

GALISTEO BASIN ARCHAEOLOGICAL SITES

HEARING
BEFORE THE
COMMITTEE ON
ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE
ONE HUNDRED SEVENTH CONGRESS
SECOND SESSION

ON

S. 2776

TO PROVIDE FOR THE PROTECTION OF ARCHAEOLOGICAL SITES IN
THE GALISTEO BASIN IN NEW MEXICO, AND FOR OTHER PURPOSES

AUGUST 7, 2002

SANTA FE, NM



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GALISTEO BASIN ARCHAEOLOGICAL SITES

WEDNESDAY, AUGUST 7, 2002

U.S. SENATE,
COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Santa Fe, NM.

The committee met, pursuant to notice, at 9 a.m. at the Genoveva Chavez Community Center in Santa Fe, NM, Hon. Jeff Bingaman, chairman, presiding.

OPENING STATEMENT OF HON. JEFF BINGAMAN, U.S. SENATOR FROM NEW MEXICO

The CHAIRMAN. All right. Let me thank you all for coming today. This is a hearing of the Senate Committee on Energy and National Resources, and the purpose is to receive testimony related to a bill that I have introduced, called S. 2776. This is a bill to protect archaeological sites in the Galisteo Basin. I thought it was important that we have this hearing here in Santa Fe to let those interested in the issue attend and participate.

We will have a second hearing in Washington, at which time we will get formal views from the administration on the bill. That will probably be sometime in September. S. 2776 authorizes the Secretary of the Interior to protect approximately two dozen important archaeological sites in the Galisteo Basin containing the ruins of pueblos dating back almost 900 years, including what I understand are the largest pueblo ruins ever found. In addition, many of the designated areas contain historic artifacts and sites related to the Spanish colonization of the area.

While the Galisteo Basin sites represent some of the most significant archaeological sites in the country, they are also spectacular scenic areas and some are virtually unspoiled. Because of their proximity to Santa Fe and Albuquerque, however, many are now threatened from increased development pressures, including increased use of the land, exposure to the elements and vandalism.

Through the protection and interpretation of these sites, we have the opportunity to learn more, not only about the history and culture of these pueblos, but also about the first interaction between the European and Native American cultures. The Cochiti and Santo Domingo Pueblos, in particular, are culturally and historically tied to these sites, which have a tremendous historical and religious significance. We are very grateful that we have two Governors here to testify today. Governor Quintana, from Cochiti Pueblo, and Governor Lovato, from Santo Domingo Pueblo, will both give testimony on the second panel.

Some of the archaeological sites are located on Federal land administered by the BLM. We will hear, this morning, from the Bureau of Land Management on the research that their archaeologists have undertaken on some of these sites. Although the BLM will not provide its official testimony until September, at the hearing in Washington, I was very pleased that the agency supported a similar bill that I introduced to the previous Congress, and I hope that they will support S. 2776.

Many of the sites identified in the bill are on non-Federal land, and I think it might be useful to take a minute and explain what the bill does and what it does not do, especially with respect to these private lands.

The bill designates 24 sites in the Galisteo Basin as archaeological protection sites. For sites that are located on Federal land, it directs the Secretary of the Interior to manage the sites in a way that will protect and preserve the archaeological resources while also allowing for further archaeological research.

With respect to a site that is located on State, tribal or private land, the bill does not give the Secretary any management or regulatory authority over those lands. It does authorize a landowner to voluntarily enter into a cooperative agreement with the Department of the Interior. The terms of the agreement are whatever the landowner and the agency would agree to. My hope is that the Federal Government will be able to provide landowners with assistance in protecting their sites, either with technical advice or financial assistance.

In return, I know that some of the owners are willing to allow for some research or public interpretation of the resources on their land. This bill authorizes voluntary participation in that. Because this can be a sensitive issue, I have added language to this year's bill to explicitly state that the Secretary of the Interior has no authority to administer sites on nonfederal lands, except to the extent provided for in a cooperative agreement entered into between the Secretary and the landowner.

Similarly, the bill authorizes the Federal Government to purchase a designated site, but only if the landowner is a willing seller. I have also added new language to clarify that nothing in this bill limits or restricts a tribe from protecting cultural or religious sites on tribal lands.

As most of you know, I introduced a similar bill three years ago. That bill did not get enacted. In those three years, many irreplaceable archaeological resources have been lost. There is very little legislative time left in this Congress, but I am hopeful that following today's hearing, we will be able to show strong local support so that we can move the bill forward through both the House and Senate in the remaining weeks.

We are going to start today with testimony from Mr. Richard Whitley, who is the acting New Mexico State director of the Bureau of Land Management in the Department of the Interior. I understand that he is accompanied by his chief archaeologist, and so we will hear their testimony, and I will ask them a few questions, and then we will go to the other witnesses.

Mr. Whitley, thank you for being here.

**STATEMENT OF RICHARD WHITLEY, ACTING STATE
DIRECTOR-NEW MEXICO, BUREAU OF LAND MANAGEMENT**

Mr. WHITLEY. Thank you, Senator. Can you hear me? Is this working? I have with me today Steve Fosberg. He is the State archaeologist for BLM and has done a lot of work out at the Galisteo Basin.

Thank you for the opportunity to participate in this hearing on the protection of archaeological sites in the Galisteo Basin in New Mexico. I understand the committee will hold a hearing in Washington, D.C., on a later date, at which a witness representing the Department of the Interior will be invited to provide the committee with the administration's views on S. 2776. My statement today will discuss the BLM's active work over the past several years to protect archaeological resources on public lands in the Galisteo Basin.

The lands surrounding Santa Fe in the area known as the Galisteo Basin contain a rich cultural heritage of national significance. The first Spanish explorations in this area found thriving Pueblo Indian communities dating back to prehistoric times. Today, the ruins of these pueblos commemorate both the achievements of the ancestral Pueblo people and the events which shaped the early colonial history of New Mexico and the Southwest. Other important historical events which have left traces on this landscape include the development of the Camino Real, the Pueblo Revolt of 1680, the establishment of the Santa Fe Trail, a major Civil War battle, the coming of railroads and the mining booms of the territorial period.

Lands to the north of Santa Fe are Pueblo Indian reservations, while the lands to the east and the west are largely public lands managed by the BLM and the U.S. Forest Service. Portions of this land, such as the Pecos Wilderness and the La Cienega Area of Critical Environmental Concern, have been set aside for special protection. Other areas are managed under the principle of multiple use and other laws, such as the National Environmental Policy Act and the National Historic Preservation Act.

The southern part of Santa Fe County has a pattern of mixed ownership, with private lands predominating. Development of this area is proceeding at a rapid pace as the population of Santa Fe County continues to grow. Both the State of New Mexico and the BLM manage key parcels in this area.

Natural processes take a toll on the cultural resources, but the threats posed by human uses are potentially more serious. Vandalism and careless excavations in the prehistoric and early historic ruins are a source of great concern to modern Pueblo peoples and threaten some of the most important archaeological sites with wholesale destruction. Centuries of woodcutting and livestock grazing have altered the vegetative communities as well as the riparian areas and the watersheds that support them. Development of both residential and commercial real estate presents risks to the ruins, trails, petroglyphs, and other traces of history and prehistory that remain in this landscape. Illegal trash dumping and other activities of this type have had a serious adverse impact on the natural and cultural resource values.

Of the 24 sites referenced in S. 2776, nine are currently managed in whole or in part by the BLM. The other sites are on State or

private land. BLM archaeologists have done extensive research on these sites, and have developed long-standing, positive working relationships with the local communities of La Cieneguilla and La Cienega Pueblo Indian communities, the affected State agencies, the University of New Mexico, and local conservation organizations on all aspects of the protection of archaeological resources of the Galisteo Basin.

