



Hon. Terry Rambler  
Chairman, San  
Carlos Apache Tribe



William H. Doelle, PhD.  
President & CEO,  
Archaeology Southwest



Hon. Ned Norris Jr.  
Chairman, Tohono  
O'odham Nation

---

August 4, 2023

The Honorable Secretary Deb Haaland  
U.S. Department of the Interior  
1849 C Street, N.W., Washington, DC 20240  
Email: [officeofthesecretary@ios.doi.gov](mailto:officeofthesecretary@ios.doi.gov)

Ms. Tracy Stone-Manning, Director  
Bureau of Land Management  
U.S. Department of Interior  
1849 C Street NW  
Washington, DC 20240  
Fax: 970-256-4997  
E-M: [apautz@blm.gov](mailto:apautz@blm.gov)

Mr. Reid Nelson, Executive Director  
The President's Advisory Council on  
Historic Preservation  
401 F Street NW, Suite 308  
Washington, DC 20001  
E-M: [rnelson@achp.gov](mailto:rnelson@achp.gov)

Mr. Raymond Suazo, State Director  
U.S. Bureau of Land Management  
One North Central Ave., Ste. 800  
Phoenix, AZ 85004-4427  
Fax: 602-417-9398  
E-M: [blm\\_az\\_asoweb@blm.gov](mailto:blm_az_asoweb@blm.gov)

RE: Notice of Dispute Pursuant to the SunZia Undertaking Programmatic Agreement,  
Objecting to Failures to Complete the Historic Property Identification Process and to  
Failures to Continue Consultations with Indian Tribes Regarding Properties of Traditional  
Religious and Cultural Importance in the San Pedro Valley, Arizona

Dear Secretary Haaland, Executive Director Nelson, Director Manning, and State Director Suazo:

On behalf of the San Carlos Apache Tribe ("Tribe"), the Tohono O'odham Nation ("Nation"), and Archaeology Southwest ("ASW"), we hereby provide notice to the U.S. Bureau of Land Management ("BLM") that we dispute the BLM's historic property identification process and the BLM's failure to properly address the adverse effects to historic properties affected by the SunZia Southwest Transmission Project ("SunZia"). Furthermore, the Tribe and the Nation have not been provided the opportunity for meaningful government-to-government consultation. This notice is filed pursuant to the "Dispute Resolution" provisions (Page A1-19, Stipulation XIII) of the Programmatic Agreement ("PA"). The PA provides the essential and binding framework for resolving adverse effects to historic properties affected by the SunZia undertaking.

**Tracy Stone-Manning & Reid Nelson**

*Re: BLM Failure to Identify Historic Properties and Consult with Tribes*

August 3, 2023

Page 2 of 4

---

The Nation, the Tribe, and ASW—together with the BLM, the Arizona State Historic Preservation Officer, the Advisory Council on Historic Preservation (“ACHP”), the Arizona State Museum, the Arizona State Land Department, SunZia Transmission, LLC, and others—are parties to the PA. The PA’s Stipulation XIII affirms that “any Consulting Party . . . [may] object at any time to any actions proposed or the manner in which the terms of this PA are implemented, [and] the BLM shall consult with such party to resolve the objection.” PA Stipulation I. F. requires BLM to “continue to consult with Indian tribes regarding properties of traditional religious and cultural importance to them that might be affected by the Undertaking,” noting that the “consultation process will remain open for any tribe that expresses a desire to participate.” PA Stipulation VI (“Discoveries during the Undertaking”), anticipates prospects for a “discovered cultural resource . . . identified by an Indian tribe as a property of traditional religious and cultural importance,” that is, a “TCP.”

We jointly object to BLM inattention to its obligations under the PA. The BLM has disregarded our requests to identify and consider TCPs, including the likelihood that the San Pedro Valley itself is a TCP or traditional cultural landscape eligible for listing in the National Register. On numerous occasions over more than a decade—and most recently in the enclosed letters from the Tribe on March 9, 2023, the Nation on March 16, and ASW on March 18—we have advised BLM of the presence of TCPs and of the cultural salience of the San Pedro Valley as a whole. BLM knows of our requests and of the need for additional consultations with affected Tribes and Nations and knowledgeable representatives of Tribes and Nations; however, our explicit requests for consultation have been ignored.

Despite multiple advisements to BLM regarding San Pedro Valley historical and cultural significance, BLM Director Stone-Manning’s June 30, 2023 responses to the Nation and Tribe make no mention of TCPs. That letter also ignores our specific requests for meaningful consultation and for protection of TCPs and other cultural resources in the path of the construction and operation of the SunZia transmission line in the San Pedro Valley.

These attempts to discount and evade the concerns of the Tribe and the Nation call into question BLM commitments to the Joint Secretarial Order No. 3403 on Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters, especially the obligation to, “give consideration and deference to Tribal proposals, recommendations, and knowledge that affect management decisions on such lands.”

In light of the rapidly advancing undertaking schedule and the established BLM record of ignoring and disregarding information provided by the Tribe, Nation, and ASW, we are including ACHP Executive Director Nelson in this notice. We are also requesting the exclusion of BLM National Project Support Office staff from direct involvement with consultations pursuant to this dispute.

