

**House Natural Resources Committee
Subcommittee on Energy and Mineral Resources
July 13th, 2023
Written Testimony on H.R. 4374 - “Energy Opportunities for All Act”**

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Good afternoon Chair Stauber, Ranking Member Ocasio-Cortez, and members of the subcommittee. My name is Mario Atencio and I am a citizen of the Navajo Nation. I serve as the Vice-President of the Torreon/Star Lake Chapter in Northwestern New Mexico, which is in the Greater Chaco Landscape. Chapters are the local unit Navajo Nation Government. My family owns an Indian Allotment in the heart of this landscape, just on the edge of the 10-mile administrative withdrawal of federal lands recently implemented by Secretary Haaland.

I appreciate the opportunity to testify today in opposition to House Resolution 4374, and in strong support of Secretary Haaland’s actions to protect the Greater Chaco Landscape through the Honoring Chaco Initiative, of which the 10-mile mineral withdrawal is a crucial first step.

I. Harms of Oil and Gas Extraction

My family and I have deep spiritual and cultural connections to the lands surrounding our home. But over the years, especially in the last decade with the introduction of industrialized fracking, we have seen our lands and environment become deeply degraded by oil and gas pollution. There are nearly *40,000 wells* across the Greater Chaco Landscape. The vast majority of federal lands are already leased for extraction. Our family lands in Torreon and Counselor are surrounded by fracking sites, pipelines, and other oil and gas infrastructure. The roads have been torn up by oil and gas traffic. During inclement weather, poor road conditions often prevent community members from traveling safely to school, work, and medical appointments. The air quality has become hazardous, smelly, and difficult to bear, and in some areas pollution levels exceed federal air quality standards.¹ Vegetation, animals, and medicinal plants are disappearing. I worry about how these changes are cumulatively affecting the health and wellbeing of my family and my community, especially the young, the elderly, and the most vulnerable among us.

A study published by the Counselor Health Impact Assessment - K’é Bee Hózhqoqo Iná Silá Committee and approved by the Navajo Nation Human Research Review Board found that Navajo residents in Counselor Chapter are exposed to dangerous levels of hazardous air pollutants, and that almost all residents surveyed reported health symptoms consistent with exposure to oil and gas pollution. For example, over 90% of residents suffer from a sore throat and sinus problems, while 80% reported coughs, headaches, itching or burning eyes, joint pain,

¹Tsosie D, Benally H, Seamster T, et al. 2021. “A Cultural Spiritual and Health Impact Assessment of Oil Drilling Operations in the Navajo Nation Area of Counselor, Torreon and Ojo Encino chapters”. July 15, 2021. Available at: <http://nmhep.org/wpcontent/uploads/FINAL-HIA-KBHIS-06-52-2021-00-copy1.pdf>.; American Lung Association. 2023. “Report Card: New Mexico”. <https://www.lung.org/research/sota/city-rankings/states/new-mexico>

fatigue, and sleep disturbance.² As Diné people, we are tied to these lands. For many of us there is no option to “move away” from the pollution, because that would entail an unbearable loss of cultural identity, and would disrupt our ability to pass on cultural traditions to future generations.

My family and many members of our community practice traditional cultural and spiritual ways that reference significant sacred sites in our homelands of Dinétah, within the Greater Chaco Landscape. We make pilgrimages that consist of traditional offerings and prayers to sacred mountains and sites in Dinétah. These areas are known to have historically supported medicinal plants and ceremonial herbs that today are threatened by oil and gas drilling. Medicine People and elders in my community have noted the gradual disappearance of these plants, as well as the degradation of the air and important lines of sight across the landscape. Oil and gas pollution and the destruction of sacred places in the Greater Chaco Landscape directly harms my and my relatives’ ways of life, including our holistic wellness and our ability to continue our spiritual and cultural lifeways as Diné people. The visual, olfactory, and auditory disturbances caused by oil and gas extraction - including pipeline and road construction, traffic, ground disturbance, air pollution, and the physical presence of oil and gas infrastructure on the landscape - cumulatively alter the experience of being in my homelands and negatively affect my and my family’s connection to place, culture, and tradition.

In February 2019, my family’s allotment land and water in Counselor was contaminated by a massive 42,000-gallon toxic liquid waste and 12,500-gallon crude oil spill at a fracking site operated by Enduring Resources.³ Neither my family nor our Chapter community were notified of this spill by state or federal agencies or by Enduring. We were never made whole after our land, water, and livestock were poisoned by this toxic spill.

Toxic spills like the one that devastated my family’s land in 2019 happen at an average of 4 times per day in New Mexico.⁴ These incidents illustrate why actions to protect land and people from oil and gas pollution, like Secretary Haaland’s Public Land Order 7293, are critical. The administrative withdrawal is a step towards ensuring the integrity of numerous sacred sites and places, and towards protecting the health and wellbeing of communities living on the frontlines of extraction.

It is crucial to understand that Diné citizens of the Greater Chaco region have been voicing concerns about the impacts of oil and gas extraction for decades. Secretary Haaland’s historic Honoring Chaco Initiative is the outcome of longstanding advocacy from Tribes, Pueblos, Navajo Chapters, impacted community members, and allied groups to protect this cherished place. These efforts have deep roots. The most recent wave of advocacy began in response to the introduction of multi-stage, high-pressure, high-volume hydraulic fracturing (fracking) in the Greater Chaco Landscape. To provide further context for my support of the 10-mile mineral

² Tsosie et al. 2021; Atencio et al. 2022. Federal Statutes and Environmental Justice in the Navajo Nation: The Case of Fracking in the Greater Chaco Region. *American Journal of Public Health*. 112, 116_123, <https://doi.org/10.2105/AJPH.2021.306562>

³ See *Atencio et al. v State of New Mexico et al.*, D-101-CV-2023-01038, (N.M. May 10, 2023); lte Environmental, inc. “Report of Final Sampling & Closure Request: neu 315, Release Response api 30-043-21888, NMOCD Incident ncs1905249442, Sandoval County, New Mexico.” 077919003. Prepared for Enduring Resources, 2019.

⁴ See New Mexico Oil Conservation Division data or Center for Western Priorities. “2022 New Mexico Spills”. Available at <https://westernpriorities.org/resource/2022-new-mexico-spills/>

withdrawal, I will briefly review the history of Tribal engagement to protect the landscape from fracking under the federal oil and gas program, at the individual level, the level of Chapter House Government, and at the government-to-government consultation level.

II. History of Inter-Tribal Advocacy in Support of Greater Chaco Protections

Dinétah, in the heart of the Greater Chaco Landscape, is the place of emergence of the Diné people. Diné people have lived in Dinétah since time immemorial, caring for the land as instructed by the Holy People. After Diné people were forcibly removed from our lands and imprisoned by the U.S. government from 1863-1868, we returned to a newly established Treaty reservation. Years later, the lands in Dinétah became Navajo Trust Land and part of the Navajo Reservation as it was extended through President Roosevelt's Executive Orders 709 and 744. However, through subsequent Executive Orders and processes of Indian allotment, homesteading, railroading grants, and New Mexico statehood, our Diné homelands were taken away again and out of trust status, transforming this region into a "checkerboard" of land statuses, including federal, state, private, tribal trust, and tribal allotment land.⁵

The Navajo Nation Council was first established by the U.S. government in 1923 for the purpose of approving oil leases in the Greater Chaco region after oil was discovered there in 1921.⁶ Before the imposition of the United States, the traditional government was mostly local and based on kinship. Today, the basic unit of local government in the Navajo Nation is the Chapter, each with its own Chapter House. The Chapter system was created in 1922, and there are currently 110 local chapters, each of which is able to meet in their respective Chapter House to express concerns to their Navajo Nation Council Delegate. The legislative branch of Diné government, the Tribal Council, consists of 24 Delegates, who represent the 110 Chapters. The Office of the President was created in 1991. Despite what opponents of the withdrawal might argue, the Navajo Nation government structure is multifaceted and the executive office is not the only expression of Diné community power and opinion. My Chapter, Torreon/Star Lake, is directly in the zone impacted by oil and gas development. It is with that lens that I explain the decade of support for Greater Chaco protections.