Through its planning process, the BLM has set aside land near La Cienega for special protection in its Resource Management Plan. The area encompassed by this plan includes the BLM-managed portions of La Cienega Pueblo and Petroglyphs, La Cienega Pithouse Village, and La Cieneguilla Petroglyphs. Management prescriptions for the BLM sites include grazing exclusions, withdrawal from mineral entry, and a no surface occupancy stipulation for oil and gas development. These management prescriptions were developed by the BLM in consultation with Native American tribal governments, State and local governments, stakeholders, and the general public, through participation opportunities afforded by the land use planning and environmental review process.

The BLM manages additional sites in the Galisteo Basin: 68 acres of Burnt Corn Pueblo; 40 acres at Petroglyph Hill; 190 acres at Pueblo Blanco; 70 acres at Pueblo Galisteo/Las Madres; and 80 acres at San Lazaro Pueblo, a national historic landmark. The BLM's decisions on appropriate uses of the areas must take into consideration the impact of approved activities on the rich cultural and archaeological resources which are present there.

The BLM's Taos field office has been very involved with local government, stakeholders, and interest groups over the past several years to improve our resource management efforts in the basin. In keeping with Secretary Norton's four Cs: consultation, cooperation, communication, all in the service of conservation, our goal is the development of a comprehensive community-based management program for the Galisteo Basin.

BLM is working with the Trust for Public Lands, Santa Fe County, the county lands commission, and local community groups to acquire critical lands within a 5,000-acre green belt, to protect its open space and national resource values. The BLM, Santa Fe County and the local community have been working together to develop a management strategy for the Cerrillos Hills, a prehistoric/historic mining district in the west central part of the Basin. The BLM plans to continue these efforts to protect the cultural resources of the Galisteo Basin.

Thank you again for inviting BLM to participate in this field hearing. I will be glad to answer any questions.

The CHAIRMAN. Thank you very much.

Mr. Fosberg, did you want to make any comments at this point?

Mr. FOSBERG. I will just be happy to assist in answering any questions.

The CHAIRMAN. Okay. Let me ask, to what extent does the BLM pursue its own archaeological research on these sites? Is this something that is an ongoing part of your program? As well as protecting these sites, do you conduct research to determine the significance of them?

Mr. FOSBERG. The Bureau of Land Management forms partnerships with universities to cosponsor field schools at archaeological sites when those sites are deemed to be threatened, either by natural erosion or vandalism, problems of that nature. Currently, we are sponsoring a field school at the Burnt Corn Pueblo. Dr. James Snead is currently out there, with students, conducting mapping and testing of that important site. And we have also worked with community groups in the La Cieneguilla area to help map and record the impressive rock art in that region. So our mode of operation, if you will, is generally not to undertake those studies with our own staff, per se, but to work in partnership with community groups and universities so that that research can take place.

UNIDENTIFIED SPEAKER. Excuse me. Could you speak a little louder?

The CHAIRMAN. I think maybe if you could, just hold the mike the way I am holding this one. Take it out of that stand, and hold it up, and that will help.

Let me ask another question, and you can try and see if the mike works better in response to that question.

This legislation contemplates cooperative agreements with landowners that wish to participate and wish to enter into such agreements. Could you give us any idea of how that would work if a landowner did want to work with the BLM to protect a site that was on private land that that landowner owned? Do you know how that would function?

Mr. WHITLEY. We at the Bureau of Land Management enter into quite a few cooperative agreements in which Federal funds can be leveraged to accomplish worthwhile public purposes, but the problem that we have with our current authorization in the Federal Lands Management Policy Act is that our authority to enter into those cooperative agreements is restricted to public lands, to the use of funds for public lands. And we have run into this problem before; the Chaco and the Outlier Protection bill, for example, gave the responsibility to the BLM to work with private landowners to encourage their preservation and protection, but it was often difficult to come up with a mechanism to help underwrite efforts for site monitoring, site recording, and so on, on those private lands. So the language that I have seen in this bill, which is very explicit, to give that authority to work with the private landowners, I think would be helpful.

What I would envision would be the Bureau using some of its funds in working with organizations like the State Historic Preservation Office, to help establish site stewardship programs where we could have more active monitoring of these sites, where we could act as a go-between and arrange for students and researchers to come out and complete archaeological surveys and recordation, and to work with other Federal agencies that have expertise in the area of stabilization, to see what we could do to arrest erosion and decay. So I think the arrangements contemplated in the bill and the language would be helpful in that regard.

The CHAIRMAN. Let me also ask, the bill is very explicit as to which of the sites the BLM is given authority to work to protect, and I think there are 24 of these. Are these the right sites? Is this

a complete list of the ones that we ought to be trying to assist with protection of?

Mr. WHITLEY. Our archaeologists have been consulting and working with The Archaeological Conservancy on this list, and I believe that it is an accurate list that encompasses the primary sites known at this time, although there are provisions, of course, in the act for additions to that list, if we discover additional properties that need to be added.

One of the properties that was on the original bill 3 years ago, I noticed that been removed, but it has since been transferred over to——

UNIDENTIFIED SPEAKER. Can we speak a little louder? We still cannot hear you.

Mr. WHITLEY. Sorry.

The question was: Is the list of sites in the legislation an accurate and complete listing of the primary sites that merit protection in the basin? And my response was that I believe it is; The Archaeological Conservancy and our staff and others have been working to update the list, and it does represent the primary pueblos that merit protection and rock art sites that merit protection in the basin. There are, of course, provisions in the act for additions to that list, which is important, because there are discoveries still being made of additional important sites.

One of the pueblos that was in the bill 3 years ago has since been removed. That was Toke Pueblo, I think, and that has since been transferred to one of the pueblos, so it enjoys protection through the administration of the pueblo and there is not a need to retain it in this version of the bill, but I believe that the list is a comprehensive list based on what we know at this time.

The CHAIRMAN. I think we make it very explicit in section 4 that additions to the list would only be made by statute, by congressional action, so if there are additional sites identified that the BLM believes ought to be protected, then we would have to go back to Congress to make a change.

All right. Any other points that we need to know about, about the BLM view on this? Mr. Whitley, did you have any other comments?

Mr. WHITLEY. No, Senator.

The CHAIRMAN. All right. Well, we will allow you folks to go about your business, and let me call forward the remaining witnesses. We have five other witnesses here that I would like to give a chance to testify. Governor Quintana from Cochiti Pueblo, Governor Lovato from Santo Domingo Pueblo, Mark Michel, president of The Archaeological Conservancy, Mr. Robert Romero, who is with La Cienega Community Association, and Mr. Buck Dant, who is a resident here in Santa Fe. If all of you would come up, please, and take a chair, that would be great.

Let me also ask Bob Jenks—where is Bob? Bob was here. Would you like to come up? You are from the State Land Office and have some testimony you would like to make. Please come on up here. We will just find another chair.

Let me also announce that Raul Alvillar is here representing Congressman Tom Udall's office. Where is Raul? Thank you for being here. Congressman Udall is also sponsoring this legislation.

He has introduced it in the House of Representatives, just as I have introduced it in the Senate, and we very much appreciate that.

Why don't we start with our two Governors. Governor Quintana, we will start with you down at the end of the table there. Thank you very much for being here, and we appreciate your willingness to testify. Would you hold that microphone there the same way I am holding this one, so that everyone in the audience can hear you. Thank you.

**STATEMENT OF ANDREW QUINTANA, GOVERNOR OF
COCHITI PUEBLO**

Governor QUINTANA. Good morning, Chairman Bingaman. My name is Andrew Quintana. I am Governor of the Cochiti Pueblo, and good morning, everybody.

