establish a shared vision for protecting and celebrating the Greater Chaco area for future generations The discussions and collaboration resulted in the Honoring Chaco Initiative Phase I Final Report (Nov. 23, 2022).

- BLM Recommendation to the Secretary on Chaco Area Withdrawal

Currently, it is the understanding of the DEO that the Secretary is considering a recommendation from BLM to exercise her discretion under section 204 of FLPMA, and withdraw 336,404.42 acres of public lands located within a radius of approximately 10 miles surrounding all units of Chaco Culture National Historical Park, with additional acreage to the northwest towards Bisti/De-Na-Zin Wilderness and the area between the main Chaco Park and Kin Ya'a to the southwest for 20 years, subject to valid existing rights.

While a number of factors and detailed analyses serve as the basis of the withdrawal recommendation under consideration, it is the understanding of the DEO that the purpose of the proposed withdrawal is to protect public lands and the greater connected landscape that contain vital and rich Puebloan and Tribal Nations archaeological resources and cultural legacies from industrial impacts associated with oil and gas exploration and development.

Within the area proposed for withdrawal, are Puebloan and Tribal Nations archaeological resources and irreplaceable cultural sites where Pueblos and Tribal Nations continue to honor their ancestral traditions and customs. Chaco Culture National Historical Park and six other nearby sites were designated as a United Nations Educational, Scientific and Cultural Organization World Heritage Site in 1987. There are 2,800 documented archaeological sites in Chaco Culture National Historical Park, and there are an additional 4,730 documented sites within the proposed 10-mile withdrawal area outside the Chaco Culture National Historical Park.

While the proposed withdrawal will protect archaeological resources and cultural sites, BLM determined that it will also impact mineral leasing and extraction as well as various Tribal interests, including those of allottees whose interests are located within the withdrawal area. Based on publicly available information, the proposed withdrawal would remove approximately 338,690 acres of federal mineral estate from mineral entry and leasing. Navajo Tribal Trust Lands within the withdrawal area overlay 130,470 acres with federal minerals, 116,160 acres of which are currently unleased and would be withdrawn from mineral entry. Even with the withdrawal, existing leases not held by production could be developed, relinquished by the lessee, or expire if not developed within the lease term. The withdrawal would also not affect existing valid leases or rights and would not apply to minerals owned by private, state, or tribal entities.

More specifically, the proposed withdrawal will withdraw the identified public lands from entry under the Mining Law of 1872 and the Mineral Leasing Act of 1920 for 20 years. The withdrawal is specific to certain minerals. Minerals regulated under the Mining Law of 1872, such as uranium, silver, gold, etc., as well as minerals that are regulated under the Mineral Leasing Act of 1920, such as coal, oil and natural gas will be restricted and no new leasing and no new mines will be allowed within the withdrawal area. The proposed withdrawal would not apply to minerals regulated under the mineral materials law, such as humate, sand, gravel, and clinker. These materials would continue to be able to be extracted from public lands. The proposed withdrawal would also be subject to valid existing rights, and Applications for Permit to Drill and/or other permits for activities associated with valid existing leases may continue to be submitted and approved. The BLM would retain the ability to authorize rights-of-way, easements, non-oil/gas leases, permits, or any other activity consistent with the existing BLM Farmington Field Office's Resource Management Plan and Record of Decision (as amended).

BLM also considered the following factors in its recommendation to the Secretary:

- Within or partially within the proposed withdrawal area, there are 80 existing oil and gas leases encompassing approximately 94,500 acres of federal mineral estate; approximately 71,900 acres of those leases lie within the proposed withdrawal area. As of August 2, 2022, 78 of these leases are held by production (meaning there is one or more economically producing well on the lease, so the lease can continue to produce and remains valid beyond its primary term). Two leases, which total approximately 800 acres, are not held by production.
- In the withdrawal area, approximately 294,670 acres of federal minerals are suitable for coal leasing, 41,190 acres are unsuitable for leasing, and 2,830 acres are subject to an existing withdrawal. The area proposed for withdrawal is intersected by parts of the Bisti Coal Field, Star Lake Coal Field, and Crownpoint Coal Field. There are no active mines in the proposed withdrawal area. The proposed withdrawal would result in the closure of the area to coal leasing, and BLM does not anticipate that any new coal operations would open in the proposed withdrawal area over the next 20 years.
- The withdrawal would prevent additional exploration for uranium resources; however, valid existing uranium claims in the area would not be impacted, and development of these claims could be pursued. The BLM does not anticipate any impacts on the level of uranium in the area proposed for withdrawal.

Additionally, BLM in their recommendation considered the impact on Indian Allottees with interests in the withdrawal area.

Based on available information, many Navajo Allottees depend economically on the development of minerals within the area. Navajo allotments consist of 160-acre (one-half-mile square) tracts, often in a checkerboard pattern with adjacent federal mineral estate. Current oil and gas development north of Chaco Culture National Historical Park involves horizontal drilling that extends up to 2 miles. As a potential consequence of the withdrawal of adjacent federal mineral estate, individual allotments may not be developed as efficiently. Thus, while the withdrawal would not prohibit the Navajo Allottees from leasing their minerals, withdrawing the federal mineral estate may affect development of the Navajo allotted lands.

To better understand potential impact of the with withdrawal, BLM analyzed the 1,269 allotments held by Navajo Allotees within or intersecting the proposed withdrawal area boundary to determine the potential impact to future leasability. The allotments were analyzed with respect to proximity to development potential, proximity to federal minerals proposed to be withdrawn, the allotment's lease status, and the allotment's adjacency to existing federal, state, and allotted fluid mineral leases. Eleven allotments were categorized as high potential impact, 39 allotments were categorized as moderate potential impact, 177 allotments categorized as low potential impact, and 1042 categorized as negligible impact.

In addition to the impact on Navajo Allottees, BLM determined that employment in mineral extraction-related occupations would experience a decline from the reduction of available opportunities within the withdrawal area. The proposed withdrawal would result in an estimated 5.3 percent annual reduction in total employment in the mining sector within the four-county study area and reductions in gross receipts tax revenue from oil and gas production of approximately 32 percent. BLM estimates that the potential development of a total of 47 new oil and gas wells (20 horizontal and 27 vertical or directional) would be foregone because of the withdrawal. Reduced mineral revenues would also occur because of the withdrawal of lands from mineral entry. The withdrawal would result in an estimated loss of up to 49 jobs and $12.2 million in total economic contributions per well, per year, over the 20-year withdrawal time frame. This loss of 49 jobs would represent only 5.3 percent of total employment in the mining sector within the four-county study area of the withdrawal. The withdrawal would also result in a long-term loss of potential royalties to the United States government of approximately $4 million per year for the 20-year withdrawal.

BLM also considered and determined that the effects on low-income communities and minority communities from the withdrawal of public land from federal mineral leasing adjacent to or under the subset of tribal lands not currently leased with high mineral potential would not be disproportionate by comparison with the effects of the withdrawal of public land from federal mineral leasing adjacent to or under non-tribal lands.

Finally, BLM considered whether the proposed withdrawal would impact listed species and designated critical habitat. The BLM has determined that the proposed withdrawal would have "no effect" on federally listed plants and animals or their habitat under the Endangered Species Act due to lack of suitable habitat within the action area.

It is the understanding of the DEO that the recommendation regarding the Chaco Area withdrawal is currently pending final determination by the Secretary.

Ethics Analysis: The DEO defers to the Secretary's determination that participating in the meeting requested by the Navajo Nation further the mission and work of the Department. It is our understanding that the Secretary will be participating in this meeting in her official capacity.

- Recusal Reminder

The Secretary has a limited recusal with respect to the Pueblo of Laguna. Under this recusal, she may participate in particular matters at the Department involving the Pueblo of Laguna, if the particular matter does not involve the Pueblo as a specific party to the particular matter. Additionally, the Secretary has a recusal from particular matters involving specific parties in which the Laguna Community Foundation is a party or represents a party and a recusal from particular matters involving her spouse's consulting business and his clients, the Laguna Development Corporation and South Shore Resources, LLC in Nevada.

In order to ensure compliance with the Secretary's recusal from particular matters involving specific parties in which the Pueblo of Laguna is a specific party and taking into account both the stated purpose of the meeting requested by the Navajo Nation and the fact that the Pueblo of Laguna was consulted during the withdrawal process the DEO reviewed whether the Secretary's decision regarding withdrawal qualifies as a particular matter involving specific parties under applicable ethics laws and regulations.

