



July 29, 2026

The Honorable Steve Pearce, Director
Bureau of Land Management
1849 C Street, NW
Washington, DC 20240

Submitted electronically to: <https://eplanning.blm.gov/>

RE: Comments of the New Mexico Environment Department on BLM's Evaluation of Potential Revocation of Chaco Withdrawal (DOI-BLM-NM-F010-2026-0002-EA)

Dear Director Pearce,

The New Mexico Environment Department (NMED) appreciates the opportunity to comment on the U.S. Bureau of Land Management's Evaluation of Potential Revocation of Chaco Withdrawal (DOI-BLM-NM-F010-2026-0002-EA). NMED strongly opposes BLM's proposal to fully revoke Public Land Order (PLO) No. 7923. This administrative rollback would eliminate the protective buffer around Chaco Culture National Historical Park, reopening over 336,000 acres of public lands and federal mineral estate to new oil, gas, and locatable mineral extraction. Imposing a decision of this magnitude through a brief 14-day public comment period—closing on July 29, 2026—stands in contrast to the years of environmental review, public engagement, and tribal consultation that originally established these protections. Proposing to revert management of these lands to the outdated 2003 Farmington Resource Management Plan discounts decades of updated environmental science and exposes local communities and natural resources to environmental degradation.

Reopening the Greater Chaco region to industrial development poses a threat to New Mexico's air quality and scarce water resources. Allowing new horizontal oil and gas wells, vertical coalbed methane extraction, and mining exploration across San Juan, Rio Arriba, Sandoval, and McKinley counties will exacerbate regional air pollution and compromise the health of local communities. NMED requests that BLM incorporate the attached technical comments and mandatory state regulatory frameworks into its environmental assessment to ensure full state compliance and prevent unchecked environmental degradation.

I request that BLM pause this rushed process, honor its mandatory obligations for meaningful tribal consultation, and maintain the 20-year mineral withdrawal to prevent the irreversible degradation of our state's environmental and cultural heritage.

Sincerely,

A handwritten signature in blue ink, reading "James C. Kenney".

James C. Kenney
Cabinet Secretary

Cc: Courtney Kerster, Senior Advisor, Office of Governor Michelle Lujan Grisham

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New Mexico Environment Department Comments on U.S. Bureau of Land Management's (BLM) Evaluation of Potential Revocation of Chaco Withdrawal

Background: The U.S. Bureau of Land Management (BLM) proposes to fully or partially revoke Public Land Order (PLO) No. 7923, an administrative action that would reopen approximately 336,000 acres of public land and federal mineral estate surrounding the Chaco Culture National Historical Park boundary to mineral leasing and mining entry. Originally established in June 2023 to safeguard the rich Puebloan, tribal, and cultural landscape of northwestern New Mexico from the impacts of locatable mineral mining and fluid energy development, the current 20-year withdrawal is undergoing evaluation in response to federal executive orders aimed at expanding domestic energy and mineral production. If finalized, the revocation would allow BLM to offer new federal leases and process mining claims across San Juan, Rio Arriba, Sandoval, and McKinley counties, potentially introducing new horizontal oil and gas wells, vertical coalbed methane wells, and uranium exploration to the region. The proposed action claims to stimulate local economic activity and unlock mineral assets for individual allottees.

Comment 1. Procedural inconsistency, truncated timelines, and public participation restrictions.

Public Land Order 7923 was established following a more than two-year environmental evaluation and inter-agency resource assessment conducted by the U.S. Department of the Interior and BLM. That multi-year review allowed time for state technical agencies, local governments, and the public to analyze baseline data, evaluate cumulative impacts, and submit technical reviews. By contrast, the current proposal allots 14 days for public comment, beginning July 15, 2026. This abbreviated timeline substantially restricts public participation and harms rural populations, allottees, neighboring tribal communities, and state regulatory agencies by limiting review of technical evaluations and localized concerns.

NMED strongly opposes this restriction of public process. A 14-day comment period does not give the public or state agencies, like NMED, enough time to fully evaluate the revocation. BLM must immediately suspend the revocation proceedings, withdraw the current schedule, and reinstate a full 90-day public comment window with regional public hearings to restore lawful administrative process and meaningful public engagement and agency evaluation.

Comment 2. Need for meaningful consultation with affected sovereign Tribal Nations.

The current buffer zone encompasses extensive cultural landscapes, unexcavated archaeological structures, ancestral burial grounds, and sacred sites integral to neighboring Puebloan and Tribal Nations. Because Tribal Nations hold ancestral ties to these lands and rely on the surrounding environment for cultural and religious practices, they represent primary stakeholders in the withdrawal area. NMED emphasizes that federal land managers must afford sovereign Tribal Nations and tribal citizens sufficient time, formal consultation, and opportunity to evaluate the air, water, and cultural impacts of proposed development before taking administrative action to revoke Public Land Order 7923.