Chairman Bingaman, thank you for providing me the opportunity to testify before your committee. We appreciate the opportunity to have met with Jill Halverson of your staff on June 18, 2002. Ms. Halverson shared with us a discussion draft of proposed legislation to establish a list of Galisteo Basin archaeological protection sites.

The purpose of this bill, as we understand it, is to facilitate the protection of archaeological sites in the Galisteo Basin of New Mexico. I have reviewed this draft bill with the Cochiti Tribal Council on June 19, 2002, and based on that review, I am providing testimony to convey the Pueblo de Cochiti's strong support for this legislation. Securing protection for archaeological sites, and in particular former pueblo areas located on private lands in the Galisteo Basin, are of great importance to us. The draft legislation calls for the Secretary of the Interior to seek voluntary cooperative agreements with private owners of the sites to be protected. This same approach has been applied in an informal way in regards to the old San Marcos Pueblo, and we have already contributed \$10,000 of our own money to The Archaeological Conservancy to help secure protection of this site.

The draft legislation will make it easier to arrange public/private partnerships to secure protection of these sites located on private land. Passing this legislation will advance important interests of our pueblo and other pueblos in New Mexico by improving the ability of the Secretary of the Interior to secure that protection.

We believe the bill would be dramatically strengthened and more widespread pueblo support would be generated if additional provisions were added: A, to provide that the pueblos will be consulted as to maintenance and protection procedures for protected pueblo sites and as to identification of new sites; B, to ensure pueblo access to protected pueblo sites for ceremonial and other traditional purposes; C, to provide that the provisions of NAGPRA and ARPA would apply to pueblo sites protected under the act just as if they were located on existing Federal lands; and D, to add reference to ARPA and NAGPRA at section 8(a) of the bill as regards to protected pueblo sites.

We wish to make clear that our support for protecting these sites from unauthorized or commercial looting and other disturbances or destruction should not be construed as support for intentional exca-

vation of human remains or funerary objects interred with human remains, even if done for organized scientific or archaeological research purposes. Basic respect for the deceased requires that they be left alone and promptly reburied after consultation with surrounding pueblos if inadvertently disinterred.

If we can provide any further elaboration or explanation of why this bill and the recommended revisions is so important to us, please do not hesitate to contact us.

In closing, I want to commend you for the tribal consultation process which you have initiated in connection with this legislation and for engaging in that consultation before you introduce the bill. I also want to commend you for giving legislative attention to this important issue.

Thank you very much, and I will be open to questions.

The CHAIRMAN. Thank you very much, Governor. I appreciate your testimony, and I will have a question or comment when we finish with all the other witnesses here, but first, let us hear from Governor Lovato, the Governor of the Santo Domingo Pueblo.

STATEMENT OF ERNEST LOVATO, GOVERNOR OF SANTO DOMINGO PUEBLO

Governor LOVATO. The Honorable Senator Bingaman, my name is Ernie Lovato, Santo Domingo Pueblo. This is my fourth term as Governor of Santo Domingo. Today you are going to hear a different voice than ever before in the USA. I am nothing new, as you know, Senator. I have been to the Congress, I testified—I have a track record in the House and Senate over the many years since I lived and raised here in the pueblo land. Today you are going to see a new history. You are going to find a new history, and I want the historians of this State to make this as the true record, for you have now been told the truth.

Today, I come before this committee here, but first of all, before I go on with my prepared statement, I am taught to stand when I speak, is the reason that I am standing. I have called upon my spiritual guides to be with us. They are here today. My ancestors are here today, at this moment, hour. This is part of your protection by law for our own aboriginal religious-connected, and so on, so please listen carefully.

First of all, let me qualify my statement initially. I wish you had the opportunity at this legislation, first attempt, years ago, Senator introduced. I am sure he did well. Apparently, there was not much Indian leadership participate at that time. This year, the year 2002, we are here, and I am going to make sure that I am going to be with Senator all the way through Congress. Let the members of Congress hear from the true Americans that were here first.

This bill, S. 2776, is going to fly through, but they hear it from us First Americans, in Congress. That is what needs to be done, because who else knows better in America? We. And I want to speak for Santo Domingo leadership. I have been around long, long time in this State. I have been member of my council 31 long years. I served the whole State, 19 pueblo governments, 6 long years. I served in this State very well, all the way through Congress. I have a track record. I have been through the mill in this State, so I am

nothing new to the politics. I am nothing new to the bill. I have been there. I testified on land recovery projects in my homeland.

But anyway, I just wanted to let the American people know that we are now coming forward. The true facts are facts that must be brought up in this area, on the Senate bill that we are speaking of today, is nothing new to us. We know the history. We know the aboriginal history, the true history before USA, before State government, before Spanish encroachment. We should be the first and forefront in this whole issue all the way to Congress, because we are the true inhabitants by rights of our ancestral rights. We walked this terrain when I was a young boy.

As recent as 1980, 1990, when I was involved with land investigation for land recovery project for my tribe, illegally taken from my people, we saw Galisteo Basin, we saw San Marcos Pueblo, we saw La Cienega, we saw the whole area that is classified here. We have our own name sites. All of this listed here on archaeological sites are Spanish surname sites. I respect that, don't get me wrong, but I also know my own history, by aboriginal rights and identification of sites. It is more than 24 sites, to my knowledge, as a young Indian leader. I know my history, because it was taught to us from generation on down, and that is very important for archaeologists to know, historians to know, members of Congress to know, all the way to White House to know. Who else knows better, but us first?

So I just want to set that record straight, so that the members of Congress will know exactly who is speaking the truth in America in the—in the Galisteo Basin. Anyway, we walked that area, so we know the sites. And I am glad that the Senator has taken the forward step necessary as an interested Senator. I have a high respect for the Senator. I worked with him many, many years. He knows that. I am his strong right-hand supporter. I support him every election; therefore, I stand ready to protect this with him, and I am going to make sure this time the Senate pass all the way to the Senate—House and Senate, and I am going to be right in there with him, if he needs me in Congress, to support this all the way through.

So I just wanted to let you know that. We know the history. We have Indian names, but I cannot publicly tell you that. I have many reasons why. So the things that identify here by Spanish surname sites is well taken, to some extent; we respect that, but we also know we should—we should also come forward to protect our interest.

Every time when someone speaks in New Mexico for archaeological sites, burial ground disturbance, we get disturbed, too. And I am the one that always fight it. Many of you probably know my positions in the past. Whenever there is going to dig up or mining, or things of that sort, I take a position, strong, forcefully, immediately. So as you can see, Santo Domingo Tribe is very strong, very strong, as many of you can witness during the August 4 celebration. You saw the people, crowd; you saw the cultural collection; you saw the religion intact. That is how strong our government of Santo Domingo. Yes, we do not have a gaming tribe, but we are strong culturally, we are strong religiously, we are strong in everything that has to do with the land and earth, and so on.

Now, at this time, I wanted to read to you a prepared statement, and I wanted to thank Senator Jeff Bingaman's staff for coming to our Indian land. Remember, I did not say "reservation," I said "Indian land." That is more appropriate. In every speech that I make in Congress, State legislature, I say "Indian land." I never say "Indian reservation." That doesn't fly with me, the word "reservation." It is not reservation, it is Indian land, and that is true.

So let me go ahead and read you this prepared statement, and I hope this will at least highlight in Congress to make sure the Senate is heard properly in Congress.

The Honorable Jeff Bingaman, U.S. Senate, Washington, DC.

Dear Senator Bingaman, we are writing in support of the proposed legislation regarding—the Galisteo Basin protection legislation that was first introduced in 1999 by you and Congressman Udall, and that is being reintroduced this year again.

