

January 10, 2013

Mr. John Wessels
Regional Director
National Park Service
12795 Alameda Parkway
Denver, CO 80225

Mayor Richard J. Berry
P.O. Box 1293
Albuquerque, NM 87103

Dear Director Wessels and Mayor Berry:

We are writing on behalf of Public Employees for Environmental Responsibility (PEER) to convey some important information to you as you begin negotiating a new Cooperative Management Agreement for Petroglyph National Monument. As you know, the current agreement lapses this upcoming May. In the current agreement, the City refused to allow National Park Service (NPS) rangers to patrol or enforce Park Service rules on City lands which cover two-thirds of the Monument.

Due to service cutbacks, these city-owned lands are left largely unpatrolled. As a result, these lands have been plagued by vandalism, trash dumping and degradation from a variety of sources, such as off-road racing scars.

Recently, ancient rock art on federal lands has been targeted by thieves and vandals. PEER is concerned that the works within Petroglyph are even more vulnerable given their proximity to urban areas and ready escape routes.

For these reasons, consistent management standards and a higher level of patrols is needed to appropriately protect Monument assets.

Enclosed is a legal opinion from the Congressional Research Service obtained by New Mexico U.S. Senator Tom Udall. This opinion concludes that the National Park Service (NPS) “has authority to enforce laws and regulations in the Boca Negra and Piedras Marcadas units under the enabling act and general law...” providing a statutory responsibility which supersedes any opposition from the City.

It is without question that this Cooperative Agreement is a Federal agency action affecting the quality of the environment and, therefore, is subject to the National Environmental Policy Act (NEPA). It is similarly subject to the National Historic Preservation Act (NHPA). Both of these laws require public notice and an opportunity to comment on any such agreement before it is finalized. Further, NEPA requires an Environmental Assessment and possibly a full Environmental Impact Statement. NHPA also requires an assessment of the agreement's impacts on important historical and cultural resources.

Given these legally required processes, we urge you to begin circulating a proposed draft Cooperative Agreement for public review and comment at the earliest possible date. Otherwise, there will be a period in which no management agreement will be in force.

We would further urge that the new agreement, unlike its predecessor, provide of consistent, appropriate management standards as well as explicit allowance for the enforcement of federal safeguards throughout the entire Monument. In a July 25, 2011 letter to PEER, NPS Intermountain Regional Director John Wessels wrote –

“However, the NPS currently has no agreement with the City of Albuquerque that holistically authorizes NPS to enforce the entirety of 36 CFR Part 2 on lands owned by the city....We would welcome such an agreement and we have, in the past, proposed such an agreement with the City, but the City has not acceded to this proposal.”

PEER urges the parties to incorporate this provision in the new agreement in order to best promote the protection of the cultural and natural resources within the Petroglyph National Monument.

Please let us know, if PEER can be of any further assistance in this matter.

Sincerely,

Jeff Ruch
Executive Director

Daniel Patterson
Southwest Director

cc. Sen. Tom Udall
Sen. Martin Heinrich
Rep. Michelle Lujan-Grisham