- Ethics Considerations Raised by Prior Policy Positions & Child's Employment by Pueblo Action Alliance

It is the understanding of the DEO that, while serving as a member of Congress, Secretary Haaland publicly expressed her support for greater protections for the Chaco Area, including a withdrawal, in a variety of media and places. As a general matter, the policy positions supported by federal employees prior to federal employment or after federal employment but in an employee's personal capacity do not create required recusals under either 18 U.S.C. § 208 or 5 C.F.R. § 2635.502(a), unless additional factors are present such as a direct or imputed financial interest, a "covered relationship," or an impact on the financial interests of a member of the employee's household. The recusals required by ethics laws and regulations are focused on financial interests, entities, and certain defined relationships, and do not as a general matter extend to policy or other philosophical positions or viewpoints.

As an example, then-Congresswoman Haaland participated in the film *Our Story: The Indigenous Led Fight to Protect Greater Chaco* and not in her official capacity as the Secretary for the U.S. Department of the Interior. This film is narrated by the Secretary's child and presented by the Greater Chaco Coalition.

The Greater Chaco Coalition (a/k/a Frack Off Chaco) is not a separately incorporated legal entity, but rather is a collaborative effort between Indigenous community leaders, Native American groups, non-profit organizations, and public lands and water protectors, including the following: Diné C.A.R.E., Dooda Fracking, Food & Water Watch, Frack Free Four Corners, Frack Free New Mexico, Great Old Broads for Wilderness, New Energy Economy, Natural resources Defense Council, San Juan Citizens

Alliance, Sierra Club – Rio Grande Chapter, Tewa Women United, Western Environmental Law Center, Wild Earth Guardians, Pueblo Action Alliance, Center for Biological Diversity, Common Ground Rising, Amigos Bravos, Center for Civic Policy, Rainforest Action Network, GreenFaith, and 350 Hawaii. *See* https://www.frackoffchaco.org/.

The DEO also understands that the Secretary's child is an employee of the Pueblo Action Alliance. The Pueblo Action Alliance is a "community driven grassroots organization that protects Pueblo cultural sustainability and community defense by addressing environmental and social impacts in Indigenous communities." *See* **https://www.puebloactionalliance.org/purpose**. As noted above, the Pueblo Action Alliance is a member of the Greater Chaco Coalition and has a stated advocacy position focused on protecting the Chaco area. *See* **https://www.puebloactionalliance.org/protectgreaterchaco**.

Based on the information provided to the DEO, the Secretary does not have any direct or imputed financial interests under 18 U.S.C. § 208 with the Greater Chaco Coalition, the Pueblo Action Alliance, or her child. Further, as required by 5 C.F.R. § 2635.502(a) and reflected in her Ethics Recusals & Screening Arrangement, dated May 18, 2022, if the Secretary knows that a particular matter involving specific parties is likely to have a direct and predictable effect on the financial interest of a member of her household, or knows that a person with whom she has a "covered relationship" is or represents a party to such matter, and where she determines that the circumstances would cause a reasonable person with knowledge of the relevant facts to question her impartiality in the matter, she may not participate in the matter unless she has informed the DEO of the appearance problem and received written authorization from the DEO to participate in the matter.

Based on information available to the DEO, the Secretary's child is not currently a member of her household and she does not have a "covered relationship" as defined in 5 C.F.R. § 2635.502(b) with the Pueblo Action Alliance because it is the understanding of the DEO that the Secretary's child is not a dependent child. 5 C.F.R. § 2635.502(b)(1)(iii). While the Secretary's prior support for greater protections for the Chaco Area and her child's employment with the Pueblo Action Alliance and involvement with the Greater Chaco Coalition do not trigger the recusal requirements in 18 U.S.C. § 208 or 5 C.F.R. § 2635.502(a), the DEO recommends (b) (5) [redacted]

Under the "catch all provision," if the Secretary determines that the circumstances, including her prior support for protecting the Chaco area and child's employment, could raise a question regarding her impartiality in performing her official duties in making a decision regarding the withdrawal, she should consider the relevant facts about the particular matter in question and determine whether she believes that a reasonable person with knowledge of those facts would question her impartiality in performing her official duties in the particular matter. As noted above, we recommend (b) (5) [redacted]

(b) (5) [redacted]

- Definitions of "Matter," "Particular Matter of General Applicability," or "Particular Matter Involving Specific Parties"

In order to assess whether any of the Secretary's recusals or other ethics considerations may require her non-participation in the exercise of her Secretarial discretion under section 204 of FLPMA to withdraw 336,404.42 acres of public lands located within a radius of approximately 10 miles surrounding all units of Chaco Culture National Historical Park, for 20 years, subject to valid existing rights, it is important to determine whether the decision currently pending before her constitutes a "particular matter involving specific parties" as defined in 5 C.F.R. § 2635.402(b)(3); 5 C.F.R. § 2640.201; 5 C.F.R. § 2641.201(h)(1)-(2); and OGE DO-06-029, *"Particular Matter Involving Specific Parties," "Particular Matter," and "Matter"* (Oct. 4, 2006) (OGE DO-06-029).

As a general matter, case-by-case factual analysis and ethics review will be required in most circumstances in order to determine whether an issue, decision, or action involving the withdrawal and pending before the DOI should be categorized as a "matter," "particular matter of general applicability," or "particular matter involving specific parties". This categorization will in turn govern whether the Secretary and other DOI employees, may participate in the issue, decision, or action involving proposed withdrawal and pending before the DOI, or whether they are required to disqualify themselves or recuse from participation pursuant to 18 U.S.C. § 208 or 5 C.F.R. § 2635.502.

For purposes of analyzing under ethics laws, regulations, and rules whether and to what extent the Secretary is required to recuse from participating in a policy, operational and/or programmatic issue, decision, and/or action involving the proposed Chaco Area withdrawal and recommendation depends on whether it is categorized as a "matter," "particular matter of general applicability," or "particular matter involving specific parties." These are terms of art with established meanings defined in ethics laws and regulations as well as guidance from the OGE. 5 C.F.R. § 2635.402(b)(3); 5 C.F.R. § 2640.201; 5 C.F.R. § 2641.201(h)(1)-(2); OGE DO-06-029, *"Particular Matter Involving Specific Parties," "Particular Matter," and "Matter"* (Oct. 4, 2006).

  - Definition of a "Matter"

In the context of the ethics statutes and regulations, the unmodified term "matter" can refer to virtually all Government work from the broadest to the most narrow issue, decision, and/or action. OGE DO-06-029 at 10-11. The broad definition of

"matter" also includes any "particular matter", including "particular matters of general applicability" or "particular matters involving specific parties." *Id* at 11.

While the term "matter" is not affirmatively defined in the ethics regulations, it is generally accepted that the consideration of broad policy options that are directed to the interests of a large and diverse group of persons, such as health and safety regulations applicable to all employers or a legislative proposal for tax reform would not qualify as either "particular matters of general applicability" or "particular matters involving specific parties." 5 C.F.R. § 2635.402(b)(3).

Therefore, if an issue, decision, and/or action pending at the DOI is (1) broad and (2) directed to the interests of a large and diverse group of persons, then the recusal and disqualification requirements found in ethics laws, regulations, and rules for "particular matters of general applicability" and "particular matters involving specific parties" would not apply, and the Secretary will generally be able to fully participate in the issue, decision, and/or action.

- Definition of "Particular Matter"

The term "particular matter" means any matter that involves "deliberation, decision, or action that is focused on the interests of specific persons or a discrete and identifiable class of persons." 5 C.F.R. § 2635.402(b)(3); 5 C.F.R. § 2640.103(a)(1). The term "particular matter", however, "does not extend to the consideration or adoption of broad policy options that are directed to the interests of a large and diverse group of persons." 5 C.F.R. § 2635.402(b)(3). Based on this definition it is clear that "particular matters" may include matters that do not involve specific parties and are not "limited to adversarial proceedings or formal legal relationships." Van Ee v. EPA, 202 F.3d 296, 302 (D.C. Cir. 2000) (Van Ee)(In Van Ee, the D.C. Circuit examined whether the public comment phase on a proposed Environmental impact Statement (EIS) related to land use plans was a "particular matter," and determined that because the focus of the decision to be made by the agency following the public comment phase on the proposed EIS was not on the interests of particular groups or individuals, the public comment phase of a proposed EIS on a land use plan did not constitute a "particular matter.")