The current Bureau of Land Management (BLM) Resource Management Plan (RMP) for the Farmington Field Office in the Greater Chaco Landscape was finalized in 2003.⁷ A Resource Management Plan is the federal land management blueprint for a particular region, and the 2003 Farmington Field Office RMP covered a large part of the Greater Chaco Region. The 2003 RMP foresaw the potential for up to 10,000 new wells, but explicitly stated that fracking was not a technologically or economically viable option for the region. However, by 2010, the first

⁵ Redhouse, John. 1984. *The Leasing of Dinétah: An Eastern Navajo Odyssey*. Roots of Navajo Relocation Series. Albuquerque, New Mexico: Redhouse/Wright Productions; See Navajo Nation Council resolutions CJY-66-97 (1997), CMY-23-88 (1988) CAP-11-11 (2011), CO-47-12 (2012), and ENLC Resolution ENLCF-01-10 (2010); Grant, Silas. 2022. "Chess or Checkers? Fracking in Greater Chaco". In Rensink, Brenden (Ed). *The North American West in the Twenty-First Century*. University of Nebraska Press.

⁶ Chamberlain, Kathleen. 2000. *Under Sacred Ground: A History of Navajo Oil, 1922-1982*. Albuquerque, New Mexico: University of New Mexico Press.

⁷ The most recent RMP for the Rio Puerco Field Office, south of the Farmington Field Office and also part of the Greater Chaco Landscape, is from 1992. It does not account for *any* oil and gas activity.

horizontally fracked well was drilled in the Farmington Field Office to extract oil from the Mancos shale. The Mancos shale is richest in oil in and around Diné communities living near Chaco Culture National Historical Park. Soon, hundreds more wells were drilled. As fracking encroached across the landscape, our Eastern Diné communities were devastated by what former Navajo Nation Council Delegate Daniel Tso aptly describes as a “tsunami of fracking”.

In 2013, the Eastern Navajo Agency Council, which is made up of thirty-one Navajo Chapters, passed a resolution calling for a moratorium on new fracking activities within Eastern Navajo Agency, because the BLM had yet to analyze and disclose the impacts of fracking in the area.⁸

In 2014, the BLM admitted it had failed to fully analyze or address the impacts of fracking in its 2003 RMP, and said it would prepare Resource Management Plan Amendment and Environmental Impact Statement (RMPA-EIS) to analyze new oil and gas activities in the area.⁹ The Bureau of Indian Affairs joined BLM as a co-leading agency in the RMPA-EIS process in 2016. To this day, nearly ten years later, the RMPA-EIS has not been finalized, but BLM has continued to approve new fracking across the landscape.

Beginning in 2015, the Navajo Nation Chapters of Counselor, Ojo Encino, and Torreon/Star-Lake, and other Chapters in Eastern Navajo Agency, passed numerous resolutions attesting that federal agencies have failed to consult with local Diné communities about oil and gas extraction, and have demanded a moratorium on new development until BLM and BIA complete and finalize the Mancos-Gallup RMPA-EIS. These Chapters have further submitted comments and protests in response to multiple BLM oil and gas lease sales that would affect their lands.¹⁰

Also in 2015, the All Pueblo Council of Governors, which is a Pueblo leadership organization and political entity composed of 20 Pueblo Governors of the sovereign Pueblo Nations of New Mexico and Texas, passed a resolution supporting the protection of Chaco Canyon and all traditional cultural properties and sacred sites affiliated with Chaco Canyon.

In 2016, the Diné Medicine Man Association and the Diné Hataalii Association, a nonprofit organization comprised of over 200 Diné medicine men and women from across the Navajo Reservation that exists to protect, preserve, and promote the Diné cultural wisdom, spiritual practice, and ceremonial knowledge for present and future generations, passed resolutions affirming the importance of the Greater Chaco region, where Diné communities were negatively impacted by hydraulic fracturing, and requesting an inter-agency field hearing to investigate these impacts. Both bodies also called for United Nations observers to come to Dinéah to record violations of the rights of Indigenous peoples caused by fracking in the region.¹¹

In December 2016, the Eastern Navajo Agency Council, representing all 31 Chapters in Eastern Navajo Agency, passed a resolution “in opposition to further approvals of federal fluid mineral

⁸ Resolution No. ENAC 12-2013-03.

⁹ Federal Register, Vol.79, No. 37, Tuesday, February 25, 2014; Federal Register, Vol. 81, No. 204. Friday October 21, 2016.

¹⁰ See for example the Resolution of Torreon Star Lake Chapter passed on March 9, 2015; Counselor Chapter Resolution passed on March 10, 2015; and Ojo Encino Chapter Resolution 03-09-15/002 passed on March 9, 2015.

¹¹ See OLC-7-01. <http://www.dineresourcesandinfocenter.org/wp-content/uploads/2017/02/0025-17.pdf>

leases, federal oil/gas related projects, and related environmental analysis approvals by Bureau of Land Management within or impacting Navajo Nation Eastern Agency areas and communities”.¹²

In February 2017, Navajo Nation President Russell Begaye and Vice President Johnathan Nez wrote to the BLM Farmington Field Office requesting that BLM “place a moratorium on fracking-related activities such as multi-stage hydraulic fracturing and horizontal drilling and lease sales and permit approvals in the Mancos Shale/Gallup formation in the greater Chaco area until such as time as the amendment to the resource management plan is completed and an environmental impact statement is finalized”. This request was made out of concern that increased drilling was “interrupting the daily lives of Navajo people who live in the Navajo Nation Chapters such as Counselor, Nageezi, Torreon and Ojo Encino”.¹³

Days later, the All Pueblo Council of Governors and Navajo Nation President and Vice President held a historic meeting in which they issued a joint statement opposing horizontal fracking in the Greater Chaco region.¹⁴

Shortly thereafter, in 2017, the National Congress of American Indians passed a resolution supporting a moratorium on leasing and drilling in the region.¹⁵

Throughout 2018, Navajo Nation Chapters in the Greater Chaco region and Pueblo governments continued to protest BLM oil and gas lease sales. In March of 2018, then Interior Secretary Zinke deferred an oil and gas lease sale in the Greater Chaco landscape in response to protests from Tribes, Pueblos, and advocates. Zinke cited the need to further analyze over 5,000 cultural sites in the leasing area, underscoring the irreplaceable value of the landscape.¹⁶

In February 2019, Counselor Chapter passed a resolution supporting federal legislation that would withdraw federal minerals from future oil and gas leasing within 10-miles of Chaco Culture National Historical Park.¹⁷

In March 2019, the All Pueblo Council of Governors and the Navajo Nation Office of the President and Vice President held a second historic summit to support protections for the Greater Chaco Landscape, where the sovereign governments announced their support of the Chaco

¹² Eastern Navajo Agency Council BLM Resolution. Resolution No. ENAC 12-2016-03. Attached.

¹³ Begaye, Russel, and Jonathan Nez. 2017. “Re: Concerns Regarding Chaco Canyon Cultural Historic Park,” February 6, 2017. <https://www.sanjuancitizens.org/wp-content/uploads/2017/03/NN-Moratorium-request-2017-02-23-.pdf>

¹⁴ Navajo-Hopi Observer. 2017. “Fracking and drilling near Chaco Canyon challenged by Begaye, Nez”. *Navajo-Hopi Observer*. February 28, 2017. Accessed July 8, 2023. <https://www.nhnews.com/news/2017/feb/28/fracking-and-drilling-near-chaco-canyon-challenged/>

¹⁵Riley, Kurt, 2017, “To Support Moratorium on Leasing and Permitting In Greater Chaco Region.” Resolution,Cultural Protection & NAGPRA, Milwaukee: National Congress of American Indians, <http://www.ncai.org/resources/resolutions/to-support-moratorium-on-leasing-and-permitting-in-greater-chacoregion>

¹⁶United States Bureau of Land Management, 2018, “BLM Defers Oil and Gas Lease Sale in New Mexico,” March 2, <https://www.blm.gov/press-release/blm-defers-oil-and-gas-lease-sale-parcels-new-mexico>.

