

House Natural Resources Committee
Subcommittee on Energy and Mineral Resources
July 11th, 2023

Written Testimony on H.R. 4374, Nullifying Public Land Order No. 7923, Withdrawing Certain Land in San Juan County, New Mexico, from Mineral Entry

Name: Bertha Nez

Allottee information:

Chapter House:

Enrolled Navajo Nation Citizen Number:

Coyote Canyon, Navajo Nation enrolled citizen and/or Allottee of _____, thank the Committee for the opportunity to provide written testimony on the bill to nullify public land order No. 7923, Withdrawing Certain Land in San Juan County, New Mexico, From Mineral Entry, H.R. 4374. The bill was introduced by Representative Elijah Crane, R-AZ-2. I write to express strong opposition to this legislation and request this Committee's solidarity to stand with front line Navajo community and Allottee members for permanent and broad protections of the Greater Chaco Landscape.

I. Background (Context)

My name is Bertha Nez, I am an enrolled citizen of the Navajo Nation from Coyote Canyon. My community is approximately 89 miles away from Chaco Culture National Historical Park (Chaco Canyon). As a Diné citizen who has experienced the harmful legacy of oil and gas development, I am uniquely qualified to speak upon the need for a 10-mile withdrawal area and the Department of the Interior's (DOI) administrative decision to withdraw federal lands and minerals surrounding Chaco Canyon from future mineral development for a 20-year term.

Since time immemorial, my clan, family, and community have resided in Coyote Canyon. In adherence to our Diné Traditional Law, these teachings have served to guide our existence on Mother Earth as stewards of her body and ecosystems. Unfortunately, the Navajo Nation, like many tribes, have been subject to impositions of colonialism, law, and policy designed to fracture our internal governance and responsibilities. During a painful period of Navajo history, the people sought to defend our sovereignty from the Dawes Act of 1887 and the beginning of the Federal Indian Boarding School era of 1890. Many Navajo community members from the Eastern Agency were provided individual allotment land when their children were removed from Dinétah (the ancestral homeland for Navajo). This era is partially

responsible for the establishment of the checkerboard land parcels on the Eastern Navajo Agency that encompasses land in the state of New Mexico.

Over the past one hundred years across federal, state, tribal, and allotment lands, the oil and gas development has encroached Chaco Canyon for petrochemical exploration and development. The legacy of extraction has harmed the land and the cultural landscape important to the Diné people, Pueblos, and Tribes who claim cultural affiliation to the sacred and irreplaceable landscape. Unfortunately, upwards of 90 percent of available federal lands and minerals have been leased for development surrounding Chaco Canyon without sufficient cumulative environmental and ethnographic analyses. Furthermore, inadequate environmental analyses and measures have subjected our front line Navajo communities to severe negative health impacts and depletion of important water systems vital to livelihood, agriculture, and many cultural practices. The increased mineral development has brought immense challenges to my personal health and the future vitality of my community.

Therefore, as a Diné citizen, I extend my strong support for the 2023 public land order from the Department of the Interior (DOI) to administratively withdraw federal lands in an approximate 10-mile withdrawal area surrounding Chaco Culture National Historical Park and including its outliers for a 20-year term. And, I strongly support the Honoring Chaco Initiative (HCI) as an ongoing effort to create better land co-management practices in the Greater Chaco Region. DOI's June 2, 2023 administrative withdrawal decision comes after long standing Navajo Allottee and community calls to address legacy impacts of oil and gas leasing. This effort preserves Navajo Nation and Allottees rights to seek mineral development on their own land, and supports Navajo Nation resolutions from the Eastern Navajo Agency Council, Counselor Chapter, Ojo Encino Chapter, Dilkon Chapter, and Torreon/Star Lake Chapter. It supports the status quo of yearly Congressional appropriations moratorium language that prevents the Bureau of Land Management from utilizing resources to conduct mineral leasing on public lands within the withdrawal area, and finally supports Pueblo and Diné Solidarity. We ask that the Navajo Nation President and the Navajo Nation Council to uphold their original stewardship responsibilities.