Santo Domingo Pueblo is one Nation that strongly—has strong historic ties to the Galisteo Basin entirely, and many cultural resources found there is belonging to us. They include some of the largest pueblo ruins in the United States, spectacular rock art, mission churches, and early Spanish settlements. The region played a key role in the Pueblo Revolt of 1680 and was largely abandoned at the time. Both Santa Fe and Albuquerque are expanding into the basin at a rapid rate. We are becoming increasingly alarmed by the threats to these resources, such as looting, urban development, erosion, and so on.

The cultural resources this legislation seeks to protect are located on Federal, State, county, private lands. Sorry, it's got left out here. It should say Indian land also. The proposed legislation seeks to arrange public/private partnerships to secure the permanent protection of these resources. It would facilitate planning and interaction between the pueblos and non-native governments and landowners with regard to the protection and management of these ruins.

With all the pressures on the basin, now is the time to act to protect these priceless resources. They are an untold part of our history and heritage. They are also a vital part of the history of New Mexico, the United States, and the world. This legislation deserves the support of all New Mexicans, and I encourage every one of you people in New Mexico to come forward and strongly support this, and hope that the Congress will act quickly to enact it.

And I, again, certainly as a Governor of this Nation of ours, to protect this, and I will take the position strongly in Congress, if I need to. There is a way to do this, and I stand ready for you, Senator Bingaman, to be with you in Congress all the way through to support this, and I want to make sure that this is done.

So let me repeat again, last, as a prepared statement, please, please understand, all of you in America and New Mexico, we were here first and we are going to continue to stay here, but from here, forth, from now on, anything that involves New Mexico land, I want to make sure my Indian people is included in the testimonies. I want to make sure that every step of the way, the State, of Nation, that Native American be consulted.

Gladly to say, at least BLM came forward recently, to the congressional act several years ago. Now BLM is allowed to interact with Indian people in this State for land exchange program, and I want to be—gladly, publicly make the statement. Recently we had a land exchange program with the BLM people, and I was very glad to do that. Now at least we gained some more on the east side of our Indian land. Inclusive of that, we are buying some more land over on the west side.

As you can see, I am here telling the Congress and public and the legislature that I will hope the ownership there, Joe Miller and rest of you, if you are here, I stand ready to sit with you, talk to you; we may work something out. I would like to see that some of that area return back to my Indian people. That way it will show the American people like you and I will be protected. I can assure you we know how to protect the cultural and religious sites. So if that can be possible, Senator, I would like to see on the sites some kind of negotiation be discussed, at all possible, return back to the site, because after all, anyone—there is nobody in the world can argue with me. It is our aboriginal inhabitants' home sites.

San Marcos is good example. I heard the other day, somebody wrote a bit in the *New Mexican News*, that I haven't read, somebody's talking on our behalf that we should be the ones telling the people in New Mexico that San Marcos Pueblo belonged to my people. We studied that during my land investigation, San Marcos Pueblo area. We have four or five tribes that live there many years before USA, be-

fore Columbus, before Spanish government. It is all evidenced across this New Mexico. La Cienega area, I have my people live there. The ruins are still there.

So Senator, I just wanted to make sure that I am here, glad today, that you all invited me to come forward. But here on, I want to be out there on the forefront, every time there is something come up like this, because Santo Domingo is very strong, very strong in this situation. We are a very, very conservative Indian Nation, Santo Domingo, and we have a strong government. And like I say, I am nothing new to this State and Nation. I have gone through the mill. I know what I am talking about when it comes to Indian Nation, culture, religion, and so on, so I hope the Senator—and I wanted to assure you, Senator, I'll be right in there with you all the way, to make sure that this time, Senator—and I want to make sure on the Republican side, Senator—what is his name, Senator Republican? Domenici. I forgot it for a while, but I remembered it.

I heard that he did not support this initially, way back, Senator. This time, I am going to get Senator Domenici getting in side by side with Udall, no problem, Heather Wilson, and the rest of the folks. I want to make sure that they support, because they are part of the New Mexico citizens and they represent all of us, but more importantly, Senator, I hope the Congress and I hope both the House and Senate will listen to us, and please invite us, Senator. I will protect this for you, and you will protect this for us. Together we will go in partnership to make sure it is protected.

Thank you very much for allowing me.

The CHAIRMAN. Thank you. Thank you, Governor. I appreciate your strong statements. Our next witness is Mark Michel, president of The Archaeological Conservancy. And let me just mention, I think what is obvious to everyone who has followed this issue is that Mark has been a leader in not only promoting protection of these sites, but also in urging that we move ahead with legislation of this sort. So thank you very much for all your help, Mark.

STATEMENT OF MARK MICHEL, PRESIDENT, THE ARCHAEOLOGICAL CONSERVANCY

Mr. MICHEL. Thank you, Mr. Chairman, and thank you for having me here. I want to especially thank you and Congressman Udall for introducing this legislation and sticking with it. You know, often time legislation, particularly good legislation, takes a long time to get through our process here, and I assure you that I will be with you for as long as it takes to get it done, and hopefully, we will get it done this year.

I have prepared a written statement for the committee, that I would like to summarize for you today. I would like to address, first, the significance of the resources, from an archaeological point of view, in the Galisteo Basin. These resources include the largest pueblo ruins found anywhere in the United States, some with up to 2,000 ruins. In fact, 10 of these 24 sites have more than 1,200 ruins—surface ruins, and just to give you an example, Pueblo Bonito in Chaco Canyon, which is a spectacular stone ruin, has 800 ruins, total, on five stories, so some of these ruins might have as many as 5,000 ruins, so many times the size of Pueblo Bonito, and there are 10 of these of that massive size, along with a number of earlier ones.

The basin also includes world-class rock art, and over here, we have a poster showing an example of some of the rock art that is found here. I would hesitate to say that there is any better rock art or any better concentration of rock art anywhere in the United States than the Galisteo Basin. They include some of the earliest—they contain some of the earliest European settlements in the United States, dating to 1600, where the first Spanish settlers to come into New Mexico were established.

And many of these sites were abandoned at some time or another, many of them during the Pueblo Revolt of 1680, some a little bit later, and not built over again, so they are preserved, and they will give us a very interesting picture, snapshot, if you will, of Spanish colonial life in New Mexico that cannot be obtained in Santa Fe or Albuquerque, or places where the earliest ruins have been destroyed by remodeling and rebuilding of the Spanish towns.

The basin contains at least four of the earliest Roman Catholic missions established in the United States, and so it is really the birthplace of the Christian Church in the United States, and these missions were destroyed during the Pueblo Revolt of 1680 and have never been rebuilt, but they are there intact. In the last couple of years, archaeologists have been excavating the one at Pueblo San Marcos and found fascinating things that will tell us much of the early Spanish missions. Archbishop Sheehan has been out to visit these, and is very impressed, very much interested in seeing them preserved.

The region is nationally significant and it has attracted nationally important archaeologists from all over the country in recent years, including people from the American Museum of Natural History in New York; George Mason University in Arlington, Virginia; University of Chicago; Columbia University; and our local Museum of New Mexico and the University of New Mexico. All of these people have been working in the basin in the last couple of years.

Recently, the Field Museum of Chicago, the University of Colorado, and the University of California at Santa Cruz have also been here, so it is attracted national attention.

S. 2776 would establish a program to protect 24 of these sites through public/private partnerships. The bill is patterned on the highly successful Chaco and outlier legislation of 1980 that has protected 39 outlying villages of Chaco Canyon for the last 22 years. As with the Chaco bill, S. 2776 relies on the cooperation of private landowners, Federal, State and county governments, the pueblos and the general public. The Secretary of the Interior would enter into voluntary cooperative agreements with nonfederal owners to assist in protecting the archaeological sites. Public lands would receive an enhanced level of protection.