¹⁷ Resolution of Counselor Chapter, #COUN-2019-02-001. Attached.

Cultural Heritage Area Protection Act, which would withdrawal federal minerals from future leasing within approximately 10 miles of Chaco Culture National Historical Park.¹⁸

A month later, in April 2019, the House Natural Resources Committee Subcommittee on Energy and Mineral Resources held an Oversight Field Hearing on “Oil and Gas Development: Impacts on Air Pollution and Sacred Sites” during which I joined members of the Committee on a visit to Chaco Culture National Historical Park and a tour of nearby oil and gas sites. The following day, the Committee heard testimony from Navajo Nation Vice President Myron Lizer in support of withdrawing federal minerals within 10-miles of Chaco Park “to support the continuance of our cultural practices vital to our present identity”.¹⁹ The Committee also heard support for the mineral withdrawal from several other distinguished witnesses.

In a joint effort between the New Mexico State Land Office, Pueblos, Tribes, and local communities, the State of New Mexico Commissioner of Public Lands issued Executive Order 2019-002 “Moratorium on New Oil and Gas Mineral Leasing in the Greater Chaco Area”. Signed on April 27, 2019, this action placed a moratorium on new oil and gas leasing on state trust lands within the same area as the federal 10-mile mineral withdrawal.²⁰

In May of 2019, then Interior Secretary Bernhardt committed to defer for one year any new oil and gas leasing within 10-miles of Chaco Culture National Historical Park during a visit to the Park with Senator Martin Heinrich.²¹ This de facto moratorium on new federal leasing within 10-miles of the Park has remained in place and was recently codified through Public Land Order 7923.

In December 2019, Torreon/StarLake Chapter passed a resolution supporting a 10-mile administrative withdrawal of federal lands from future mineral leasing surrounding Chaco Culture National Historical Park.²²

In response to requests from Tribes and Pueblos, the Fiscal Year 2020 Interior, Environment, and Related Agencies Appropriations Bill included a \$1 million appropriation to fund an ethnographic study for Tribes to identify culturally important sites within the Greater Chaco

¹⁸All Pueblo Council of Governors, 2019, “Tribal Leaders Host Historic Summit to Support the Protection of the Greater Chaco Landscape,”<https://www.apcg.org/uncategorized/historic-joint-convening-between-the-all-pueblo-council-of-governors-and-navajo-nation-2019/>.

¹⁹ Lizer, Myron. 2019. Testimony of Navajo Nation Vice President Myron Lizer for the U.S. House Committee on Natural Resources Field Hearing on, “Oil and Gas Development: Impacts on Air Pollution and Sacred Sites.” Santa Fe. <https://www.congress.gov/event/116th-congress/house-event/LC63888/text?s=1&r=21410>

²⁰ New Mexico State Land Office Executive Order No.2019-002, “Moratorium on New Oil and Gas and Mineral Leasing in Greater Chaco Area”, April 27, 2019. https://www.nmstatelands.org/wp-content/uploads/2019/06/SLO_EO-2019-002.pdf

²¹Streater, Scott. 2019. “Bernhardt Commits to Leasing Moratorium Near Chaco Canyon”. *E&E News*. <https://www.heinrich.senate.gov/newsroom/in-the-news/bernhardt-commits-to-leasing-moratorium-near-chaco-canyon>

²² TSL #12/2019-35, passed December 8, 2019. Attached.

Landscape.²³ This money was allocated by Congress to the Chaco Heritage Tribal Association (CHTA), comprising Pueblos of Acoma, Jemez, Laguna, and Zuni, and the Hopi Tribe, with support from the Pueblos of San Felipe, Santa Clara, Tesuque, and Zia and the blessing of the All Pueblo Council of Governors; and to the Navajo Nation. In FY21 additional funds were appropriated in the omnibus spending bill to allow both the Navajo Nation and the CHTA to complete their work. CHTA was allocated an additional \$600,000.²⁴

The Navajo Nation’s ethnographic report was completed in September 2022. Volume II, “Navajo Religion and Chaco Canyon: An Ethnographic Report Based on Hataalii Interviews” finds that for Navajo people “Chaco Canyon is where all the ceremonies came together” (38). As the report describes, Hataalii, or Navajo ceremonialists, are the “primary knowledge-keepers of the history and practice of ceremonies and sacred places” (43). The Hataalii interviewed impart the immense significance of the Chaco area for Navajo people. The Greater Chaco region is, according to the Hataalii, an area worthy of protection.

In 2021, during the Biden-Harris administration’s first White House Tribal Nations Summit, President Joe Biden and Interior Secretary Deb Haaland announced steps to protect Chaco Canyon and the greater connected landscape by initiating the process for a 20-year moratorium on new oil and gas leasing on federal lands within a 10-miles of Chaco Culture National Historical Park.²⁵ The Secretary also announced the “Honoring Chaco Initiative”, a “regional conversation among BLM field offices, BIA, and interested Tribes, Pueblos, and other Tribal interests in the Greater Chaco area to develop a broader cultural approach to all land management decisions across the Greater Chaco Landscape”.²⁶

In January 2022, BLM initiated an Environmental Assessment (EA) process to evaluate the impacts of the proposed mineral withdrawal. During the EA process, BLM reviewed 16,715 comments in total, expressing a variety of opinions about the withdrawal, including many comments from Dine organizations, Chapter Houses, and Pueblos supporting the buffer zone and asking for the BLM to go beyond the 10-mile zone to embrace a holistic approach to protecting the sacred landscape.²⁷ The EA was published in November 2022. Secretary Haaland announced the mineral withdrawal on June 2, 2023.

²³Office of Senator Tom Udall. 2019. “NM Delegation Secures Protections for Chaco Canyon Area in Government Funding Bill”. *KRWG*. December 19, 2019.<https://www.krwg.org/post/nm-delegation-secures-protections-chaco-canyon-area-government-funding-bill>

²⁴ Vallo, Brian. 2021. Written testimony of Brian Vallo, Governor of the Pueblo of Acoma for the Senate Energy and Natural Resources Committee. “The Department of the Interior’s Onshore Oil and Gas Leasing Program” oversight hearing—April 27, 2021. 2021. Available at: <https://www.energy.senate.gov/services/files/0F06A226-45A5-423EA5FF-14271D3BFA14>.

²⁵United States Department of the Interior. 2021. “ Secretary Haaland Announces Steps to Establish Protections for Culturally Significant Chaco Canyon Landscape”. November 15, 2021. <https://www.doi.gov/pressreleases/secretary-haaland-announces-steps-establish-protections-culturally-significant-chaco>

²⁶ United States Bureau of Land Management. 2023. “Honoring Chaco Initiative”. Accessed July 11, 2023. <https://www.blm.gov/honoringchacoinitiative>

²⁷United States Bureau of Land Management. 2023. “Proposed Chaco Area Withdrawal Area Environmental Assessment (EA) Public Comment Response Report”. BLM Farmington Field Office. https://eplanning.blm.gov/public_projects/2016892/200507928/20080198/250086380/20230604_ChacoWithdrawal_CommRespRept.pdf

III. Honoring Chaco Initiative: An Opportunity to Work Towards Economic and Environmental Justice for the Future of Greater Chaco

Today you will hear that withdrawing federal minerals from future mineral leasing around Chaco Culture National Historical Park will decrease domestic energy production and cause financial losses for Diné families who hold shares in Indian allotments within the withdrawal area. I encourage members of the Committee to think critically about the terms in which this debate has been framed. The question before us today is fundamentally one of which actions will support an economically and environmentally just future for the people of the Greater Chaco region, and what does that future look like? I posit that the only way for this region to move forward towards economic and environmental justice for Diné people and other Indigenous relatives who hold this place sacred is to break free from the legacy of being treated like a national energy sacrifice zone.²⁸