**Tracy Stone-Manning & Reid Nelson**

*Re: BLM Failure to Identify Historic Properties and Consult with Tribes*

August 3, 2023

Page 3 of 4

---

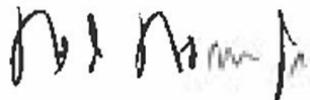
BLM also now appears to be committed to attempts to shortcut and diminish its responsibilities pursuant to the regulations at 36 CFR 800.4 (1 – 4), including requirements to:

- 1) “document the area of potential effects” – BLM officials continue to refuse requests from consulting parties to provide high resolution maps of the APE;
- 2) “Review existing information on historic properties within the area of potential effects”; BLM officials and proponent consultants have ignored and are ignoring readily available, peer-reviewed information specifically relevant to TCPs in the San Pedro Valley;
- 3) “Seek information, as appropriate, from consulting parties, and other individuals and organizations likely to have knowledge of, or concerns with, historic properties in the area”; aside from *pro forma* consultations with Tribes on agendas set by BLM and visits to occasional visits to historic properties targeted for massive adverse effects, there have been few efforts to contact knowledgeable individuals, and certainly nothing like the “reasonable and good faith effort to carry out appropriate identification efforts” required at 800.4(b)(1); and
- 4) “Gather information from any Indian tribe . . . to assist in identifying properties, including those located off tribal lands, which may be of religious and cultural significance to them”; again, no meaningful consultation, certainly nothing commensurate with the level of irrevocable, landscape-scale alteration being proposed or with the concerns raised by the Nation, the Tribe, and other consulting parties.

We look forward to restoring the Section 106 process for the SunZia undertaking to alignment with the PA and the regulations implementing the National Historic Preservation Act. We gratefully anticipate ACHP review of this dispute and, more generally, Federal Government reassertion of Indian fiduciary responsibilities and reestablishment of lawful, meaningful, and timely government-to-government consultations regarding the proposed SunZia undertaking.

Sincerely,

TOHONO O’ODHAM NATION



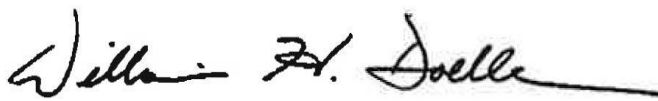
Ned Norris Jr, Chairman

SAN CARLOS APACHE TRIBE



Terry Rambler, Chairman

ARCHAEOLOGY SOUTHWEST



William H. Doelle, President & CEO

## Tracy Stone-Manning & Reid Nelson

*Re: BLM Failure to Identify Historic Properties and Consult with Tribes*

August 3, 2023

Page 4 of 4

---

**Cc:** Arizona State Historic Preservation Officer, Kathryn Leonard, [kleonard@azstateparks.gov](mailto:kleonard@azstateparks.gov)  
Arizona State Museum Director Patrick Lyons, [plyons@arizona.edu](mailto:plyons@arizona.edu)  
Gila River Indian Community Governor, Hon. Stephen Roe Lewis, P. O. Box 97, Sacaton, AZ 85147  
Gila River Indian Community THPO, Barnaby Lewis, [Barnaby.Lewis@gric.nsn.us](mailto:Barnaby.Lewis@gric.nsn.us)  
Hopi Tribe Chairman, Hon. Timothy L. Nuvangyaoma, [TNUvangyaoma@hopi.nsn.us](mailto:TNUvangyaoma@hopi.nsn.us)  
Hopi Tribe Cultural Preservation Office Director, Stewart Koyiyumtewa, [SKoyiyumtewa@hopi.nsn.us](mailto:SKoyiyumtewa@hopi.nsn.us)  
Mescalero Apache Tribe President, Hon. Gabe Aguilar, [gaguilar@mescaleroapachetribe.com](mailto:gaguilar@mescaleroapachetribe.com)  
Mescalero Apache Tribe THPO, Holly Houghton, [holly@mathpo.org](mailto:holly@mathpo.org)  
National Trust for Historic Preservation, Elizabeth Merritt, [emerritt@savingplaces.org](mailto:emerritt@savingplaces.org)  
Pueblo of Zuni Governor, Hon. Val R. Panteah, Sr., [val.panteah@ashiwi.org](mailto:val.panteah@ashiwi.org)  
Pueblo of Zuni THPO, Kurt Dongoske, [kdongoske@cableone.net](mailto:kdongoske@cableone.net)  
Pueblo of Zuni ZCRAT, Octavius Seowtewa, [oct.seowtewa@gmail.com](mailto:oct.seowtewa@gmail.com)  
Tohono O'odham Nation THPO, Peter Steere, [peter.steere@tonation-nsn.gov](mailto:peter.steere@tonation-nsn.gov)  
US Army Corps of Engineers, Los Angeles District, Michael Langley, [michael.w.langley@usace.army.mil](mailto:michael.w.langley@usace.army.mil)  
San Carlos Apache Tribe Vice Chairman, Tao Etpison, [tao2k10@gmail.com](mailto:tao2k10@gmail.com)  
San Carlos Apache Tribe THPO, Vernelda Grant, [apachevern@yahoo.com](mailto:apachevern@yahoo.com)  
San Carlos Apache Tribe Attorney General, A.B. Ritchie, [Alex.Ritchie@scat-nsn.gov](mailto:Alex.Ritchie@scat-nsn.gov)