Since the heart of this legislation is to aid non-Federal landowners, I think it would be appropriate to indicate in the bill, or perhaps to report, some of the types of aid that would be available; in other words, to be more specific, and that would include things like fencing and security, erosion control, stabilization of ruins, and so forth.

Thank you again for having me here today, Senator. Thank you again for your great leadership on this issue, and as Chairman of the committee, we are very honored to have you as our Senator.

[The prepared statement of Mr. Michel follows:]

PREPARED STATEMENT OF MARK MICHEL, PRESIDENT,
THE ARCHAEOLOGICAL CONSERVANCY

Mr. Chairman, members of the committee. My name is Mark Michel and I live in Albuquerque, New Mexico. I am President of The Archaeological Conservancy, a non-profit organization formed in 1980 to acquire and permanently preserve the most important remaining archaeological sites that are located on private land in the United States. We have completed about 250 projects in 37 states. We also pub-

lish *American Archaeology* magazine and have about 25,000 members. The Galisteo Basin, located between Albuquerque and Santa Fe, New Mexico, contains one of the largest concentrations of prehistoric and historic ruins found anywhere in the United States. These ruins tell a story of at least 700 years of American history and of the first interaction between Native Americans and Europeans.

Sometime around A.D. 1250, numerous small pueblos in the Galisteo Basin of New Mexico, just south of Santa Fe, coalesced into a number of very large pueblo villages. New immigrants, perhaps from the collapsing centers of Chaco Canyon and Mesa Verde, swelled the towns to unprecedented size, including the largest pueblo ruins in the United States.

These pueblos flourished, then dwindled, then disappeared, leaving only large ruins of adobe and stone, with millions of shards of pottery and thousands of graves. The Spanish called these pueblos Cienega, San Cristobal, San Lazaro, Pueblo Blanco, San Marcos, etc.

We know from Spanish accounts that the Galisteo Basin was a thriving community when Coronado arrived in A.D. 1541. Castano de Sosa followed in A.D. 1591 and gave Spanish names to the Indian towns. Juan de Oñate, New Mexico's first governor, visited the Galisteo Basin in 1598, and noted the decline in the population, perhaps as a result of European diseases. Mission churches were established soon after at four of the pueblos. These are four of the first Christian churches established in the United States. Their ruins are part of this legislation.

In 1680, the Pueblos rose in revolt against the Spanish. Haciendas were destroyed, priests were martyred, churches destroyed, and the Spanish were forced to flee to El Paso. Santa Fe was occupied by Native American warriors. Twelve years later, the Spanish returned under Diego de Vargas to find the Galisteo region largely deserted and in ruins. In this period, 1540-1692, the destiny of the American Southwest was shaped in the Galisteo Basin. Native and European cultures clashed and finally came to an accommodation.

S. 2776 designates 25 Spanish and Native American sites in the greater Galisteo Basin as archaeological protection sites and provides for their protection through public-private partnerships. These sites cover the entire history of the region—from the 2,000 surface rooms of Pueblo San Marcos to world class rock art to a one-acre Spanish hacienda destroyed in the revolt of 1680. There is nothing like this concentration of multi-ethnic sites anywhere else in the United States.

This incredible resource is under assault from a number of directions. Surging arroyos are threatening to wash away major parts of many of these sites. At Pueblo Blanco and Pueblo San Marcos, for example, erosion has damaged several large portions of the ruins and remedial efforts have been only partially effective. Two years ago, a flash flood swept down a newly paved county road and came within a foot of washing away large parts of the best preserved pre-revolt Spanish settlement in the country.

Sprawling growth from Santa Fe and Albuquerque is also putting intense pressure on these ruins. Subdivisions are already in progress or planned for several areas of the basin, and land prices are sky-rocketing. This development is beginning to have a major impact on the cultural resources, including trespass, roads to formally remote areas, and construction impacts on nearby sites.

Finally, uncontrolled excavations or looting is a constant threat to these irreplaceable resources. Artifacts from these large sites bring high prices on the international antiquities market, and landowners and managers have an increasingly difficult time stopping professional looters.

S. 2776 would protect these incredible resources through public-private partnerships. For the past several years the Bureau of Land Management has been developing an Area of Critical Environmental Concern in the La Cienega part of the basin. They have moved to acquire lands and provide additional protection to public lands under their jurisdiction. This legislation would strengthen their authority to provide protection.

The bill authorizes the Secretary of the Interior to enter into voluntary, cooperative agreements with private landowners to "protect, preserve, maintain, and administer" their sites. This concept is central to legislation adopted in 1980 that protects Chaco culture sites in Colorado, Arizona and New Mexico (P.L. 96-550). With twenty-two years of experience with the Chaco sites, we are confident that this concept works well. The sites have been protected and so have the rights of private landowners. S. 2776 closely parallels the 1980 statute.

S. 2776, like the Chaco outlier law, allows for the voluntary acquisition of sites listed in this bill by the Department of the Interior. A number of the private owners want these resources to be in the public domain and this legislation provides authority for so doing. The total area is small, only 4,591 acres at 25 sites, and nearly

half is already publicly owned. Technical assistance would also be provided to landowners that request it.

We feel the bill would be improved by specifying some of the types of aid the Secretary can provide to private landowners under the cooperative agreements, like such as aid for fencing, erosion control, ruins stabilization, site mapping, monitoring and so forth. Perhaps this could be in the committee report if not the bill itself.

S. 2776 also provides for the development of a general management plan for the 25 listed sites in the greater Galisteo Basin. For the first time there would be a mechanism to manage the cultural resources of the region as a whole. Local, state, and federal governmental units as well as private parties would work together to develop a plan for the region. The nearby Pueblos would be included. The public at large would also have ample opportunity for input.

The bill designates the Secretary of the Interior as the management authority. We feel the bill would be strengthened by designating one agency to be in charge. Our experience with the Chaco legislation, tells us that if no one agency is placed in charge, it is difficult get anything done. The Bureau of Land Management has taken the lead in this region, and it would be appropriate to put it in charge of the project.

The archaeological resources of the greater Galisteo Basin are a national treasure. They are outstanding examples of Native American and Spanish colonial culture. But more importantly, perhaps, it is here that these two great cultures first interacted and helped forge a very important part of our American heritage. It was here that the only successful Indian revolt against European rule took place. And it was here that two cultures learned to live together.

This is a place of national significance that attracts scholars from all over the country. In the past two years, scholars from the Museum of New Mexico, University of New Mexico, the American Museum of Natural History in New York, the University of Chicago, Columbia University, and George Mason University have conducted research at various Galisteo sites. The Field Museum of Chicago, University of Colorado, and the University of California at Santa Cruz have been here recently. More are on their way.

Since this legislation was first introduced in 1999, New Mexicans have rallied to its support—Native Americans, Spanish heritage groups, our Archbishop, neighborhood groups, conservationists, the City and County of Santa Fe, Sandoval County, and more. Santa Fe County has used its open space funds to acquire two of the most endangered sites, and they are in the process of acquiring a third. I cannot remember a legislative initiative with such a broad range of support.

We urge the Congress to adopt S. 2776. It will provide a framework for the permanent preservation of one of the most important archaeological resources in the nation.

The CHAIRMAN. Well, thank you very much. I did not really anticipate that endorsement, but thank you very much. Let me now turn to Robert Romero who is with the La Cienega Community Association, and who gave us an excellent tour of some of the sites that are covered in this legislation. What was it, about 2 years ago now?

Mr. ROMERO. Probably.