The Environmental Assessment on the proposed Chaco area withdrawal completed in 2022 (DOI-BLM-NM-F010-2022-0011) showed that the withdrawal will only result in an approximate 0.5 percent reduction in annual gas production and an approximate 2.5 percent reduction in annual oil production in the San Juan Basin. The impact on the region's fossil fuel production is thus minimal. Indeed, more needs to be done to reduce oil and gas pollution in the Greater Chaco region to protect public health and the climate. New Mexico is particularly vulnerable to climate harms, and within our state Indigenous peoples are disproportionately impacted by rising temperatures, stressed vegetation, arid soils, and increasing drought. The 2023 United Nations Intergovernmental Panel on Climate Change (IPCC) 6th Synthesis Report found that carbon dioxide (CO₂) emissions from existing fossil fuel infrastructure would exceed the remaining budget for a 1.5°C global warming scenario. In order to preserve a chance of limiting planetary warming to 1.5°C, there can be no new fossil fuel infrastructure, and existing extraction must be rapidly phased out. Secretary Haaland's Honoring Chaco Initiative provides an opportunity to address the cumulative harms of fossil fuels in the Greater Chaco region, and to develop co-management approaches so that Diné people and our relatives may thrive in this landscape. As we work towards this goal, the 10-mile administrative withdrawal is a good first step.

Throughout the 19th and 20th centuries, Diné homelands in Greater Chaco were violently stolen and then reorganized into a checkerboard pattern of federal, state, private, tribal trust, and tribal allotment parcels.²⁹ The General Allotment Act of 1887 is widely recognized as a settler colonial tool used to dispossess Indigenous peoples of their collective land base. Across the United States, allotment was used to take 90 million acres of Indigenous lands out of Tribal

²⁸ See Energy Policy Project of the Ford Foundation. 2014. *A Time to Choose: America's Energy Future*. Cambridge, MA:

Ballinger Publishing Company, 1974; *Our Story: The Indigenous Led Fight to Protect Greater Chaco*. Directed by Daniel Tso and Michael Ramsey. 48 minutes.

²⁹ See Navajo Nation Council resolutions CJY-66-97 (1997), CMY-23-88 (1988) CAP-11-11 (2011), CO-47-12 (2012), and ENLC Resolution ENLCF-01-10 (2010); Grant, Silas. 2022. "Chess or Checkers? Fracking in Greater Chaco". In Rensink, Brenden (Ed). *The North American West in the Twenty-First Century*. University of Nebraska Press.

control and ownership.³⁰ The same is true in Dinétah. The fragmentation of Eastern Diné lands through allotment and the fractionation of allotments over the years has posed significant challenges to the self-determination of our communities. Approximately 4,000 allotments were patented to Diné individuals between 1906 and 1934, with about 3,900 of those tracts located in northwestern New Mexico and the rest in Arizona. These parcels cover over 750,000 acres of land with over 40,000 known co-owners.³¹ Diné allottees are numerous and, like the citizens of any nation, hold differing views. What unites us is our ties to Diné Bikeyah.

After the forced, genocidal long walk of the Diné, *Hwééldih*, from 1863-1868, Diné people attempted to return to their traditional kinship-based form of government and social organization.³² Still, the federal government was not satisfied, and forced the reorganization of the Navajo government in order for oil and gas industries to have enforceable contracts--just two years after the discovery of oil in the region. That same federal government continues to operate oil and gas leases to this day, under the same claim of title. Diné Bikéyah has been used as a sacrifice zone to meet the needs of the federal government for the last hundred years--sometimes for uranium, sometimes for oil and gas, and it is Diné workers and community members who pay the price. Bear in mind that while the proponents of HR 4374 will argue that the federal government will lose revenue, at this very moment, there are over 20 wells operating within a mile of Lybrook Elementary School, where Diné children are being exposed to hazardous air pollutants while they play at recess--all to perpetuate the federal oil and gas program. Future generations are already shouldering a century-old tradition in Navajoland of being poisoned, with the blessing of the Federal Government, to prop up an industry that takes its profits elsewhere. It is past time for the extraction in this sacred place to end.

As an elected Tribal leader and heir to an allotment, I care deeply about the wellness of all my fellow community members in the Greater Chaco region. Growing up in this region, I have seen that the ongoing legacies of settler colonialism and unfettered extraction have not benefited our communities. Instead, our region has an approximate 40% unemployment rate and about 40% of people live below the poverty line.³³ For some of our community members, these conditions can produce an impossible choice between extraction and economic survival. Some allotment holders, including members of my family, receive royalty payments from leased allotments. The withdrawal will not affect existing leases and payments, but may, for a very small percentage of parcels, affect future leaseability.³⁴ The Honoring Chaco Initiative provides an opportunity to

³⁰ Guzman, Kathleen. 2000. "Give or Take an Acre: Property Norms and the Indian Land Consolidation Act." *Iowa Law Review* 85.

³¹ See "Indian Land Consolidation Act Amendments: And To Permit The Leasing of Oil and Gas Rights on Navajo Allotted Lands". United States Congress Senate Committee on Indian Affairs. S. HRG 106-282. . Statement of Shenan Atcitty, Nordhaus Law Firm, for the Shii Shi Keyah Association. November 4, 1999

³² Todacheene, Heidi. 2014. "She Saves Us From Monsters: The Navajo Creation Story and Modern Tribal Justice". *Tribal Law Journal*. Volume 15. Article 2. 30.66.

<https://digitalrepository.unm.edu/cgi/viewcontent.cgi?article=1071&context=tj>

³³ Morales, Laurel. 2019. "On the Navajo Nation, 5,000 Workers Dependent On A Federal Paycheck." National Public Radio, January 12, 2019, sec. Weekend Edition; Nez, Jonathan. 2020. U.S. House Energy and Commerce Committee Hearing; *Addressing the Urgent Needs of Our Tribal Communities*, Testimony by Jonathan Nez, President, Navajo Nation. Congressional Documents and Publications. (July 8, 2020).

³⁴ In its Environmental Assessment of the proposed withdrawal, BLM found that "overall, 50, or just over 4 percent, of the unleased 1,165 allotments [within the withdrawal area] analyzed may see a high or moderate impact on future leaseability. An additional 36 unleased allotments (approximately 3 percent) may see low, but real,

reject the false choice that our communities have been forced into between extraction and economic prosperity and to instead develop remedies for all allotment owners whose economic futures will be affected as we take the necessary steps to transition away from dependence on fossil fuels that puts our health, sacred places, and planet at risk. For example, through the Honoring Chaco Initiative, Tribes, Pueblos, and Indigenous stakeholders can collaborate with Interior to develop federally-funded compensation plans to support allotment holders who could potentially lose mineral revenue.³⁵ Through the Honoring Chaco Initiative, we can also collaborate to support the development of other economic opportunities for which our region is well suited, including solar and wind energy, small businesses, and tourism.

IV. Oppose H.R. 4374 and Support Environmental Justice for Greater Chaco

As stated, there is a long and rich history of engagement from local Navajo Chapters, the Eastern Navajo Agency Council, the Navajo Nation, and the All Pueblo Council of Governors in support of protecting the Greater Chaco Landscape. The mineral withdrawal around Chaco Park is a first step towards realizing the protections that are needed for the land and the people. As we continue along this path, we must center the needs of those directly impacted, including Diné allotment owners, so that we may achieve environmental and economic justice for the region, and finally put an end to the era of sacrifice zones.

As an elected Tribal leader and allotment shareholder, I envision a future in which Eastern Diné communities can thrive in harmony and balance with our lands. Crucial to that future is access to more economic opportunities, and support in working towards a just and equitable transition. I am committed to helping our communities achieve that future, and I welcome you to join us.