The term "particular matter" generally covers two categories of matters: "(1) those that involve specific parties, and (2) those that do not involve specific parties but at least focus on the interests of a discrete and identifiable class of persons, such as a particular industry or profession." OGE DO-06-029 at 8. These two types of particular matters are generally referred to as "particular matters involving specific parties" and "particular matters of general applicability," and the definitions of each type of "particular matter" is discussed further below starting with the broader category of "particular matter of general applicability."

- Definition of "Particular Matter of General Applicability"

A "particular matter of general applicability" is broader than a "particular matter involving specific parties." 5 C.F.R. § 2641.20(h)(2). A "particular matter of general applicability" does not involve specific parties, but is a matter that focuses on the interests of a discrete and identifiable class, such as a particular industry or profession. *See* OGE DO-06-029 at 8.

Examples of "particular matters of general applicability" includes rulemaking, legislation, or policymaking, as long as it is narrowly focused on a discrete and identifiable class such as a particular industry or profession. For instance, a "particular matter of general applicability" at the DOI might include a regulation prescribing safety standards for operators of oil rigs in the Gulf of Mexico or a regulation applicable to all those who have grazing permits on DOI public lands. On the other hand, a land use plan covering a large geographic area and affecting a number of industries (*e.g.,* agriculture, grazing, mining, timber, recreation, wind, solar, and/or geothermal power generation, *etc*.) would not generally constitute a "particular matter of general applicability" but, rather, would still fall within the broader definition of "matter," as it constitutes a broad policy directed to the interests of a large and diverse group of persons.

- Definition of "Particular Matter Involving Specific Parties"

The narrowest type of matter under the ethics laws, regulations, and rules is a "particular matter involving specific parties." Depending on the grammar and structure of the particular statute or regulation, the wording may appear in slightly different forms, but OGE has advised that the meaning remains the same, focusing primarily on the presence of specific parties. OGE DO-06-029 at 10-11. As set forth in 5 C.F.R. § 2641.201(h)(1), a particular matter involving specific parties "typically involves a specific proceeding affecting the legal rights of the parties or an isolatable transaction or related set of transactions between identified parties, such as a specific contract, grant, license, product approval application, enforcement action, administrative adjudication, or court case." Legislation or rulemaking of general applicability and the formulation of general policies, standards or objectives, or other matters of general applicability are not particular matters involving specific parties. 5 C.F.R. § 2641.201(h)(2).

- Decision on Withdrawal Around Chaco Culture National Historical Park Qualifies Currently as a Particular Matter of General Applicability and not a Particular Matter Involving Specific Parties

As discussed in greater detail in the background section above, the exercise of the Secretary's discretion under section 204 of FLPMA to withdraw 336,404.42 acres of public lands located within a radius of approximately 10 miles surrounding all units of Chaco Culture National Historical Park, for 20 years, subject to valid existing rights, involves a variety of interests. Indeed, there a number of discrete and identifiable classes impacted by the Secretary's exercise of her discretion including the following: parties with current oil and gas leases, parties interested in uranium mining in New Mexico, parties interested in coal mining in New Mexico, academics and other parties interested in studying and preserving archaeological and cultural sites around the Chaco area, Pueblos and others interested in preserving ancestral Puebloan culture and traditions, parties interested in cultural, environmental, and other tourism in the Chaco area, parties interested in species and habitat preservation in the Chaco area, employers and employees involved in mineral extraction in the Chaco area, Navajo Allottees, and other parties who own land or mineral rights within or adjacent to the withdrawal area. Additionally, while BLM has made clear that the proposed withdrawal will not affect existing valid leases or rights and would not apply to minerals owned

by private, state, or tribal entities, we understand that those entities have also expressed interest in the proposed withdrawal.

Based on the information made available to the DEO to review, the Secretary's exercise of discretion with respect to the withdrawal is more focused than a "matter" or broad policy option directed to the interests of a large and diverse group of persons such as the EIS under discussion in Van Ee, but is not currently as a narrow as a "particular matter involving specific parties." We believe that the Secretary's exercise of discretion with respect to the withdrawal is most appropriately considered a "particular matter of general applicability."

Pursuant to the Secretary's recusal from the Pueblo of Laguna, the Secretary is authorized by 18 U.S.C. § 208(b)(4) to participate in a particular matter of general applicability, including deliberations, decisions and actions directed at the financial interests of Tribal governments in New Mexico as a class, even if the Pueblo of Laguna is a member of the class. However, the exception in 18 U.S.C. § 208(b)(4) prohibits the Secretary from participating in deliberations, decisions and actions affecting the financial interest of the Pueblo of Laguna as one or more specific parties to a matter (*e.g.*, a recommendation and/or decision regarding a right, permit, allotment held by the Pueblo of Laguna). As noted above, the Secretary's exercise of discretion with respect to the withdrawal is not a "particular matter involving specific parties" and her current recusal as a result of her per capita payment from the Pueblo of Laguna does not limit her participation in either the withdrawal or in the meeting requested by the Navajo Nation.

Additionally, because the exercise of the Secretary's discretion with respect to the withdrawal is a "particular matter of general applicability" the requirements of 5 C.F.R. § 2635.502(a) discussed above with respect to her prior support for protecting the Chaco area and child's employment do not apply to this decision. However, the DEO believes that the "catch all provision" would be applicable and we recommend that the Secretary consider and document whether she believes that a reasonable person with knowledge of those facts and any other relevant information would question her impartiality in performing her official duties in the withdrawal decision.

However, we note going forward that case-by-case factual analysis and ethics review will likely be required in order to determine the appropriate categorization of issues, decisions, and/or actions undertaken at the DOI with respect to the withdrawal. As such, it is important to note that follow on actions related to Secretary's exercise of discretion with respect to the withdrawal could potentially be classified as particular matters involving specific parties, including litigation about the withdrawal, specific issues related to leases or allotments, or other matters issues, decisions, and/or actions that meet the criteria of a particular matter involving specific parties.

We therefore continue to recommend that the Secretary use caution and continue to assess the scope of her involvement as decision-making on the withdrawal proceeds given that her involvement may evolve into decisions, actions or determinations that involve the Pueblo of Laguna as a party, including litigation, specific leases, allotments, etc. In such a case, her participation will be limited by applicable ethics restrictions and the DEO remains available to provide further ethics guidance on this and other issues upon request.

Additional Ethics Guidance: Please note the following general ethics guidance concerning the Secretary's participation in the meeting requested by the Navajo Nation:

1. **Official Title** – Use of the Secretary's official title is permitted as she will be participating in the meeting in her official capacity. 5 C.F.R. § 2635.702.
2. **No Preferential Treatment** – The Secretary must act impartially and not give preferential treatment to any private organization or individual and must avoid creating even the appearance that she is violating this requirement. 5 C.F.R. § 2635.101(b)(8), (14).
3. **No Use of Position for Private Gain** – The Secretary may not use her public office for her own private gain or for the private gain of friends, relatives, or persons with whom she is affiliated in a nongovernmental capacity. This includes nonprofit organizations and entities/person with whom the Secretary has or seeks employment or business relations. 5 C.F.R. § 2635.702.
4. **Endorsement** – Please remember that the Secretary may not use her official Government position or title or any authority associated with her public office to endorse any product, service, or enterprise, including non-profit and charitable organizations that may have some affiliation with DOI. 5 C.F.R. § 2635.702(c).
5. **Nonpublic Information** –We further recommend that the Secretary refrain from disclosing non-public information during the meeting unless she determines in her discretion that it is appropriate to do so. 5 C.F.R. 2635.703.
6. **No Partisan Political Activity** – While the Secretary may discuss the Administration's policy priorities and ideological approach to proposed laws and regulations (especially in regard to DOI-related issues) during the meeting, she must strictly avoid partisan political activity in order to remain in compliance with the Hatch Act. Partisan political activity is any activity directed towards the success or failure of a political party, candidate for a partisan political office, or partisan political group and can include verbal remarks and speech.
7. **Gifts –** If the Secretary is provided with a gift or other token of appreciation in connection with her participation in the meeting, the DEO will also need to review the gift for proper disposition. As a general reminder, the Secretary should be cautious to avoid accepting any gifts from registered lobbyists and/or registered lobbying organization.