The CHAIRMAN. It seems about 2 years ago.

Why don't you go right ahead, Mr. Romero.

STATEMENT OF ROBERT ROMERO, PRESIDENT OF LA CIENEGA VALLEY ASSOCIATION

Mr. ROMERO. Senator Bingaman, I would like to thank you for having us here today. It is really a privilege and a pleasure. I rarely speak from a prepared statement. I usually speak from my heart, and I will go ahead and continue to do that today, and—I am president of the La Cienega Valley Association, which represents the community of La Cienega and La Cieneguilla. We have recently achieved traditional historical status by State designation and by Santa Fe County. I also sit on the County Open Lands and Trails Committee. I have sat on that since its inception.

I would also like to express my gratitude to my Native American brothers here. My cultural history goes back to when Onate first came into this area and my grandfather Bartolo Romero, my great, great, great, great grandfather came up here with Onate, initially, and eventually we settled here over the years, not so much as conquistadors, but as colonists. And I can tell you this, the Hispanic culture would not have survived or existed here without the assistance of our Native American brothers, and we would have very well perished in this land without their help.

And I would like to go ahead and speak from my experience in La Cienega. We have worked as a community to preserve some significant archaeological sites in La Cieneguilla area, which were slated for development: over 350 acres were going to be developed out there, and we have since, through the county's open lands program and also cooperation with the BLM, have acquired those lands for protection.

And by sitting on the COLTC committee, I have been involved in numerous acquisitions throughout the Galisteo Basin. I have become quite familiar with some ruins that I have never even have known about. I think, right now, we have acquired over 1,000 acres of property, and our local community has shown their commitment to preservation of these sites through their continuing to pass bond issues. Our initial bond issue was \$12 million, and it went forward—we had a second bond issue for 8 million, and now a gross receipts tax initiative was passed to allow \$1 million annually to come into this program.

What we are faced with now is the management of these properties. We can continue to acquire properties, but without management, they will be subject to degradation, further degradation, and we really need to focus on that aspect, because we can continue to try and acquire these sites and protect them from development by acquiring them, but without open space surrounding these sites and proper management in place, they are still subject to some of the—the possibilities that are out there, that may lead to their further degradation.

We really need to focus on that, and it has got to be a consolidated effort. I don't think any one entity alone can do this, and we all really need to focus and work together on the management of these properties.

I am also an official site steward of the La Cienega Area of Critical and Environmental Concern, and I do coordinate with the BLM to allow site visits up to the petroglyph area there in La Cienega. We need, also, to bring forward an educational process to our young children to make them aware of the importance of these sites, as well, because if we do not educate, our past would be long forgotten, and we really need to focus on education and getting our children more involved with our history and our culture. Without that, I don't think we stand a chance to really preserve anything that is left here.

I have been active in fighting development as it has come into our community, but the reality of the situation is that you can only fight so hard, because our Government allows for private property rights to be protected and people to have a right to develop their land, as such. But without that educational process, how can we

expect developers to respect these sites? And how can we, without providing an avenue for them to be involved, how can we expect them to be involved, as well?

So we need to really, really coordinate, not just with our government—with our local government, but our Federal Government, our State government. We need to really consolidate this effort into a holistic effort and bring forward the private property owners and the developers, as well, into this process.

And you know, money shouldn't be the issue here, but it is, and we really need to focus on the getting the funds necessary to continue to acquire these properties when they become available, because the timing is a key issue. It is here one day and gone the next, and we really need to focus on having that funding available when it is needed, and the management available, also, to steward these properties once they are acquired—or should I say these sacred sites, rather than properties, as they may be considered by developers.

I am going to keep it short, and I will stand for any questions when we are through with the presentation here. Thank you for having me.

The CHAIRMAN. Thank you very much. I appreciate your testimony and your help with the effort we have been making.

Mr. Buck Dant is here to testify. Thank you, and we appreciate you coming very much.

STATEMENT OF BUCK DANT, LOCAL LANDOWNER NEAR VILLAGE OF GALISTEO, NM

Mr. DANT. Thank you, Senator. Good morning, ladies and gentlemen. My name is Buck Dant, and I am a landowner on County Road 42 between Highway 14 and the village of Galisteo. I have been a resident of New Mexico since 1965 and have lived in this area since 1980.

In 1998, I purchased a tract of land which contains prehistoric Native American cultural sites, and most significantly, approximately one half of a pueblo ruin known as Burnt Corn, which was mysteriously burned and abandoned around 1250 A.D. Prior to the time of my purchase of this property, the plan was for the land to be subdivided and sold off in lots for residential development. Although I respect the legal rights of landowners to develop their property, it became apparent that there was other value to the land that transcended financial speculation. Fortunately, the owners were willing to sell the property in its existing condition.

The impact of what I had done came shortly after the purchase. I knew next to nothing about the history or archaeology of the Galisteo Basin. I had little idea what I had become the owner of. I was even afraid to walk on the land where the pueblo was, for fear of disturbing intelligence I knew nothing about. I felt that the whole thing was much bigger than I am, and perhaps, I had bitten off more than I could chew; however, the responsibility for protection was instinctive.

The other half of the Burnt Corn Pueblo is on land owned by the Bureau of Land Management, an organization about which I admittedly had dubious thoughts. There is no fence dividing our properties, but I imagined a division much more portentous in the

emerging mission to protect the pueblo and the land around it from further intrusions.

Through the eyes of a few helpful and dedicated archaeologists, I was able to understand the unique significance and importance of the Burnt Corn Pueblo and why it is so special, but I also learned about the dark side of looting and destruction that has taken a heavy toll and caused irreparable damage, denying future generations valuable knowledge about the physical, social and spiritual heritage of these First Americans, and I am sad to say that this activity is still continuing today.

Above all others, I would like to acknowledge and honor Mr. Paul Williams, the BLM archaeologist from the Taos field office, which has local jurisdiction over this area. His personal commitment and devotion to protecting these sites with the highest integrity and sensibility is exemplary and should be commended. Even to a skeptic such as myself, a bridge of trust and respect has been built between a wary landowner and a huge Government agency; a highly capable and caring face has replaced a faceless bureaucracy.

Since 1998, this tract of BLM land, approximately 2,000 acres, has moved from the disposal list to a heightened priority, and recently new sites have been identified on the BLM and private lands in the proximity of Burnt Corn Pueblo. Fortunately, these sites have not been looted or disturbed and can still be protected intact. The trust and relationship that has built up between myself and Mr. Williams, and by extension, the BLM, will help ensure further protection for the remains of Burnt Corn Pueblo in the foreseeable future.

Change is coming at an accelerated pace, and a friendly chat and a handshake will not be enough to safeguard sites like this from the dynamics of a rapidly changing landscape. Speaking from personal experience, the personal experience being the steward of an important piece of history such as Burnt Corn is an awesome and sacred responsibility. It requires a sustained vigilance of time and resources and knowledge that I don't always have. I have no illusions that I own a part of Burnt Corn Pueblo, only that I am a caretaker until, one day, the pueblo will hopefully be reunited under one guardian and protected in a way that gives this venerable site the respect it deserves.

In my opinion, any group or individual who legally controls land on which there are historic and prehistoric cultural sites has a moral responsibility to safeguard them from any risk or harmful trespass.

Finally, protecting and saving the archaeological sites in the Galisteo Basin is not only the culturally correct thing to do, but also politically popular. When Santa Fe County voters were first presented with a referendum, in 1998, to approve general obligation bonds for acquisition of open space, they overwhelmingly endorsed the measure by 65 percent, and again, by a higher 69.8 percent, in the 2000 election. Clearly, interest is rising, and these were bipartisan mandates. Some of these acquisitions and proposals, such as Lamy Junction, contain the historic and prehistoric sites in the Galisteo Basin, reflecting the value of these precious resources from the perception of Santa Fe County voters.