I look forward to working with members of this Committee and with the Department of the Interior to continue to achieve landscape-level protections for the Greater Chaco region through the Honoring Chaco Initiative. I urge you to oppose House Resolution 4374 so that we can get to work.

Ahé'hee' (Thank you),

Mario P. Atencio

impacts on future leaseability. The proposed withdrawal will likely not adversely affect the vast majority (over 92 percent) with respect to real leaseability.”

³⁵ There is precedence for compensation of this kind through the *Mescal v. United States* (1983) settlement agreement, a case in which allotment owners in the Greater Chaco region sued the United States government for rightful title to the mineral estate. 79 of 2,500 allotments at issue in this case were already encumbered by existing leases that had illegally been issued by the United States. The settlement created a fund out of which money was disbursed to allottees whose lands were already encumbered.

Attachments:

I am happy to provide copies of any of the cited documents. The following are attached to my testimony:

1. Eastern Navajo Agency Council BLM Resolution, ENAC 12-2016-03 - Opposing further approvals of federal fluid mineral leases and oil and gas related projects within Eastern Navajo communities.
2. Torreon/Starlake Chapter Resolution #12/2019-35 - Supporting a 10-mile federal withdrawal
3. Counselor Chapter Resolution #COUN 2019-02-001 - Supporting a 10-mile federal mineral withdrawal

Eastern Navajo Agency Council BLM Resolution



EASTERN NAVAJO AGENCY COUNCIL
THE NAVAJO NATION
 P. O. Box 668
 Crownpoint New Mexico 87313
 Phone: (505) 786-2098
 Fax: (505) 786-2097

Johnnie Johnson
 Vice-President

Jonathan Nea, Vice President
 Larry Johnson
 Secretary/Treasurer

Resolution No. ENAC 12-2016-03

Resolution of the Eastern Navajo Agency Council of the Navajo Nation

RESOLUTION IN OPPOSITION TO FURTHER APPROVALS OF FEDERAL FLUID MINERAL LEASES, FEDERAL OIL/GAS RELATED PROJECTS, AND RELATED ENVIRONMENTAL ANALYSIS APPROVALS BY BUREAU OF LAND MANAGEMENT WITHIN OR IMPACTING NAVAJO NATION EASTERN AGENCY AREAS AND COMMUNITIES.

WHEREAS,

The Eastern Navajo Agency Council ("ENAC") is a governmental entity comprised of officials from all Eastern Navajo Agency Chapters; and

Monies generated from royalties, sales, and bonuses of federal fluid mineral leases that are within Eastern Agency area boundaries are not shared with the Navajo Nation and Eastern Agency Chapters. A study commissioned by the Ojo Encino Chapter estimated in 2013 and 2014 that federal oil/gas royalty revenues generated from within Eastern Agency areas were an estimated \$19,586,313 and \$18,857,466 respectively. These federal royalty monies were divided between the U.S. Department of the Treasury and the state of New Mexico as provided by the Federal Land Policy and Management Act (FLPMA) Section 317(a); and

FLPMA provides the following language regarding Mineral Revenue sharing:
and monies paid to any of such states on or after January 1, 1976, in the case of such States and the monies on the settlement of the lease shall cover the primary to those Indians of the State, county, or community impacted by the development of activities related under this Act, for its planning, (2) consultation and maintenance of public that that said law; (3) the use of public services.

FLPMA Section 317(a); Mineral Revenue

Currently, most Eastern Agency chapters have a lack of resources for planning, public facilities, and public services; and

It also appears that many Applications for Permission to Drill (APDs) and Environmental Analyses (EAs) related to federal oil/gas development within or impacting Eastern Agency areas/communities, historically and currently lack sufficient direct tribal consultation and Environmental Justice analysis; and

The Bureau of Land Management Farmington Field Office is currently in the midst of amending its Resource Management Plan which began public scoping on February 25, 2014. This amendment process is ongoing and is looking more thoroughly at development within Eastern Agency areas and the effects of Horizontal Hydraulic Fracturing; and

As part of the Resource Management Plan Amendment the following are issues identified for analysis during public scoping:

Issue 1. Oil and Gas Development
 "How would the proposed development affect the ability to address impacts on the environment from the change in the oil and gas industry in the Farmington area?"
BLM FPO Scoping Report November 2014 Section 1.1.2

"How would the proposed development affect the ability to address impacts on the environment from the change in the oil and gas industry in the Farmington area?"
BLM FPO Scoping Report November 2014 Section 1.1.2

Issue 2. Land and Water
 "What are the potential impacts on the environment from the proposed development?"
BLM FPO Scoping Report November 2014 Section 1.1.2

Issue 3. Land and Water
 "How would the proposed development affect the ability to address impacts on the environment from the change in the oil and gas industry in the Farmington area?"
BLM FPO Scoping Report November 2014 Section 1.1.2

NOW THEREFORE BE IT RESOLVED THAT,

The ENAC is against all pending and future federal fluid mineral BLM leases within Navajo Eastern Agency areas (or other lease sales which could directly or indirectly impact Eastern Agency Areas) until a reasonable revenue sharing mechanism is developed, the new Farmington Field Office Resource Management Plan Amendment is developed, and a full understanding of potential environmental and health impacts of horizontal hydraulic fracturing is developed; and

The BLM shall develop general and community specific environmental justice analyses and engage in direct tribal consultation with affected tribal communities/chapters. Additionally, the BLM must take a hard look at older leases that will require renewal to ensure that they meet the modern standards of analysis such as environmental justice and tribal consultation requirements; and

The ENAC is against the approval of additional and pending federal oil/gas related projects, supporting infrastructure (unless required for emergency or health/safety purposes), and their corresponding Environmental Analysis within Eastern Agency areas (or other similar projects outside of Eastern Agency Areas which could directly or indirectly impact the Eastern Agency Areas) until a reasonable revenue sharing mechanism is developed, the new Farmington Field Office Resource Management Plan Amendment is developed, and a full understanding of potential environmental and health impacts of horizontal hydraulic fracturing is developed; and

The ENAC wishes to see an equitable distribution of federal royalty revenues, sales, and bonuses generated within Eastern Agency boundaries (which includes federally managed lands and interests) to partially mitigate adverse impacts from federal oil/gas development within Navajo Eastern Agency areas. These funds shall be both shared directly to impacted chapters and a portion also divided amongst all Eastern Agency chapters to help develop planning, public facilities, and public services; and

- The ENAC considers the lack of federal royalties, sales, and bonus sharing with Eastern Agency chapters from activities occurring within Eastern Agency boundaries to be a disproportionate impact on Navajo communities; and
- The ENAC shall cooperate with chapters, the Navajo Nation, and federal entities to better understand potential environmental and health impacts of horizontal hydraulic fracturing activities that could affect Navajo communities.
- Per Resolved #1, the ENAC is in opposition to the proposed January 2017 lease sale of tribal trust / federal mineral split estate lands located in Counselor and Nageezi chapters

CERTIFICATION

WE HEREBY CERTIFY that the foregoing resolution considered by the Eastern Navajo Agency Council at a duly called meeting at which a quorum was present and the same was passed by a votes of 60 in favor, 0 opposed and 0 abstained this December 3, 2016.

Motion made by: Chae Smith
 Seconded by: Charles Long

Ervin Chavez
 Ervin Chavez, President
 Eastern Navajo Agency Council
 THE NAVAJO NATION

Johnnie Johnson
 Johnnie Johnson, Vice-President
 Eastern Navajo Agency Council
 THE NAVAJO NATION

Fernie Yaxxie
 Fernie Yaxxie, Secretary/Treasurer
 Eastern Navajo Agency Council
 THE NAVAJO NATION



OJO ENCINO CHAPTER
HCR 79 BOX 1500, OJO ENCINO, NEW MEXICO 87013
PHONE (505)731-2263 or 731-2262 FAX (505)731-1516
EMAIL: ojoencino@navajochapters.org

Support Comment for Legislation 0041-17

Council Delegates,

The undersigned chapters in the eastern region are in support of this legislation via the passage of the attached resolution(s). This resolution details many of the issues faced by Eastern Agency chapters in regards to Bureau of Land Management (BLM) lands and development which is taking place on those lands.