To the extent that the Secretary's participation in the meeting requested by the Navajo Nation changes, please let us know as soon as that information is available so we can update our ethics review. Please do not hesitate to let us know if it would be helpful to discuss our guidance further, or if we can be of any additional assistance. Thank you!

- Heather

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Heather C. Gottry

Director & DAEO
Departmental Ethics Office | Office of the Solicitor
U.S. Department of the Interior | MIB 5308
(O) (202) 208-4472
(C) (202) 740-0417
Email: heather.gottry@sol.doi.gov

Visit us online at: www.doi.gov/ethics

Integrity is our mission.

From: Ming, Catherine G <catherine_ming@ios.doi.gov>
Sent: Thursday, April 20, 2023 10:43 AM
To: Garcia, Monica L <monica.garcia@sol.doi.gov>; Gottry, Heather C <heather.gottry@sol.doi.gov>
Cc: Kules, Amanda B <amanda_kules@ios.doi.gov>; Germain, Naomie E <naomie_germain@ios.doi.gov>; Taylor, Rachael S <rachael_taylor@ios.doi.gov>; Gosar, Mili N <mili_gosar@ios.doi.gov>
Subject: Ethics Review - Navajo Nation Meeting (4/25)

Hello,

Please see the details I have for a meeting with Navajo Nation Meeting we have scheduled on Tuesday, April 25th. I have included the list of attendees below.

President Buu Nygren - president.buunygren@navajo-nsn.gov
Speaker Crystalyne Curley - crystalyne.curley@navajo-nsn.gov
Chief Legal Counsel Bidtah Becker - bn.becker@navajo-nsn.gov
Chief of Staff Speakers Office Manuel Rico - mrico@navajo-nsn.gov
Deputy Chief of Staff Speakers Office Jared Touchin - jared.touchin@navajo-nsn.gov
Executive Director NNWO Justin Ahasteen – jahasteen@nnwo.org
Deputy Executive Director NNWO Michael Lewis – mlewis@nnwo.org
Chair Brenda Jesus, Council Delegate - brenda.jesus@navajo-nsn.gov
Vice Chair Casey Allen Johnson, Council Delegate - casey.johnson@navajo-nsn.gov
Council Delegate Danny Simpson - danny.simpson@navajo-nsn.gov

April 10, 11, 12, 13, 14, 15, 16 (Before Navajo Nation Spring Session on April 17)	**Navajo Nation President Buu Nygren Navajo Nation Speaker Crystalyne Curley**	Virtual	To discuss the Chaco Culture National Historic Park (see letter addressed to Secretary Haaland)	**Is the proposed meeting topic(s) about a decision, action, or determination proposed or pending at the Department?** Yes. We have concerns over the proposed withdrawal of public lands from location and entry under United States' mining laws and from leasing under the mineral leasing laws around the Chaco Culture National Historical Park for 20 years and over the Honoring Chaco Initiative. This proposed land withdrawal is a critical issue that impacts thousands of our Navajo people who hold allotment lands and hundreds of Navajo people who live within the area of the 336,000 acres of public lands currently proposed to be withdrawn.	Is the proposed meeting topic(s) a litigation matter, a permit, a grant, a contract, a license, approval, disapproval, or any other matter that involves specific parties? No

Catherine

April 7, 2023

Honorable Secretary Deb Haaland
U.S. Department of the Interior
1849 C Street NW
Washington, DC 20240

Dear Honorable Secretary Haaland,

We write to request a meeting with you before April 17, 2023, which is the start of the Navajo Nation Council's Spring Council Session.

We have concerns over the proposed withdrawal of public lands from location and entry under United States' mining laws and from leasing under the mineral leasing laws around the Chaco Culture National Historical Park for 20 years and over the Honoring Chaco Initiative. This proposed land withdrawal is a critical issue that impacts thousands of our Navajo people who hold allotment lands and hundreds of Navajo people who live within the area of the 336,000 acres of public lands currently proposed to be withdrawn.

As you know, the public comments period for the Environmental Assessment on this matter closed on December 10, 2022. We were not seated in our elected positions at that time. The President had a government-to-government meeting with several officials form several offices and departments of the Department of the Interior on April 3 and learned that the Bureau of Land Management will be issuing the Environmental Assessment in about a month. In that meeting, he shared that he opposes the withdrawal of any public lands. Said another, he opposes what some are calling a buffer zone around the Chaco Culture National Historical Park. Delegate Danny Simpson, former and now newly elected representative of eight Chapters in the eastern area of the Navajo Nation, will be introducing legislation to withdraw the previous Council's position on a proposed buffer zone. The proposed legislation will also support no buffer zone.

We feel it is imperative to meet with you personally, along with interested members of the Navajo Nation Council, so that you may hear our comments before the Environmental Assessment is issued. We are concerned that meeting with you after the issuance of the Environmental Assessment will be too late.

We trust you will respect our roles as newly elected leadership of the Navajo Nation and the fact that this National Historical Park is surrounded by what we call the Navajo Nation and that our members living near the Park are effected on a day to day basis by the decision you will make.

Sincerely,

Dr. Buu Nygren, *President*
THE NAVAJO NATION

Honorable Crystalyne Curley, *Speaker*
25th NAVAJO NATION COUNCIL

From: Schwartz, Melissa A
To: Taylor, Rachael S
Subject: Fwd: [EXTERNAL] Somah Haaland and Chaco, EE News
Date: Thursday, December 22, 2022 9:02:24 AM

From: Schwartz, Melissa A <melissa_schwartz@ios.doi.gov>
Sent: Thursday, December 22, 2022 9:00:17 AM
To: Cherry, Tyler A <tyler_cherry@ios.doi.gov>; hrichards@eenews.net <hrichards@eenews.net>
Subject: Re: [EXTERNAL] Somah Haaland and Chaco, EE News

Her name is Secretary Haaland. And I assume you will not repeat the misgendering of her gender non-binary child.

Melissa Schwartz (she/her)
Communications Director
Office of the Secretary
Department of the Interior

From: Heather Richards <hrichards@eenews.net>
Sent: Thursday, December 22, 2022 8:58 AM
To: Schwartz, Melissa A <melissa_schwartz@ios.doi.gov>; Cherry, Tyler A <tyler_cherry@ios.doi.gov>
Subject: Re: [EXTERNAL] Somah Haaland and Chaco, EE News

Okay. I think explaining Haaland's perspective on Somah's organizing may be appropriate context to provide here. It is an important time for Chaco.
Thanks!
Heather

From: Schwartz, Melissa A <melissa_schwartz@ios.doi.gov>
Date: Thursday, December 22, 2022 at 8:54 AM
To: Cherry, Tyler A <tyler_cherry@ios.doi.gov>, Heather Richards <hrichards@eenews.net>
Subject: Re: [EXTERNAL] Somah Haaland and Chaco, EE News

EXTERNAL SENDER: Use caution with links and attachments.

We have nothing for you on this
Melissa Schwartz (she/her)
Communications Director
Office of the Secretary
Department of the Interior

From: Heather Richards <hrichards@eenews.net>
Sent: Thursday, December 22, 2022 8:53:08 AM
To: Schwartz, Melissa A <melissa_schwartz@ios.doi.gov>; Cherry, Tyler A <tyler_cherry@ios.doi.gov>
Subject: [EXTERNAL] Somah Haaland and Chaco, EE News

This email has been received from outside of DOI - Use caution before clicking on links,

opening attachments, or responding.

Hey folks,

An oil and gas organization has flagged the recent trip Indigenous organizers including Somah Haaland made to D.C. advocating greater protections around Chaco from oil and gas drilling, speaking to Congressional leaders and showing the film that Somah Haaland narrated "Our Story: The Indigenous Led Fight to Protect Greater Chaco."

Because of the family tie, they say this advocacy qualifies as a conflict of interest for Sec. Haaland.

I'm a writing a story today for Greenwire, noon deadline.

Would Interior care to comment in response? Did any of the advocates speak with Haaland while they were in town? How does the secretary approach her daughter's advocacy for an issue she has tremendous influence over?

Deadline Noon.