NMED opposes any federal decision-making that bypasses government-to-government consultation. Proceeding with revocation without the informed involvement of affected Tribal Nations presents a violation of federal trust responsibilities. BLM must halt administrative decisions surrounding Public Land Order 7923 until comprehensive tribal consultation is fully implemented and integrated into the official record, honoring the cultural value of these lands.

Comment 3. Direct threats to public water systems, sensitive aquifers, and source water protection areas.

NMED opposes the proposed revocation due to site-specific risks to public drinking water infrastructure and highly sensitive hydrogeologic zones. Located between the proposed partial and full revocation boundaries is Well #1 of the La Vida Mission Community Water Supply (NM3500224), a public water system source that relies entirely on a single shallow well situated in an aquifer designated as “highly sensitive” on NMED’s Aquifer Sensitivity Map. As a safeguard to protect source water supply, La Vida Mission and NMED completed a Source Water Protection Plan (SWPP) in 2025, establishing designated buffer zones around Well #1 as the system’s Source Water Protection Area (SWPA). Hydrocarbon extraction, mineral development, or other potential contamination sources should not be permitted within La Vida’s designated SWPA or within the inner valleys of Chaco Wash and its tributaries, all of which overlie sensitive aquifers.

Because any industrial release or spill within this shallow, highly sensitive hydrogeologic zone poses an unmitigable risk of contaminating La Vida Mission’s only drinking water supply, no operational conditions can adequately safeguard this source. The only effective protection for this public water supply and its surrounding watershed is to halt the proposed revocation and maintain the existing withdrawal protections across these sensitive hydrogeologic boundaries.

Comment 4. Mandatory state air quality authorization and permitting requirements.

Any new or expanded commercial and industrial facility within the revocation area that emits air pollutants above statutory thresholds remains subject to the New Mexico Air Quality Control Act (NMSA 1978, §§ 74-2-1 to -17) and state regulations (20.2 NMAC). Federal withdrawal revocations do not exempt operators from state environmental compliance. Prior to initiating construction or operation, owners and operators must obtain valid air quality authorizations from NMED. Depending on emission rates, facilities must secure coverage under General Construction Permits or individual minor source or Prevention of Significant Deterioration (PSD) major source permits. NMED requires facility-specific air quality dispersion modeling and emissions inventories during the permitting process to evaluate cumulative impacts on regional air sheds prior to issuing operational approval.

NMED opposes any federal action that presumes operational readiness without prior state regulatory approval. To prevent unlawful emissions and regulatory conflicts, BLM must explicitly stipulate in all land-use authorizations that federal approval is contingent upon operators first obtaining NMED air quality permits.

Comment 5. Occupational and public health risks from radioactive particulate matter.

Surface disturbance, mechanical crushing, ore handling, and transport of uranium-bearing minerals generate fine fugitive dust containing uranium, decay progeny such as radium-226 and radon-222, and heavy metals. Inhalation of fine radioactive particles poses established occupational and public health risks. Alpha-emitting radioactive dust and associated heavy metal particulates are linked to an increased risk of lung cancer and long-term renal toxicity among site workers and nearby downwind communities.

NMED strongly opposes reopening federal lands to hardrock uranium extraction due to the severe, unmitigable public health hazards associated with airborne radiological dust dispersion in open-air environments. Given the localized wind patterns of the San Juan Basin, standard dust controls cannot

fully eliminate the downwind transport of cancer-causing radioactive breakdown products. Consequently, preventing uranium extraction by maintaining mineral withdrawal is the only viable administrative measure to protect public health from high radiological risks.

Comment 6. Airborne volatilization of hazardous compounds during mineral processing.

Uranium extraction and recovery operations utilize specialized chemical reagents, organic solvents, and leaching agents during mineral isolation and processing. Elevated operational temperatures and chemical reactions during processing cause these volatile reagents to enter the vapor phase, resulting in the atmospheric release of volatile organic compounds (VOCs) and hazardous air pollutants (HAPs). Unmitigated chemical emissions from processing operations introduce airborne contaminants into regional air sheds that require rigorous monitoring and control.

NMED opposes the introduction of mineral processing facilities that risk VOC and HAP releases into rural air sheds unless subject to strict U.S. Environmental Protection Agency (EPA) permitting and oversight. Should BLM proceed despite state objections, the agency must work with EPA and NMED to impose non-negotiable lease terms requiring fully enclosed, closed-loop capture systems, thermal oxidizers, and continuous fence-line monitoring.

Comment 7. Solid and special waste management challenges from industrial operations.