On January 25th, 2017 the BLM leased out minerals from directly under our Navajo Citizens in the chapters of Counselor and Nageezi. The royalties from these leases will not come back to the community since they are split estate (Navajo Trust Surface / Federal Mineral underneath). Thus, all royalties will go to Washington D.C. and Santa Fe. Additionally, these lease sales were made against the wishes of Counselor and Nageezi chapters and residents.

Our communities have been requesting help from Window Rock for over three years in regards to the many impacts we have suffered. We are grateful that the council is now beginning to try and grapple with these issues.

Fifteen chapters and the Eastern Navajo Agency Council have passed the same resolution requesting that the BLM halt all new leasing and new federal BLM oil/gas development on BLM lands until the BLM develops better plans to reduce impacts to Navajo communities (Attachment A). Additionally, the resolution requests that a fair revenue sharing mechanism is created and impact studies on the environment and human health are completed.

We would like to remind Eastern Council delegates that these impacts are occurring in your areas and that it is many of your chapters including your Agency Council which have voted for resolutions from which this legislation is derived, we would expect you to act accordingly.

With Thanks*,

Harry Domingo Counselor Chapter President Supporting Resolution: COUN-2016-11-	Erlene Henderson Pueblo Pintado Chapter President Supporting Resolution: PPC-11-2016-037
Ervin Chavez Nageezi Chapter President Supporting Resolution: NC 17-013	David Rico Torreon/Starlake Chapter President Supporting Resolution: TSL 11/2016-092
George Werito Ojo Encino Chapter President Supporting Resolution: 11-17-16/002	Art L. Chavez Whitehorse Lake Chapter President Supporting Resolution: Passed Nov 16 th , 2016

*Supporting Documents Attachment B

George Werito Jr., Chapter President
Jeanette Vice, Chapter Vice President
Brandon Sam, Chapter Secretary/Treasurer

Gloria Chiquito, Chapter Manager
Leonard Tsosie, Council Delegate
Elizabeth Stoney, Land Board Member

Attachment A: Chapter Resolutions Regarding BLM Leasing and Approval

Chapters	Agency Council
Becenti Chapter: #BNCNV-2017-15 Counselor Chapter: #COUN-2016-11- Hardock Chapter: Passed December 17 th , 2016 Huerfano Chapter: #HUE-01S-17 Lake Valley Chapter: #LVC-Nov13-006 Nageezi Chapter: #NC 17-013 Ojo Encino Chapter: #11-17-16/002 Oljato Chapter: #OLJ11-09-16 Pueblo Pintado Chapter: #PPC-11-2016-037 Teesto Chapter: # TEE-NOV-12-17 Torreon/Starlake Chapter: #TSL 11/2016-092 Whitehorse Lake Chapter: Passed Nov 16 th , 2016	Eastern Navajo Agency Council ##ENAC 12-2016-03

Torreon/Starlake Chapter BLM Resolution



TORREON/STAR LAKE CHAPTER
P.O. BOX 1034 • CUBA, NEW MEXICO 87011 • (505) 731-2336 • Fax: 505-731-1514



Executive Director: _____
Deputy Director: _____
Assistant Director: _____
Secretary: _____
Treasurer: _____
Member: _____
Member: _____
Member: _____

**RESOLUTION OF
TORREON/STAR LAKE CHAPTER
TH. 11/2016-022**

Resolution in Opposition to further approvals of federal fluid mineral leases, federal oil/gas related projects, and related Environmental Analysis approvals by Bureau of Land Management within or impacting Navajo Nation Eastern Agency Areas and Communities

Whereas,

- Torreon/Star Lake Chapter is a political subdivision of the Navajo Nation under §1 N.M.C. § 10 and the Chapter is responsible for the health, safety, and general welfare of its residents/members and for stewardship of its Chapter lands and resources; and
- Monies generated from royalties, sales, and bonuses of federal fluid mineral leases that are within Eastern Agency area boundaries are not shared with the Navajo Nation and Eastern Agency Chapters. A study commissioned by the Djo Encho Chapter estimated in 2013 and 2014 that federal oil/gas royalty revenues generated from within Eastern Agency areas were an estimated \$19,586,813 and \$18,557,656 respectively. These federal royalty monies were divided between the U.S. Department of the Treasury and the state of New Mexico as provided by the Federal Land Policy and Management Act (FLPMA) Section 317(e); and
- FLPMA provides the following language regarding Mineral Revenue sharing:
...Said money paid to any of such States on or after January 2, 1976, to be used by such State and its subdivisions, as the legislature of the State may direct giving priority to those subdivisions of the state socially or economically impacted by development of minerals leased under this Act, for (i) planning, (ii) construction and maintenance of public facilities, and (iii) provision of public services;

FLPMA Section 317 (a): Mineral Revenues
- Currently, most Eastern Agency chapters have a lack of resources for planning, public facilities, and public services; and
- It also appears that many Applications for Permission to Drill (APDs) and Environmental Analyses (EAs) related to federal oil/gas development within or impacting Eastern Agency areas/communities, historically, and currently lack sufficient direct tribal consultation and Environmental Justice analysis; and
- The Bureau of Land Management Farmington Field Office is currently in the midst of amending its Resource Management Plan which began public scoping on February 25, 2014. This amendment process is ongoing and is looking more thoroughly at development within Eastern Agency areas and the effects of Horizontal Hydraulic Fracturing; and

Office Resource Management Plan Amendment is developed, and a full understanding of potential environmental and health impacts of horizontal hydraulic fracturing is developed; and

- The Chapter wishes to see an equitable distribution of federal royalty revenues, sales, and bonuses generated within Eastern Agency boundaries (which includes federally managed lands and minerals) to partially mitigate adverse impacts from federal oil/gas development within Navajo Eastern Agency areas. These funds shall be both share directly to impacted chapters and a portion also divided amongst all Eastern Agency chapters to help develop planning, public facilities, and public services; and
- The Chapter consider the lack of federal royalties, sales, and bonus sharing with Eastern Agency chapters form activities occurring within Eastern Agency boundaries to be a disproportionate impact on Navajo Communities; and
- The Chapter shall cooperate with other chapters, the Navajo Nation, and federal entities to better understand potential environmental and health impacts of horizontal hydraulic fracturing activities that could affect Navajo communities.
- Per Resolved #1, the Chapter is in opposition to the proposed January 2017 lease sale of tribal trust/federal mineral split estate lands located in Counselor and Nageezi chapters.

CERTIFICATION

WE HEREBY CERTIFY THAT THE FOREGOING RESOLUTION was duly considered by the Torreon/Star Lake Chapter at a duly called meeting at Na'neel Zhiin, New Mexico, at which quorum was present and that the same was motioned by: Annie Bahr and seconded by Cecilia Brown and adopted by a vote of 34 in favor, 0 opposed and 1 abstained on the 06th day of November 2016.