Thanks,

Heather
Energy reporter at E&E News
Cell: 667-444-2325

From: Daniel-Davis, Laura E
To: Taylor, Rachael S; Schwartz, Melissa A; Alonso, Shantha R; Kelly, Katherine P
Cc: Ming, Catherine G
Subject: Re: [EXTERNAL] Meeting request
Date: Friday, December 9, 2022 9:26:33 AM
Attachments: image001.png

Thanks, Rachael and please plug me in however is helpful.

Get Outlook for iOS

From: Taylor, Rachael S <rachael_taylor@ios.doi.gov>
Sent: Friday, December 9, 2022 9:08:14 AM
To: Schwartz, Melissa A <melissa_schwartz@ios.doi.gov>; Alonso, Shantha R <shantha_alonso@ios.doi.gov>; Kelly, Katherine P <Kate_Kelly@ios.doi.gov>
Cc: Daniel-Davis, Laura E <laura_daniel-davis@ios.doi.gov>; Ming, Catherine G <catherine_ming@ios.doi.gov>
Subject: RE: [EXTERNAL] Meeting request

Heard the same. I'm happy to land this where it makes the most sense but personally, I think the meeting should be at the Laura and/or Tracy level since either/both are serving as a surrogate for the Secretary. And in any case, it is important that all ethics advice is heeded faithfully.

From: Schwartz, Melissa A <melissa_schwartz@ios.doi.gov>
Sent: Thursday, December 8, 2022 6:29 PM
To: Alonso, Shantha R <shantha_alonso@ios.doi.gov>; Taylor, Rachael S <rachael_taylor@ios.doi.gov>; Kelly, Katherine P <Kate_Kelly@ios.doi.gov>
Cc: Daniel-Davis, Laura E <laura_daniel-davis@ios.doi.gov>; Ming, Catherine G <catherine_ming@ios.doi.gov>
Subject: RE: [EXTERNAL] Meeting request

We have a complicating factor with this – as ethics just mentioned to me that Nada cannot do both the screening and the meeting. Can we press pause for a day?

From: Alonso, Shantha R <shantha_alonso@ios.doi.gov>
Sent: Thursday, December 8, 2022 6:27 PM
To: Taylor, Rachael S <rachael_taylor@ios.doi.gov>; Kelly, Katherine P <Kate_Kelly@ios.doi.gov>
Cc: Schwartz, Melissa A <melissa_schwartz@ios.doi.gov>; Daniel-Davis, Laura E <laura_daniel-davis@ios.doi.gov>; Ming, Catherine G <catherine_ming@ios.doi.gov>
Subject: Re: [EXTERNAL] Meeting request

hi All,
I followed up with Athan to get more details. He let me know he is already talking with Nada about booking a meeting for the Greater Chaco Coalition at 3pm on Wednesday, 12/14. In his opinion, a meeting with Nada would suffice.
I'll follow up with Nada and share the update here.

Best,

Shantha Ready Alonso *(she/her)*
Director, Office of Intergovernmental and External Affairs (OIEA)
Office of the Secretary, U.S. Department of the Interior
202-538-2965 (mobile)

Sign up for updates at: www.doi.gov/intergov. Please send requests for Secretary Haaland through the meeting request form or event request form. Please send all other meeting & speaking requests, letters, statements, and briefing materials to: oiea@ios.doi.gov. Mass emails should go to feedback@ios.doi.gov. Every email sent or received is subject to public release under the Freedom of Information Act.

From: Alonso, Shantha R <shantha_alonso@ios.doi.gov>
Sent: Thursday, December 8, 2022 4:10 PM
To: Taylor, Rachael S <rachael_taylor@ios.doi.gov>; Kelly, Katherine P <Kate_Kelly@ios.doi.gov>
Cc: Schwartz, Melissa A <melissa_schwartz@ios.doi.gov>; Daniel-Davis, Laura E <laura_daniel-davis@ios.doi.gov>; Ming, Catherine G <catherine_ming@ios.doi.gov>
Subject: Re: [EXTERNAL] Meeting request

Will do.

From: Taylor, Rachael S <rachael_taylor@ios.doi.gov>
Sent: Thursday, December 8, 2022 4:08 PM
To: Kelly, Katherine P <Kate_Kelly@ios.doi.gov>; Alonso, Shantha R <shantha_alonso@ios.doi.gov>
Cc: Schwartz, Melissa A <melissa_schwartz@ios.doi.gov>; Daniel-Davis, Laura E <laura_daniel-davis@ios.doi.gov>; Ming, Catherine G <catherine_ming@ios.doi.gov>
Subject: RE: [EXTERNAL] Meeting request

Hi there. The Secretary is not sure if she will attend the screening but if she does, she will interact with the meeting requestors in her personal capacity. Would be better for someone else to field the official meeting request. Laura is available and can help assemble an appropriate cast with Tracy and Bryan. Shantha, can you work with her team to assemble a gracious response?

+ Laura, and Catherine for awareness.

From: Kelly, Katherine P <Kate_Kelly@ios.doi.gov>
Sent: Thursday, December 8, 2022 2:46 PM
To: Alonso, Shantha R <shantha_alonso@ios.doi.gov>
Cc: Taylor, Rachael S <rachael_taylor@ios.doi.gov>; Schwartz, Melissa A <melissa_schwartz@ios.doi.gov>
Subject: RE: [EXTERNAL] Meeting request

Thanks, Shantha. + RT + MS for awareness, who are working thru the Secretary's potential engagement on this. Will circle back.

From: Alonso, Shantha R <shantha_alonso@ios.doi.gov>
Sent: Thursday, December 8, 2022 2:44 PM
To: Kelly, Katherine P <Kate_Kelly@ios.doi.gov>
Subject: Fw: [EXTERNAL] Meeting request

From: Athan Manuel <athan.manuel@sierraclub.org>
Sent: Tuesday, December 6, 2022 3:23 PM
To: Alonso, Shantha R <shantha_alonso@ios.doi.gov>
Subject: [EXTERNAL] Meeting request

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Shantha - Hope all is well!

On behalf of the Greater Chaco Coalition (in this case, Sam Sage, Daniel Tso, Kendra Pinto, Mario Attencio, and Miya King-Flaherty), I am writing to request a meeting with Sec. Haaland, for either Tuesday, Dec. 13th, or Wednesday, Dec. 14th.

It sounds like the Secretary has already RSVPed to attend the screening of "Our Story: The Indigenous Led Fight to Protect Chaco Canyon" on Wednesday, Dec. 14th, at 5 pm in 201/200 SVC (as you may know, Sec. Haaland's daughter is the narrator). Even though she plans to attend, the coalition would still love to sit down with Sec. Haaland to discuss the goals and platform of the GCC: a pause on new oil and gas permitting and leasing in the Great Chaco Canyon region, and ask for broader landscape and community protections beyond a current 10-mile buffer. Please let me know if that is doable.

Thank you for your consideration. Talk to y'all soon. - Athan

--

Athan Manuel

Director, Lands Protection Program

Sierra Club

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202-548-4580 (desk)

athan.manuel@sierraclub.org

--

Athan Manuel

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athan.manuel@sierraclub.org

From: Schwartz, Melissa A
To: Kelly, Katherine P; Taylor, Rachael S
Subject: RE: [EXTERNAL] Reminder: Chaco Canyon film screening in SVC on Dec. 14th.
Date: Thursday, December 8, 2022 4:42:03 PM
Attachments: image001.png

Rachael – I think worth sharing with the Secretary so she has awareness of how her likeness is being used. Have you had a chance to connect with Monica? If not I'm happy to.

From: Kelly, Katherine P <Kate_Kelly@ios.doi.gov>
Sent: Thursday, December 8, 2022 2:44 PM
To: Schwartz, Melissa A <melissa_schwartz@ios.doi.gov>; Taylor, Rachael S <rachael_taylor@ios.doi.gov>
Subject: FW: [EXTERNAL] Reminder: Chaco Canyon film screening in SVC on Dec. 14th.
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From: Athan Manuel <athan.manuel@sierraclub.org>
Sent: Thursday, December 8, 2022 2:38 PM
Subject: [EXTERNAL] Reminder: Chaco Canyon film screening in SVC on Dec. 14th.