Thank you for your time.

The CHAIRMAN. Thank you very much for your testimony.

And our final witness this morning is Bob Jenks, who is here representing the State Land Office, and we appreciate you being here and your willingness to testify. Go right ahead.

**STATEMENT OF ROBERT JENKS, ASSISTANT COMMISSIONER
FOR SURFACE RESOURCES, NEW MEXICO STATE LAND OFFICE**

Mr. JENKS. Thank you, Mr. Chairman.

Mr. Chairman, I am assistant commissioner for surface resources at the New Mexico State Land Office, and on behalf of the commissioner of public lands, Ray Powell, I want to express our appreciation for the opportunity to speak to you today concerning the proposed Galisteo Basin Archaeological Protection Act. We sincerely appreciate and applaud the initiative you have taken to identify a positive process for protecting some of New Mexico's most precious links to its past.

Prior to and upon statehood, Congress granted to New Mexico approximately 13 million acres of State trust land for the benefit of public institutions such as our public schools. These lands are managed by the State Land Office to generate revenue that provides critical economic support for these institutions. Due to the fact that State trust lands are located throughout New Mexico, these lands also hold a wealth of cultural and natural resources. Recognizing this, the State Land Office views its responsibility to not only manage these lands to optimize today's economic benefit, but also to perpetuate and protect for future generations the legacy left by our predecessors.

The New Mexico State Land Office, for the last several years, has made great strides in our effort to better understand the myriad of natural and cultural resources located on State trust land. With the support and assistance of many local, State and Federal agency partners, such as the Bureau of Land Management, and private entities, we have made much progress. With that information and support we have embarked on numerous initiatives to conserve cultural resources located throughout the State. Recent prospects include the stabilization of centuries-old sites that are at risk due to the rigors of time and human visitation. And in fact, next week, we will be implementing protective measures at the Folsom site in northeastern New Mexico, a location of nationally significant research and educational value. These efforts have been successful, in large measure, due to the cooperation of our lessees, agencies and private organizations.

There are several thousand acres of State trust land in the Galisteo Basin. In this area, we are fortunate to have the archaeological site Pueblo Blanco, situated primarily on State trust land. Pueblo Blanco is identified in the Galisteo Basin Archaeological Protect Act, as well. Pueblo Blanco is a very large stone masonry ruin, which contains an estimated 1,450 rooms in 16-room blocks, with seven or eight plazas located around it. In fact, the photograph located over there, the one farthest to your right, is that of Pueblo Blanco. As with many other sites in the Basin, evidence suggests this particular site was occupied—it is estimated that it was occupied between the 1400's and 1600's.

The significance of Pueblo Blanco, from a research perspective, lies in its large information potential regarding the subsistence, climate and cultural dynamics between the Native Americans and Spanish explorers. There were limited excavations in the early 1900's, but the majority of the site remains buried and untouched. As with many locations, erosion is a threat to the stability and integrity of this particular site. In response, a few years ago, the State Land Office implemented remedial measures that arrested the immediate erosion threats, but nonetheless, there are still opportunities for us to do more work out there.

The Galisteo Basin Archeological Protection Act presents welcome opportunities to protect and conserve irreplaceable archaeological treasures such as Pueblo Blanco. Our experience has been that the most successful projects are those that involve partners and collaboration. The act will provide a means for interested parties to work together and accomplish goals that otherwise might not be attainable. It stipulates that the Department of the Interior will consult with the commissioner of public lands through the development of a general management plan, and we look forward to working with them to do that.

It also provides that any involvement of non-Federal lands would be voluntary. We believe that this provision will actually provide or serve as an incentive to conserve cultural resources in the basin. The State Land Office views the provision for the development of cooperative agreements as a practicable method for dealing with management issues best addressed through collaboration.

Lastly, the bill provides that should the State Land Office and the Department of the Interior, if they should agree, may exchange land to provide for the protection of archaeological sites, which provides flexibility for those circumstances where this may be the best alternative. The State Land Office views the Galisteo Basin Archaeological Protection Act as a constructive approach to providing alternatives for dealing with complex issues.

We truly appreciate the efforts you have made, Senator, to protect New Mexico's rich cultural heritage and we also appreciate the willingness of you and your staff to work with us to better understand and incorporate provisions recognizing the unique responsibilities of the State Land Office.

Thank you very much.

The CHAIRMAN. Thank you very much, and let me particularly thank our State Land Commissioner, Ray Powell, for his support, his cooperation and his suggestions on how to improve this bill, which we certainly have taken to heart.

Let me also just respond now. Governor Quintana, you had indicated several suggestions, which we want to study in greater detail. However, we did include some revisions in here, which I hope will address some of your concerns. We have a section—in section 9, and subparagraph 4 of that, which says that nothing in the act will be construed to restrict or limit tribes from protecting cultural or religious sites on tribal lands, so we are trying to ensure that that is clear in the law.

It is also my understanding that the two acts you referred to, the Archaeological Resources Protection Act, that is ARPA, and NAGPRA, which is the Native American Graves Protection and Re-

patriation Act, already apply on pueblo lands, but we will certainly study that and try to be sure that that is the case. But that is an extra point that you made.

Governor Lovato, we appreciate your strong statement and look forward to working with you, as well, as we try to move forward here.

Let me ask Mark Michel, your organization, The Archaeological Conservancy, has spent a great deal of time and money in an effort to protect some of these sites already. What do you see as the benefit of this legislation if it goes forward? Do you believe that the BLM will be in a better position to assist you in further acts to protect some of these sites? Is that the main motivation for your support of this legislation?

Mr. MICHEL. I wouldn't say it is the main motivation. I think that as a small nonprofit organization, our ability to protect the sites of this size and magnitude is limited. We have most—one of the big sites that we own, we have another 80 acres at Pueblo Blanco, and that's just parts of two of the 24 sites, so I think, for a private organization, it is difficult to protect the whole thing.

I think the real heart of this legislation is the cooperative agreements, Mr. Chairman, where the Department of the Interior, with its resources and, hopefully, some appropriations and its expertise, can help private landowners to voluntarily protect these sites, and that kind of help comes in the way of expertise in stabilization. It comes in the way of expertise in erosion control, which is a really big issue out here. If you look at these photographs that we have here, almost every single one of these sites is being damaged by arroyo cutting, so I think that those are the key things that we are looking for here.

The other thing I think, is that your initiative, Senator, has sparked all kinds of other people to get involved in trying to protect archaeological sites in the Galisteo Basin already, and I want to particularly point to the county of Santa Fe, that has already acquired two of these in the last 2 years, and is in the process of acquiring one more, using its bond issue, publicly voted bond issue, open space bonds, and so—they are looking for help in managing these sites. They have no resources whatsoever for managing archaeological sites, so they are looking for help in managing these, as well.

The CHAIRMAN. Let me also ask, there has been some suggestion that there continue to be threats due to looting of these sites, even at the present time and in recent years. Is that your impression? I mean, is this legislation something that needs to be passed in the near future, rather than the distant future?

Mr. MICHEL. Yes, I think that the threat is increasing with every year that goes by. Just in the last—since the last time we had a hearing on this, we have had several incidents of looting that I am aware of in the basin, because there's more people around. There's more things around, but there's also a lot more development.

I mean, these sites—and if you go out there today, as you know, Senator, compared to 10 years ago, you see subdivisions all over the place, and development going on all over the place, and the price of land is skyrocketing, and so, what I am suggesting is that maybe it is not an imminent crisis for most of these at this time,

but why don't we get ahead of the curve a little bit before the bulldozers are at the door, and save a little taxpayer money and try to protect these things before the bulldozers are at the door for a change?