David Rico, President
Torreon/Star Lake Chapter

Joe L. Cayadito, Jr., Vice President
Torreon/Star Lake Chapter

Evangelina Yachima, Secretary/Treasurer
Torreon/Star Lake Chapter

- As part of the Resource Management Plan Amendment the following are issues identified for analysis during public scoping:

Issue 4. Oil and Gas Development

- How should the BLM manage fluid mineral leasing to address impacts on other resources given the change in projected oil and gas activity in the planning area.
BLM RFO Scoping Report November 2014, Section 2.3.1

How should the BLM manage fluid mineral leasing, including level of permitted development, structures, and mitigation measures, to limit the multiple-use impacts while addressing impacts on other resources given the projected increase in development and the use of hydraulic fracturing technology?
BLM RFO Scoping Report November 2014, Section 2.3.2

Issue 7. Lands and Energy

- How should the BLM manage lands in the planning area that are available for disposal?
BLM RFO Scoping Report November 2014, Section 2.3.3

Issue 8. Economic Issues

- How should the BLM currently assess current air quality conditions and determine appropriate mitigation measures to minimize potential impacts on air quality from proposed fluid mineral development?
- How should the BLM minimize the impacts of oil and gas development on atmospheric ozone resources in the planning area?
- How should the BLM protect tribal interests?
- How should the BLM assess current water quality and minimize impacts on groundwater and surface water quality and quantity from oil and gas development, including hydraulic fracturing?
How should the BLM address both positive and negative impacts of oil and gas development on local and regional economies and social settings, including coal market values?
- How should the BLM minimize impacts from the oil and gas industry on human health? What measures will be in place to ensure transparency of information relative to potential contaminants in the planning area?
- How should the BLM minimize direct and indirect impacts from increased vehicular traffic and additional roads in the planning area as a result of oil and gas development?
- How should the BLM assess current water quality and minimize impacts on groundwater and surface water quality and quantity from oil and gas development, including hydraulic fracturing?
BLM RFO Scoping Report November 2014, Section 2.3.2

NOW THEREFORE BE IT RESOLVED THAT:

- The Chapter is against all pending and future federal fluid mineral BLM leases within Navajo Eastern Agency areas for other lease sales which could directly or indirectly impact Eastern Agency Areas) until a reasonable revenue sharing mechanism is developed, the new Farmington Field Office Resource Management Plan Amendment is developed, and a full understanding of potential environmental and health impacts of horizontal hydraulic fracturing is developed; and
- The BLM shall develop germane and community-specific environmental justice analyses and engage in direct tribal consultation with affected tribal communities/chapters. Additionally, the BLM must take a hard look at older leases that will require renewal to ensure that they meet the modern standards of analysis such as environmental justice and tribal consultation requirements; and
- The Chapter is against the approval of additional and pending federal oil/gas related projects, supporting infrastructure (unless required for emergency or health/safety purposes), and their corresponding Environmental Analysis within Eastern Agency areas (or other similar projects outside of Eastern Agency Areas which could directly or indirectly impact the Eastern Agency Areas) until a reasonable revenue sharing mechanism is developed, the new Farmington Field

Nageezi Chapter BLM Resolution



**NAGEEZI CHAPTER
EASTERN NAVAJO AGENCY
DISTRICT 19**

Ruben Begay, Navajo Nation President

Joseph Mox, Navajo Nation Vice-President

RESOLUTION OF NAGEEZI CHAPTER EASTERN AGENCY, DISTRICT 19

RESOLUTION # NC 17-013

Opposition to further approvals of federal fluid mineral leases, federal oil/gas related projects, and related Environmental Analysis approvals by Bureau of Land Management within or impacting Navajo Nation Eastern Agency Areas and Communities

WHEREAS,

The Nageezi Chapter (the "Chapter") is a political subdivision of the Navajo Nation under 11 N.M.C. § 19 and the Chapter is responsible for the health, safety, and general welfare of its residents/members and for stewardship of its Chapter lands and resources; and

Monies generated from royalties, sales, and bonuses of federal fluid mineral leases that are within Eastern Agency area boundaries are not shared with the Navajo Nation and Eastern Agency Chapters. A study commissioned by the Ojo Omine Chapter estimated in 2011 and 2014 that federal oil/gas royalty revenues generated from within Eastern Agency areas were an estimated \$19,596,813 and \$18,857,466 respectively. These federal royalty monies were divided between the U.S. Department of the Treasury and the state of New Mexico as provided by the Federal Land Policy and Management Act (FLPMA) Section 317(a); and

FLPMA provides the following language regarding Mineral Revenue sharing:

"and except to any of such States on or after January 1, 1976, to be used by such State and its political units, in the interests of the future use, direct or indirect, in those subdivisions of the State territory in communities impacted by development of minerals beyond such State, for (1) protecting the conservation and maintenance of public lands; and (2) provision of public services."

FLPMA Section 317(a) Section 317(a)

Currently, some Eastern Agency chapters have a lack of resources for planning, public facilities, and public services; and

It also appears that many Applications for Permit to Drill (APDs) and Environmental Analyses (EAs) related to federal oil/gas development within, or impacting Eastern Agency areas/communities, historically and currently lack sufficient direct tribal consultation and Environmental Justice analysis; and

The Bureau of Land Management Farming, Field Office is currently in the midst of amending its Resource Management Plan which began public scoping on February 25, 2014. This amendment process is ongoing and is looking more thoroughly at development within Eastern Agency areas and the effects of Horizontal Hydraulic Fracturing; and

As part of the Resource Management Plan Amendment the following are issues identified for analysis during public scoping:

Issue 1: Oil and Gas Development

"How would the BLM manage fluid mineral leasing to mitigate impacts on other resources given the change in resource use and production in the planning area?"

BLM FFO Scoping Report November 2014, Section 2.1.1

PO BOX 100, NAGEEZI CHAPTER, PH: (505) 960-7200, FX: (505) 960-7201

"How would the BLM manage fluid mineral leasing including level of permitted development, structures, and on-site measures, to fulfill the multiple-use mandate while mitigating impacts on other resources given the projected increase in development and the use of hydraulic fracturing technology?"

BLM FFO Scoping Report November 2014, Section 2.1.1

Issue 2: Land Use/Quality

"What BLM management tools in the planning area are appropriate for oil/gas development?"

BLM FFO Scoping Report November 2014, Section 2.1.1

Other Resource Issues

"How would the BLM accurately assess current air quality conditions and determine appropriate mitigation measures to address potential impacts on air quality from proposed fluid mineral development?"

"How would the BLM minimize the impacts of oil and gas development on important cultural resources in the planning area?"

"How would the BLM protect tribal interests?"

"How would the BLM assess current air quality and subsurface impacts on groundwater and surface water quality and quantity?"

"How would the BLM address both positive and negative impacts of oil and gas development on local and regional economies and social equity, including non-market values?"

"How would the BLM address impacts from oil and gas industry on human health?"

"What measures will be in place to ensure transparency of information related to potential environmental impacts in the planning area?"

"How would the BLM minimize direct and indirect impacts from increased subsurface fracturing and additional wells in the planning area as a result of oil and gas development?"

"How would the BLM assess water quality and minimize impacts on groundwater and surface water quality and quantity?"

"How would the BLM assess impacts on riparian resources?"

BLM FFO Scoping Report November 2014, Section 2.1.1

NOW THEREFORE BE IT RESOLVED THAT,

The Chapter is against all pending and future federal fluid mineral BLM leases within Navajo Eastern Agency areas (or other lease sales which would directly or indirectly impact Eastern Agency Areas) until a reasonable revenue sharing mechanism is developed, the new Farmington Field Office Resource Management Plan Amendment is developed, and a full understanding of potential environmental and health impacts of horizontal hydraulic fracturing is developed; and

The BLM shall develop genuine and community specific environmental justice analyses and engage in direct tribal consultation with affected tribal communities/chapters. Additionally, the BLM must take a hard look at older leases that will require renewal to ensure that they meet the modern standards of analysis such as environmental justice and tribal consultation requirements; and

The Chapter is against the approval of additional and pending federal oil/gas related projects, supporting infrastructure (unless required for emergency or health/safety purposes), and their corresponding Environmental Analysis within Eastern Agency (or other similar projects outside of Eastern Agency Areas which could directly or indirectly impact the Eastern Agency Areas) until a reasonable revenue sharing mechanism is developed, the new Farmington Field Office Resource Management Plan Amendment is developed, and a full understanding of potential environmental and health impacts of horizontal hydraulic fracturing is developed; and

PO BOX 100, NAGEEZI CHAPTER, PH: (505) 960-7200, FX: (505) 960-7201

1. The Chapter wishes to see an equitable distribution of federal royalty revenues, sales, and bonuses generated within Eastern Agency boundaries (which includes federally managed lands and minerals) to partially mitigate adverse impacts from federal oil/gas development within Navajo Eastern Agency areas. These funds shall be both shared directly to impacted chapters and a portion also divided amongst all Eastern Agency chapters to help develop planning, public facilities, and public services; and

2. The Chapter considers the lack of federal royalties, sales, and bonus sharing with Eastern Agency chapters from activities occurring within Eastern Agency boundaries to be a disproportionate impact on Navajo communities; and

The Chapter shall cooperate with other chapters, the Navajo Nation, and federal entities to better understand potential environmental and health impacts of horizontal hydraulic fracturing activities that could affect Navajo communities.