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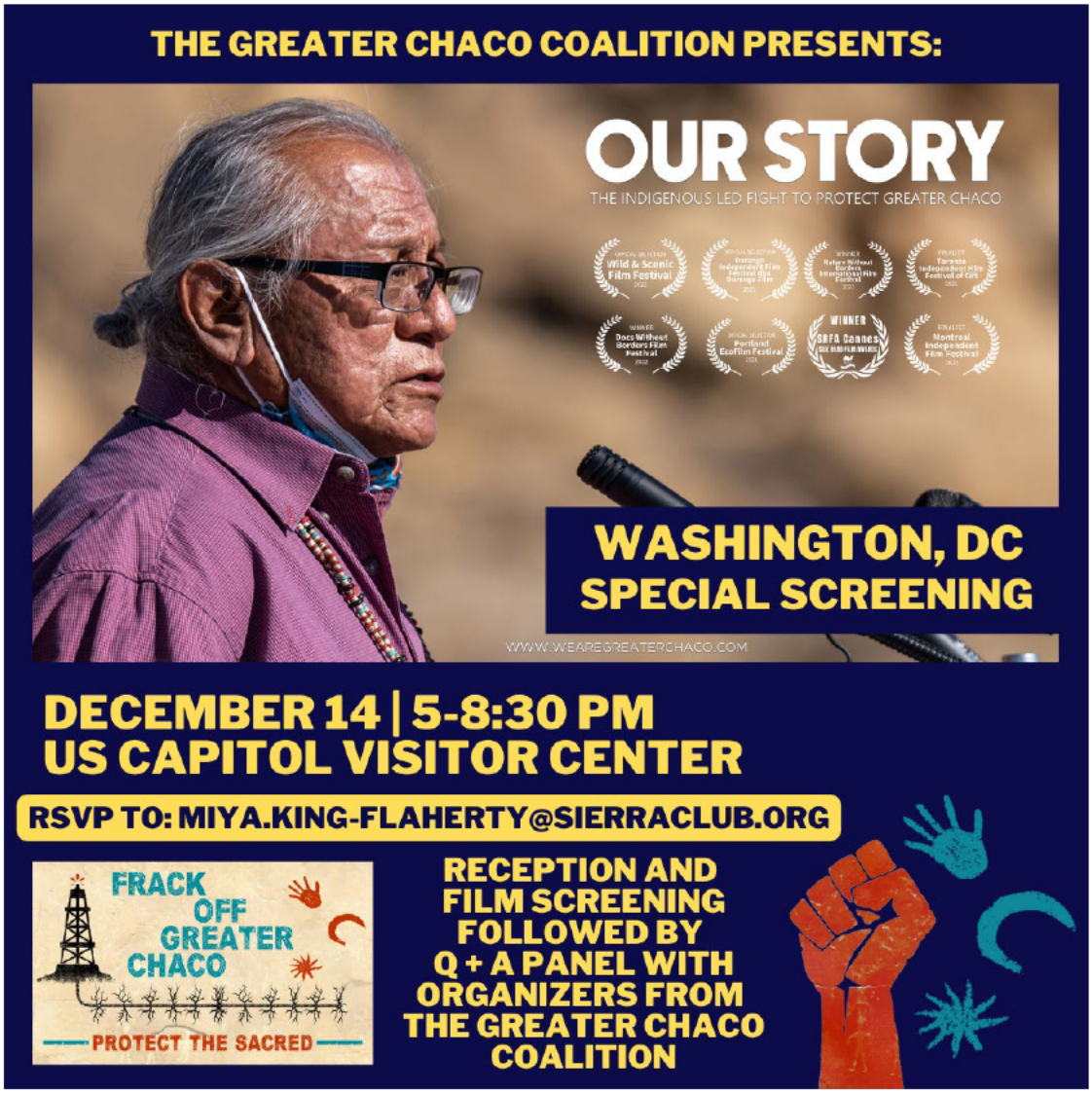

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From: Schwartz, Melissa A
To: Kelly, Katherine P; Taylor, Rachael S
Subject: RE: [EXTERNAL] Reminder: Chaco Canyon film screening in SVC on Dec. 14th.
Date: Thursday, December 8, 2022 4:41:28 PM
Attachments: image001.png

Agreed - FFS

From: Kelly, Katherine P <Kate_Kelly@ios.doi.gov>
Sent: Thursday, December 8, 2022 2:44 PM
To: Schwartz, Melissa A <melissa_schwartz@ios.doi.gov>; Taylor, Rachael S <rachael_taylor@ios.doi.gov>
Subject: FW: [EXTERNAL] Reminder: Chaco Canyon film screening in SVC on Dec. 14th.
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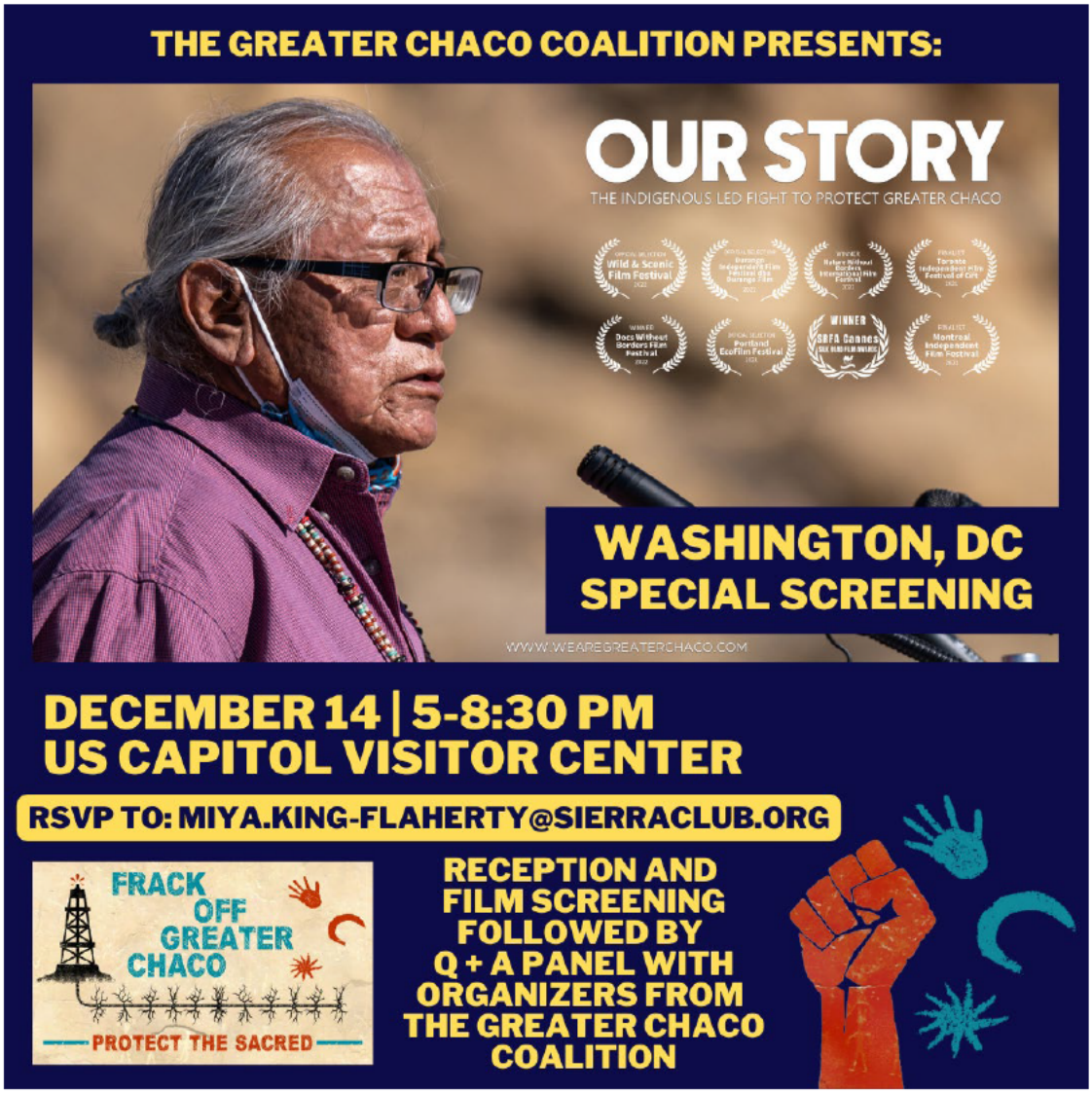

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From:	Garcia, Monica L
To:	Taylor, Rachael S
Cc:	Gottry, Heather C; Kelly, Katherine P
Subject:	RE: [EXTERNAL] Reminder: Chaco Canyon film screening in SVC on Dec. 14th.
Date:	Thursday, December 8, 2022 4:26:14 PM
Attachments:	Sierra Club Email - Reference to Sec Title (12.8.22).docx image001.png

Rachael – Hello once again. As requested, I have attached the draft message to go to Athan Manual with the caveats we discussed.
Please let me know if you have any revisions or would like to discuss.
-Monica

From: Taylor, Rachael S <rachael_taylor@ios.doi.gov>
Sent: Thursday, December 8, 2022 3:54 PM
To: Garcia, Monica L <monica.garcia@sol.doi.gov>
Cc: Gottry, Heather C <heather.gottry@sol.doi.gov>; Kelly, Katherine P <Kate_Kelly@ios.doi.gov>
Subject: RE: [EXTERNAL] Reminder: Chaco Canyon film screening in SVC on Dec. 14th.
Plus Kate.