The CHAIRMAN. All right. Thank you very much.

Mr. Romero, let me ask you about your suggestion regarding the need for better education, public education, about the importance of some of these sites and the importance of protecting them. Are you aware of any formal programs to do this at the current time? Is there anything you are aware of that either your organization or any of the other organizations you deal with are engaged in along these lines?

Mr. ROMERO. Right now, at the present time, it is very limited. There are some educational initiatives being taken on. There are some field trips being conducted in the public schools, out to La Cieneguilla, to make aware to the children that there are these sites that are in need of protection. I think it is very important to educate our children, at an early age, of the significance of these sites. Not only do they hold history on the part of the Native Americans, but also on—as Mark had mentioned, also in the Spanish colonial period.

You know, our children are going to be our future developers, our future archaeologists, our future—they are our future. And I think if we start this process of emphasizing education, I think there will be more awareness in the future as the pressures continue to occur, and there will be more sensitivity to it. I really feel that education is ultimately going to be the saving grace of these sites. And we are talking about Galisteo Basin here, but if you go throughout New Mexico, there's numerous sites that have yet to be encroached upon, but as development occurs, as I have seen in my 37 years of living here in New Mexico and in the local area here, development has occurred beyond my wildest beliefs.

I never thought that my small community of La Cienega would be on the verge of becoming part of the city of Santa Fe, and that is one of the reasons why we went for traditional historic preservation, was to try to protect our identity and some of the heritages that are there in our village. And we did this through education, you know, to educate our representatives there at the county level to grant us this designation, and at the State level, as well.

The CHAIRMAN. All right. Thank you very much.

Mr. Dant, you obviously have a strong commitment to the protection of sites on the land you own and other sites as well. Is your view on this shared by other landowners in this area, as you understand it, or are you the exception?

Mr. DANT. That is a bit difficult for me to answer, because I do not know of any other landowners specifically that are in my position. I would say that in speaking to the adjacent landowners, they are certainly aware of what's going on. I agree with Mr. Romero. I think education is a very important component here. I think that these sites could be much more publicized, which kind of opens the door for people coming who, perhaps, could injure the sites in some way. So I think there has to be a lot of thought given to how this is done in terms of public awareness and opening these sites to research and invitation.

As far as the other landowners, I think it is just a matter of working on the ground level, community involvement, and trying to, you know, get people to be, first, aware, and then, perhaps, enthusiastic, and then, perhaps, to participate in the protection of these sites.

The CHAIRMAN. Okay. Well, thank you very much for your testimony.

Yes, Governor Lovato, go ahead.

Mr. LOVATO. I would like to make a strong recommendation to you, as the chairman of the managing committee, there's several things that need to be done that no one has done. One is the enforcement. Yes, we have all kinds of Senators, Congress enacting some of the protection laws such as Native American protection laws, and so on, but I don't see anyone out there in the Federal Government really, truly enforcing it. There's still a lot of looting going on, there's still a lot of damages going on, there's still a lot of digging going on. And no one seems to be doing the prosecuting. That is my contention right now, so I would like to see that enforcement being made in order to do that.

See, Senator, I do not want to go home today empty look in hand. I am not that way. When I go to Congress, I want to come home with something concrete that I can tell my people, "Your people are going to be protected, your ancestry rights." I do not want to go home back today empty looking, Senator. I want to recommend that to you strongly, that we get some kind of enforcement going in terms of education.

The comment made here by brother Robert Romero pointed out is well taken. If anybody is well qualified in New Mexico for teacher of youngsters, multicultural, Hispanic, Indian, and so many people in New Mexico, to teach what is cultural relevant. There is significant area sites, you have got to have a multicultural involvement to do public education. I do not see no one in New Mexico's qualified to do public education only that because it takes a strong feeling from my heart. Right now, I am sitting here wondering if anybody was to teach your youngsters, multicultural students, is going to have to be people like our American Indian people and my brothers of Hispanic race because they came to settle. They know the feeling.

American Indians, when they lived here before USA, we know that they left behind many things, and I am suggesting another thing, Senator, not only the Galisteo Basin should be addressed at the national level in Congress. I would like to see or take a strong position in reference to the San Marcos Pueblo area. I heard somebody came out with the news the other day in *The New Mexican*. I haven't read it. I am going to take a strong position on that San Marcos Pueblo because nobody consulted my people, and yet, I have a five or six ancestry claimship on. My pueblo live there long before Spanish encroachment, long before United States, and we walked that terrain in that San Marcos Pueblo. We know the history.

I have more than Ph.D. when it comes to history of New Mexico land, so no one in the audience could ever tell me I am not educated. I have been educated from the time immemorial, as young as I am. So I have all this way of that qualification, Senator, but

I do want to leave with this substance, like I said, I do not want to go home empty, Senator, and you know me. I am nothing lightly taken by Congress. I have been there. And so I wanted to assure the public of New Mexico that we be inclusive every step of the way, public education, walking through the sites, and please do not leave us out all the way through Congress, if we are going to pass this. Because I am going to be the first to be heard in Congress if my people are bypassed in Congress, and I am going to take the strong position in Congress when the time is right.

So anyway, those suggestions, public education is well taken by multicultural understanding, presentation, and management skills. I want my Indian people to be inclusive in the management. How can anybody manage that area with the absence of Indian people? No one is qualified to do that. So you need to be inclusive of multicultural people, get the Federal dollars. Let's go support one another. Let's be inclusive of multicultural and preserve that area and manage those areas equally. Those are the things that I am more interested in.

Like I said, I do not want to go home empty, because I have—I have gone through this kind of business before, and usually, I find myself on the site and someone else doing talking for my people. Those property over there, burial grounds, San Marcos, the Lamy area, La Cienega, those are my people's property. They are mine. My people's ancestral property. No one has a right to take out and display in archaeological museum. That is not right for display. Those are our spiritual connected, so we have got to protect that.

So I hope we can understand this, Senator, and all of you out there in the public, let's get together and really, really come together to understand this, share the values and really enforce those laws and protect. So Senator, again, I hate to sound this way, but I am very—I get pretty keyed up when somebody speaks on my behalf where they do not even know the history of themselves, so I want to qualify that for my record. Thank you.

THE CHAIRMAN. Well, thank you very much. Let me just thank all the witnesses. If anyone in the audience wishes to make a statement on the legislation or put in a statement for the record, we will be glad to include that, and review that before we move ahead. We ask that you get that to us within the next 2 weeks. You can send it to my office over on Marcy Street, here in Santa Fe, or to our office in Washington. Either way, we will be glad to receive it and include it in the record. You can state your views for or against the legislation and for or against any particular changes of the legislation.

Well, again, thank you all very much for testifying, and we have had a good—

Yes, ma'am.

UNIDENTIFIED SPEAKER. Can I ask Governor Lovato, are the young people who you are alluding to, there, are any of them really learning how to teach?

Mr. LOVATO. In public schools?

UNIDENTIFIED SPEAKER. Not necessarily public schools, but you know, about your heritage.

Mr. LOVATO. I don't worry about my cultural youths and the cultural—my religion. My young people, from the time of birth, are taught at home. Santo Domingo is strong, young kids. They are taught the history in their own native tongue, so there is no reason for anyone to worry. We know how to preserve. We are teaching our people how to protect. I am not sure if that is your question.

The CHAIRMAN. All right. Well, why don't we terminate the hearing, and we appreciate all of you coming very much. Thank you. [Whereupon, at 10:24 a.m., the hearing was adjourned.]

