

House Natural Resources Committee
Subcommittee on Energy and Mineral Resources
July 8th, 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

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Navajo Citizen and Medicine Man thanks 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 H.R. 4374 and to express my strong support for the protection of the Greater Chaco Landscape, including Secretary Haaland's recent decision to withdraw federal minerals from future oil and gas leasing near Chaco Culture National Historical Park.

I. Background

My name is David J. Tsosie. I am an enrolled citizen of the Navajo Nation from Nahata Dziil Chapter. I hold a Doctorate in Education from Arizona State University. I am a medicine man and a member of the Diné Hataalii Association. I am also a research consultant with Diné Centered Research and Evaluation (DCRE), a Navajo think-tank that uses Diné Traditional Law and ways of knowing, to address contemporary social and environmental problems. DCRE is a proud participant in the Department of the Interior's Honoring Chaco Initiative.

In my role with DCRE, I served as the Principal Investigator for 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", or the HIA-KBHIS study. The HIA-KBHIS was conceptualized by the Counselor Health Impact Assessment - K'é Bée Hózhóogó liná Silá Committee, composed of community members from the Greater Chaco region. The research and findings of the HIA-KBHIS were approved by the Navajo Nation Human Research Review Board. Some of the findings were also published in the *American Journal of Public Health*. It was also presented to various standing committees of the Navajo Nation Council and Navajo Nation Departments having oversight authority over environmental issues.

The HIA-KBHIS is a two-part study. The first part presents air monitoring and health survey data from residents in Counselor Chapter. The second part distills results of a survey about the cultural and spiritual impacts of oil and gas extraction in the three Chapters of Counselor, Ojo Encino and Torreon. Together, both parts of the study demonstrate that Diné people in the Greater Chaco Landscape are suffering health, environmental, social, and cultural harms from oil and gas extraction. The HIA-KBHIS is part of a large body of evidence that supports broad landscape-level protections for the Greater Chaco Landscape. Public Land Order No. 7923 is

an important step towards achieving the protections for the Greater Chaco Landscape and frontline communities that many Indigenous communities, Tribes, Nations, and allied groups have long advocated for.

II. HIA-KBHIS Findings

I want to highlight several findings of the HIA-KBHIS that support Public Land Order No. 7923 and additional actions to protect the Greater Chaco Landscape through co-management and cultural landscape-level management.

Key Health and Air Monitoring and Survey Findings

- A) Locally specific air monitoring conducted in Counselor Chapter 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.
- B) Most of Counselor's 700 residents live within a mile of one or more oil and gas facility.
- C) Among Counselor residents surveyed, 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.

Key Cultural and Spiritual Survey Findings

Area of Knowledge	Survey Question	Percentage of Strong Agreement Among 136 Respondents
Nitsáhákees - East (Thinking) <i>Restore balance</i>	Our local leaders have spoken out against drilling and no one at the tribal, state or federal level, including BLM and BIA, has listened	104 or 74%
	Despite communities objecting, the drilling continues	110 or 81%

	People were misinformed when they agreed to permits, they thought was for testing, not drilling	109 or 79%
Nahat'á - South (Planning) <i>Planning for a meaningful consultation</i>	Our effort to pass on a healthy and prosperous environment to our children is being broken	113 or 83%
	The peace of the people has been disrupted as a result of drilling & fracking	115 or 85%
liná – West (Lifeway) <i>Protect wellbeing</i>	The oil companies have no respect for land, people & life	117 or 86%
	Actions by oil companies have divided families/community	115 or 85%
	Since oil companies made their presence here, all life is continually changing for the worse	112 or 82%
	The behavior of oil companies in getting a permit to drill shows their lack of concern for the community	113 or 83%
	Monies from oil companies for right to drill divided many families	112 or 82%

Sih Hasin – North (Wisdom and Sharing) <i>Assure environmental justice</i>	Because the land is being ruined, it will not be able to sustain an economy	113 or 83%
	The insensitivity of oil & fracking companies toward our community leads to mental- & physical hardship	109 or 80%
	The oil companies know the community is in financial need and inappropriately entice landowners with money	112 or 82%
	Oil companies do not respect sovereignty or Navajo Nation law	117 or 86%
Sodizin dóó Sin (Prayer and Song) <i>Establish spiritual connection</i>	What I believe to be sacred is being destroyed by drilling	115 or 85%
	Rare herbs that can help with health are disappearing since the drilling started	84 or 62%

III. Discussion and Request

Recently, fossil fuel interests have promoted a narrative that local Diné communities in the Greater Chaco Landscape do not support actions to protect the land or transition to a clean energy future. However, the community-led and community-based research represented in the HIA-KBHIS shows that a majority of Diné citizens in this region are concerned about the health impacts and harms of oil and gas pollution and have experienced negative social and cultural harms from the influx of industry. There is great concern about what this means for their future.

Diné people in Eastern Navajo Agency care about protecting sacred places, being able to practice Diné lifeways, and living in harmony with the land and one another. The oil and gas industry has created conflicts in Eastern Diné communities. These conflicts can make it difficult for some community members to speak up, but many of their voices come through clearly in these survey responses. I urge you to listen to their voices and oppose H.R. 4374.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "David J. Tsosie". The signature is fluid and cursive, with a large initial "D" and "T".

David J. Tsosie