Good to send – I made a couple suggestions (b) (5) [redacted] Appreciate you adding the caveat we discussed, (b) (5) [redacted]
I will let you know when we connect about whether she intends to go in a personal capacity.
Can we see the draft for Sierra Club before you send?
+ Kate who is helping track

From: Garcia, Monica L <monica.garcia@sol.doi.gov>
Sent: Thursday, December 8, 2022 3:28 PM
To: Taylor, Rachael S <rachael_taylor@ios.doi.gov>
Cc: Gottry, Heather C <heather.gottry@sol.doi.gov>
Subject: RE: [EXTERNAL] Reminder: Chaco Canyon film screening in SVC on Dec. 14th.
Rachael – Hello! As we discussed, I'm attaching the draft email to Dr. Soni Grant requesting assistance in removing reference to the Secretary's official DOI title and photo on the Our Story film website.
I'm happy to discuss further once you have reviewed and also follow up directly with the Sierra Club message as well. I'm available to step away from any meeting to speak with you this afternoon or evening.
Thanks!
-Monica

From: Taylor, Rachael S <rachael_taylor@ios.doi.gov>
Sent: Thursday, December 8, 2022 3:06 PM
To: Garcia, Monica L <monica.garcia@sol.doi.gov>
Subject: FW: [EXTERNAL] Reminder: Chaco Canyon film screening in SVC on Dec. 14th.

From: Kelly, Katherine P <Kate_Kelly@ios.doi.gov>
Sent: Thursday, December 8, 2022 2:44 PM
To: Schwartz, Melissa A <melissa_schwartz@ios.doi.gov>; Taylor, Rachael S

<rachael_taylor@ios.doi.gov>
Subject: FW: [EXTERNAL] Reminder: Chaco Canyon film screening in SVC on Dec. 14th.
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From: Athan Manuel <athan.manuel@sierraclub.org>
Sent: Thursday, December 8, 2022 2:38 PM
Subject: [EXTERNAL] Reminder: Chaco Canyon film screening in SVC on Dec. 14th.

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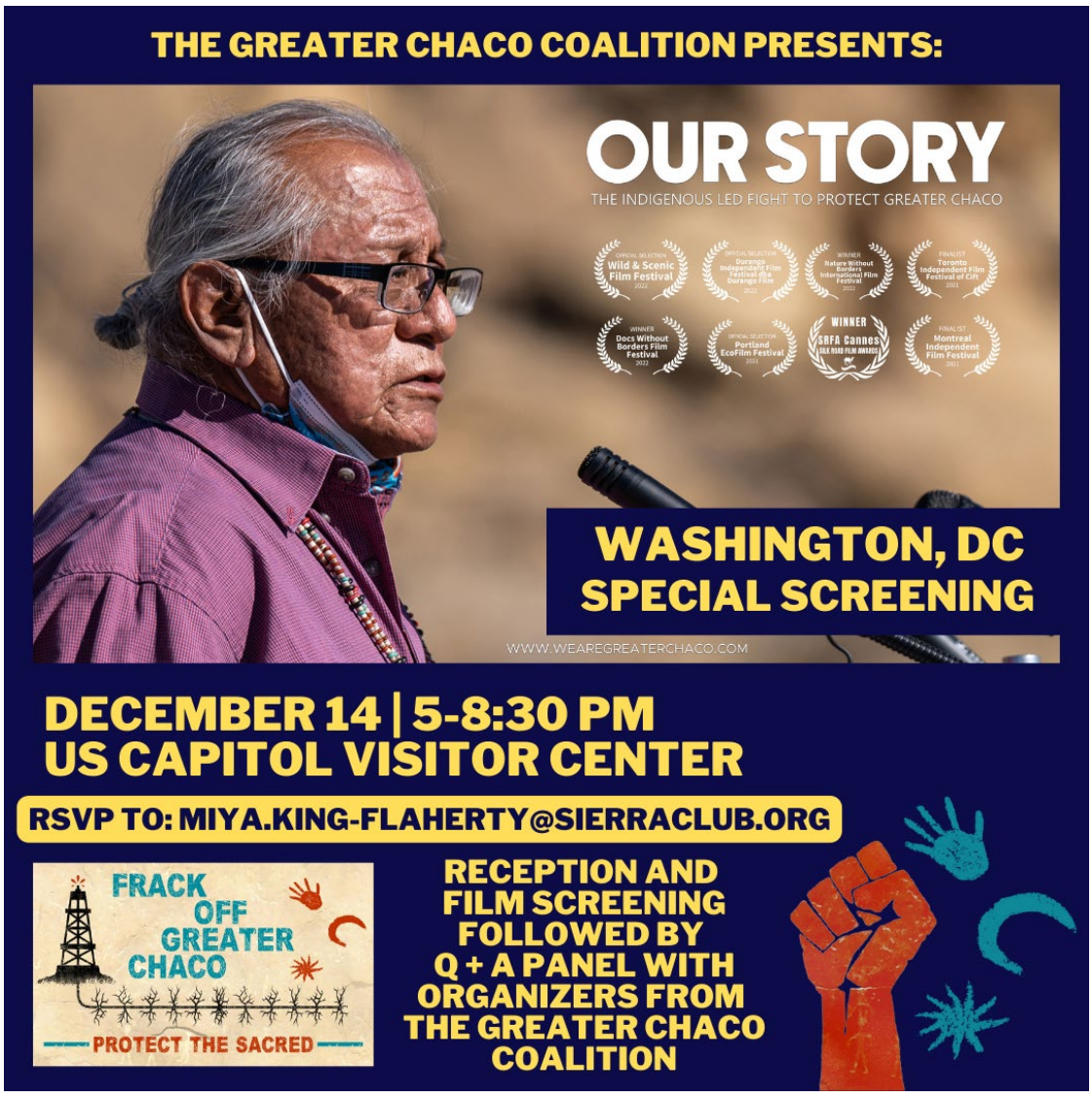

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From:	Garcia, Monica L
To:	Taylor, Rachael S
Cc:	Gottry, Heather C; Kelly, Katherine P
Subject:	RE: [EXTERNAL] Reminder: Chaco Canyon film screening in SVC on Dec. 14th.
Date:	Thursday, December 8, 2022 4:03:22 PM
Attachments:	image001.png

Thank you for the feedback, Rachael. I will send the version with your edits and forward you for your records. I'll also provide a draft for Sierra Club shortly.
-Monica