Reopening more than 336,000 acres to mineral extraction and oil and gas drilling presents significant solid and special waste management challenges under federal and state regulatory frameworks. Commercial exploration, drilling, and processing operations generate substantial volumes of waste materials. The generation, storage, handling, and land disposal of these waste streams require specialized management controls to prevent localized soil contamination, surface runoff degradation, and unpermitted discharges. While most oil and gas operators are familiar with these requirements, ensuring compliance with EPA and NMED standards will prevent air, land, and water contamination.

Comment 8. Ozone precursor and regional air quality standard compliance in the San Juan Basin.

Expanding oil and gas infrastructure within the withdrawal area increases emissions of nitrogen oxides and VOCs—the primary chemical precursors to ground-level ozone—from compressor stations, storage vessels, flaring operations, and pneumatic devices. In addition, site preparation, well pad construction, aggregate processing, and heavy vehicular transport on unpaved roads generate coarse (PM-10) and fine particulate matter (PM-2.5). Increased emissions of ozone precursors and dust complicate regional efforts in the San Juan Basin to maintain compliance with National Ambient Air Quality Standards (NAAQS). If not managed properly under federal and state regulations, the cumulative emission increases threaten the San Juan Basin's air quality compliance status. If BLM moves forward, it must rely on EPA and NMED regulations to protect and improve regional ozone levels.

Comment 9. Hydrological alteration, sediment loading, and watershed degradation.

Altering soil structures and vegetative cover increases surface runoff velocity and reduces water infiltration across northwestern New Mexico watersheds. During heavy precipitation events, accelerated runoff from compacted industrial sites elevates sediment loads in nearby arroyos and tributaries feeding the Chaco Wash and San Juan River basins. Increased sediment delivery alters natural stream channels,

exacerbates localized flooding risks, and impairs surface water quality. Furthermore, industrial water use for drilling, dust suppression, and mineral processing increases demand on regional aquifers.

NMED oversees surface and groundwater protections under New Mexico's water quality rules—including 20.6.2, 20.6.4, 20.6.5, and 20.6.8 NMAC—which establish mandatory standards to safeguard state water resources. Produced water spills can impact and degrade New Mexico's groundwater and surface water. Allowing industrial activities to expand under a revoked withdrawal without accounting for produced water risks undermines state water protections and threatens New Mexico's water security.

NMED opposes the proposed action due to the compound risks of severe watershed degradation, channel erosion, and localized flooding in the Chaco Wash basin. Because surface disturbance across arid watersheds causes permanent hydrological disruptions that engineering controls cannot fully undo, NMED maintains that halting the revocation is the only definitive cure to protect regional water quality and aquifer integrity. Short of maintaining the withdrawal, BLM must enforce strict zero-discharge stormwater controls and prohibit fresh groundwater extraction for industrial use.

Comment 10. Landscape fragmentation, surface disturbance, and soil erosion risks.

Developing well pads, mine shafts, access roads, pipelines, and processing facilities requires extensive land clearing, grading, and soil compaction. This physical disturbance fragments native ecosystems and exposes bare soils to wind and water erosion within the buffer zone. Surface scarring and vegetation removal accelerate soil loss and disrupt ecological continuity across protected and culturally sensitive landscapes.

NMED opposes wide-scale industrial surface disturbance in this fragile terrain, noting that arid soil crusts and native vegetation require decades to recover once scarred. Mitigating measures like corridor sharing, pad clustering, and re-vegetation can only marginally reduce these impacts. Complete avoidance of landscape fragmentation—achieved by upholding Public Land Order 7923—remains the only effective method to preserve ecosystem continuity.

Comment 11. Industrial expansion and the reopening of undeveloped mining claims.

BLM's proposed revocation of Public Land Order 7923 would reopen federal lands surrounding Chaco Culture National Historical Park to new mineral entry, location, and leasing. According to BLM's evaluation, 129 existing mining claims—encompassing uranium and other locatable minerals—are situated within the designated withdrawal boundary. Reopening this area removes statutory protections that currently prevent these claims from proceeding to active exploration, resource characterization, and commercial extraction. Revocation would facilitate renewed industrial activity across multiple sectors, including hardrock mining, oil and gas production, and industrial aggregate development, leading to cumulative environmental impacts on surrounding state resources.

While NMED and other state agencies regulate many of these activities related to commercial development, NMED generally opposes the administrative opening of these claims to industrial use. BLM did not address the cumulative environmental damage caused by opening protected acres to multi-sector industrial expansion. BLM must withdraw the revocation proposal entirely or, at minimum, perform a comprehensive Environmental Impact Statement (EIS) that analyzes cumulative watershed and air quality impacts across all claims before any administrative status change is considered.