II. Impacts

Since 2013, local Navajo Chapter Houses have adopted Resolutions calling upon the federal government including Congress and DOI to initiate steps towards better land management and prevention of further leasing on Public Lands under certain conditions, including the support for Navajo Nation and Allottees to continue exploring options for oil and gas leases. These calls to action derived from community members experiencing declining air quality through venting and flaring of oil and gas

development without much stewardship leading to thousands of abandoned oil wells, and increased vehicular traffic of industrial oil and gas semi-trucks. There is major concern that oil and gas wells are depleting and contaminating community aquifers by multistage hydraulic fracturing. These actions have brought forth a rise in health complications and illnesses like cancer and respiratory problems, which increased COVID deaths.

The cumulative health and environmental impacts of oil and gas extraction are devastating. In 2016, the Counselor Health Impact Assessment - K'é Bee Hózhoggo Iiná Silá Committee began to account for the legacy of mineral development and assess the health complications and impacts for Diné communities. This work culminated in the completion of the study "A Cultural, Spiritual and Health Impact Assessment Of Oil Drilling Operations in the Navajo Nation area of Counselor, Torreon and Ojo Encino Chapters" in 2021. The research and findings of this study were approved by the Navajo Nation Human Research Review Board.

The study's findings were numerous. Among them:

- Air monitoring conducted in Counselor Chapter in 2018 revealed levels of airborne formaldehyde that far exceeded permissible exposure levels, levels of particulate matter that routinely spiked to unhealthy and hazardous levels, as well as the continuous presence of VOCs, all of which can be harmful to human respiratory health, and in the case of formaldehyde, lead to nose and throat cancer.
- Mapping of wells in Counselor Chapter in 2018 found that most of Counselor's 700 residents live within a mile of at least one oil and gas facility that emits pollutants.
- Among Counselor residents surveyed for the health impact assessment portion of the study, 90% reported sinus problems (discharge, obstruction and pain); 80% reported coughs, headaches, itching/burning of eyes, joint pain, fatigue and sleep disturbance; 70% reported nosebleeds and wheezing (loud breathing); 60% reported shortness of breath; and 42% reported itching of skin/rash. All these symptoms are consistent with exposure to pollution from oil and gas production.
- The study also found that local Diné community members (including allotment owners) in Counselor, Ojo Encino, and Torreon Chapters experience significant cultural, spiritual, and social harms from oil and gas extraction. These include: familial and community conflicts; desecration of sacred sites; degradation of the land; disrespect of tribal sovereignty by oil companies; concern about being able to sustain a livelihood from the land; disappearance of traditional herbs and medicines; feelings of not being heard by federal, state, and tribal leaders;

- The study found that balance and harmony in these communities has been eroded by oil and gas drilling, deeply affecting Diné lifeways.

III. History of Diné, Pueblo, and Cross-Organizational Engagement to Support Greater Chaco Landscape Protections

While our front line communities are well aware of the legacy health and landscape impacts, there has always been a strong understanding that Navajo Allottees rely on the economic benefits of mineral exploration. After numerous internal family discussions and community meetings, a consensus emerged that any calls for protections would incorporate the need to preserve Navajo Trust lands and Allotment lands to seek mineral development.

- Navajo Nation was originally a driving force behind the Chaco withdrawal. At the urging of local Chapter Houses, the Navajo Nation helped design a 10-mile withdrawal area surrounding Chaco Culture National Historical Park including its outliers and included in the Chaco Heritage Area Protection Act bill language to preserve the rights of Navajo and Allottees to develop on their land even within this withdrawal area.
- President Biden and Interior Secretary Haaland initiated concurrent administrative efforts to protect Chaco Canyon and Greater Chaco Region and improve land management practices through the Honoring Chaco Initiative
- Stated concerns regarding withdrawal of surrounding federal land isolating or land-locking allotment parcels and thereby making them less attractive to developers for new development have largely been dispelled according to DOI's Environmental Assessment on the effects of the withdrawal.
- DOI conducted extensive consultation with former Navajo President Nez and Council leadership and current leadership at every stage of its proposed and contemplated Administrative Withdrawal proceedings
- DOI facilitated public comment opportunities at every stage of the administrative withdrawal proceedings, including the participation of Navajo community and Allottee members to express their position.

IV. Request

I request you to oppose H.R. 4374 the bill to nullify public land order No. 7923, Withdrawing Certain Land in San Juan County, New Mexico, From Mineral Entry.