From: Taylor, Rachael S <rachael_taylor@ios.doi.gov>
Sent: Thursday, December 8, 2022 3:54 PM
To: Garcia, Monica L <monica.garcia@sol.doi.gov>
Cc: Gottry, Heather C <heather.gottry@sol.doi.gov>; Kelly, Katherine P <Kate_Kelly@ios.doi.gov>
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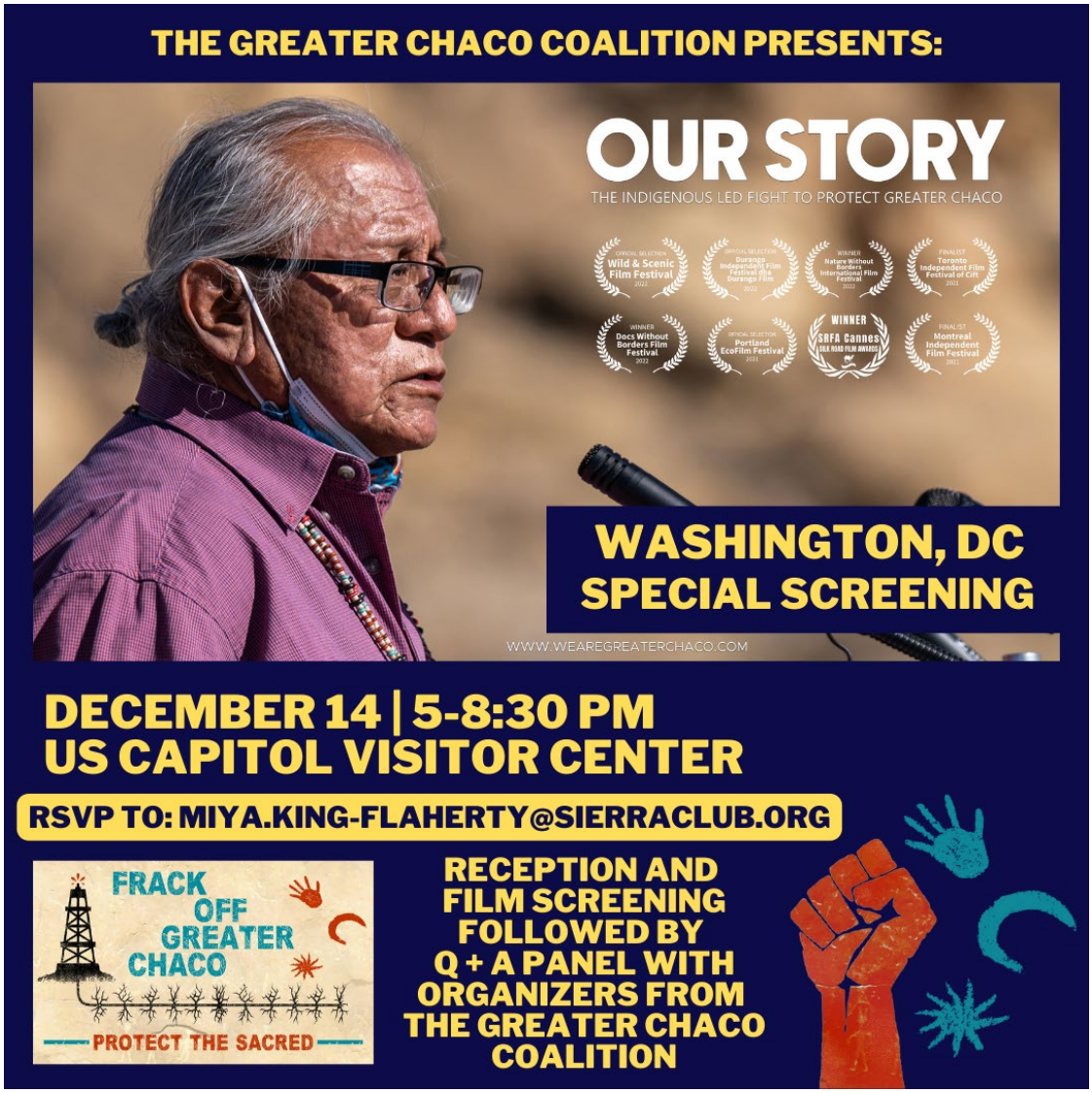

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Date: Thursday, December 8, 2022 4:44:54 PM
Attachments: image001.png

Rachael – I appreciate the edit and have no concerns sending with your revision. Would you like me to hold for Kate to weigh in before sending out? Happy to defer to your preference.
Thanks,
Monica

From: Taylor, Rachael S <rachael_taylor@ios.doi.gov>
Sent: Thursday, December 8, 2022 4:42 PM
To: Garcia, Monica L <monica.garcia@sol.doi.gov>
Cc: Gottry, Heather C <heather.gottry@sol.doi.gov>; Kelly, Katherine P <Kate_Kelly@ios.doi.gov>
Subject: RE: [EXTERNAL] Reminder: Chaco Canyon film screening in SVC on Dec. 14th.
What do you all think of this? I think it looks good but I don't want to leave it open enough that they say, OK, we'll blast out with The Honorable instead, since we don't know she's going.

From: Garcia, Monica L <monica.garcia@sol.doi.gov>
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To: Taylor, Rachael S <rachael_taylor@ios.doi.gov>
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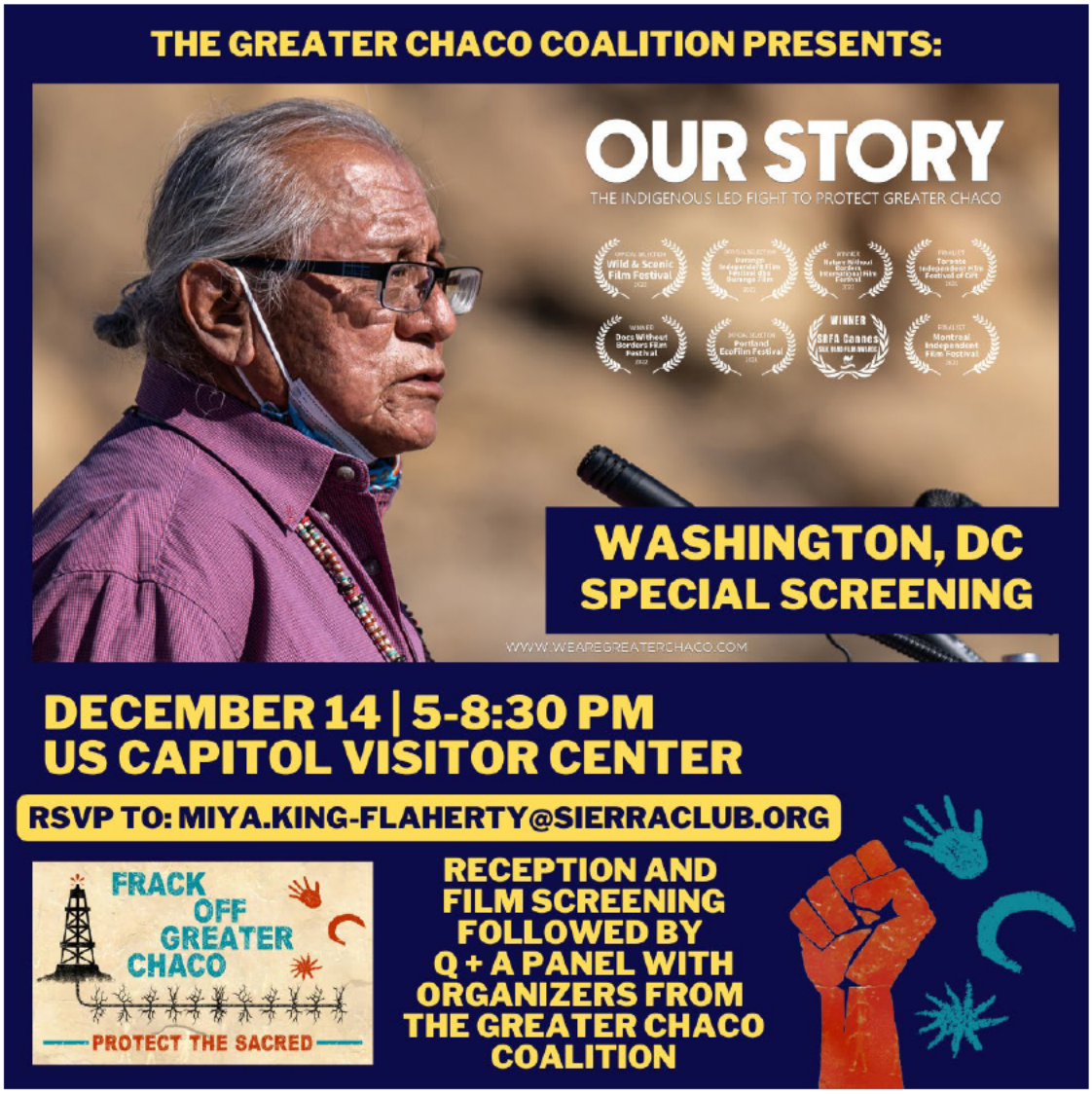

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