3. Per Resolved #1, the Chapter is in opposition to the proposed January 2017 lease sale of tribal trust / federal mineral split estate lands located in Counselor and Nageezi chapters.

CERTIFICATION

WE HEREBY CERTIFY THAT THE FOREGOING RESOLUTION was duly presented and discussed at a duly called meeting of Nageezi Chapter, Navajo Nation (New Mexico), at which a quorum was present, motioned by Pete Martinez, seconded by Kenneth Augustine, was voted on with 29 in favor, 00 opposed, and 01 abstained, this 06th day of November 2016.

Ervin Chavez, Chapter President

Jessie Valdez, Chapter Secretary/Treasurer



Torreon/Star Lake Chapter

P.O. Box 1024 * Cuba, New Mexico 87013 *(505)731-2336
Torreon@navajochapters.org-Fax# 505-731-1514



Daniel E Tso
Council Delegate

David Rico
President

Richard Montoya Sr.
Vice President

Sherry Begaye
Secretary/Treasurer

Alex Sandoval
Land board

Wally Toledo
Coordinator

Cecelia Toledo
Accounts Maintenance Specialist

TORREON/STARLAKE CHAPTER TSL # 12/2019 - 35

RESOLUTION OF THE TORREON/STARLAKE CHAPTER OPPOSES NAVAJO NATION COUNCIL 0366 -19 IN FAVOR OF KEEPING in ALIGN WITH THE STATED POSTIONS OF THE PRESIDENT OF THE NAVAJO NATION, NEW MEXICO CONGRESSIONAL DELEGATION, STATE OF NEW MEXICO LAND COMMISSION SUPPORTING THE CREATION OF A "10 MILE BUFFER".

WHEREAS:

1. The Torreon/Starlake Chapter recognizes that the President of the Navajo Nation has testified in *support* of the United States House Resolution 2181(H.R. 2181) "Chaco Cultural Heritage Area Protection Act of 2019" that includes a 10-mile buffer that does *not* infringe upon the mineral rights of Individual Indian mineral rights.
2. The Torreon/Starlake Chapter recognizes that Senate Bill 1079 is has identical language to H.R. 2181.
3. The Torreon/Starlake Chapter recognizes that the *entire* New Mexico Congressional Delegation supported the passing of H.R. 2181.
4. The Torreon/Starlake Chapter recognizes that the United States' Secretary of Interior Bernhardt has imposed a voluntary one-year moratorium on oil and gas leasing on federal public lands within the 10-mile buffer surrounding Chaco Culture National Historic Park (CCNHP) and its outliers.
5. The Torreon/Starlake Chapter recognizes that the State of New Mexico Land Commission, Stephanie Garcia-Richards, has executed an order to stop oil and gas leasing within the proposed 10-mile buffer during her tenure as State Land Commissioner.
6. The Torreon/Starlake Chapter recognizes that the CCNHP is recognized by the United Nations Education and Science Organization (UNESCO) as of one (1) of twenty-four (24) World Heritage Sites in the United States.
7. The Torreon/Starlake Chapter recognizes that the areas surrounding the CCNHP includes sensitive and important cultural resources and properties that are central to the unique history and worldview of the Navajo Nation.

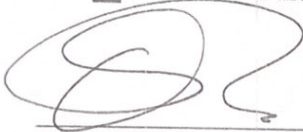
8. The Torreon/Starlake Chapter recognizes the resolutions passed by their sister chapters of Counselors and Ojo Encino that supports a federal mineral withdraw around the Chaco Culture National Historic Park.
9. The Torreon/Starlake Chapter recognizes that the Eastern Navajo Agency Council (ENAC) passage of a resolution that requests for a "5-mile buffer" only passed with only 23 of the 55 votes recognized. The majority, 32 votes, were *not* in favor the resolution and 22 of the ENAC quorum abstained from voting.
10. The Torreon/Starlake Chapter recognizes that "10-mile Buffer", per a United States Senate whitepaper, is already a compromise regarding the protecting of the Greater Chaco Landscape.

Now Be It Resolved:

1. The Torreon/Starlake Chapter *opposes* Navajo Nation Council Resolution 0366-19 in favor of keeping in align with the stated positions of the President of the Navajo Nation, New Mexico Congressional Delegation, State of New Mexico Land Commission supporting the creation of a "10-mile Buffer".

C-E-R-T-I-F-I-C-A-T-I-O-N

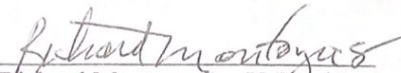
We hereby, certify that the foregoing resolution was duly considered at a duly called meeting at Na'neelzhiin, New Mexico at which a quorum was present and that the same was passed by a motion by Haven Gordo and second by Albert Begay with a vote of 60 in favor, 0 opposed, and 7 abstained on the 8th day of December 2019.



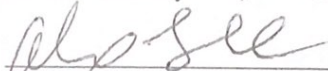
David Rico, President



Sherry Begaye, Sec/Treasurer



Richard Montoya Sr., V-President



Alex Sandoval, Land Board

Navajo Nation, Counselor Chapter House, P.O. Box #93, Counselor, New Mexico 87018

Phone & Fax #: (575)568-4311
Email:counselor@navajochapters.org

Harry Domingo, Sr. Chapter President
Laura Lopez, Vice President
Damien Augustine, Secretary/Treasurer
Elizabeth Stoney, Land Board Member

Daniel Tso, Council Delegate
Samuel Sage, Comm. Services Coordinator
Martha A. Aragon, Acct. Maint. Specialist

**RESOLUTION OF COUNSELOR CHAPTER
COUNSELOR, NEWMEXICO
#COUN-2019-02-001**

**RESOLUTION OF COUNSELOR CHAPTER SUPPORTING A FEDERAL BILL THAT
WITHDRAWS FEDERAL MINERALS WITHIN THE GREATER CHACO LANDSCAPE AND
STATE'S EFFORT CULTURAL RESOURCES INVENTORY REPORT IN THE GREATER CHACO
LANDSCAPE.**

WHEREAS:

1. Per Resolution CAP-34-98, the Navajo Nation Council adopted Local Governance Act and through the adoption of this Act delegated to the Navajo Nation Chapters governmental authority with respect to all local issues/ matters consistent with Navajo law, customs and tradition; and
2. The Counselor Chapter has steadfastly communicated, coordinated and cooperatively planned the regional development of the five most Eastern Chapters of the Navajo Nation; and
3. On March 2, 2018 Secretary of the Interior Ryan Zinke directed the Bureau of Land Management to defer its scheduled Farmington Field Office lease sale so the agency could complete an ongoing analysis of more than 5,000 cultural sites in the proposed leasing area, and on December 4, 2018 the agency deferred its scheduled Farmington Field Office lease parcels sites has been completed nor have the chapters been consulted around Navajo Cultural Properties.
4. Counselor Chapter reads that the 2003 and 1986 Resource Management Plans for the Bureau of Land Management's Farmington and Rio Puerco Field Offices does not sufficiently address the technological development of multistage horizontal drilling and hydraulic fracturing; and
5. Counselor Chapter is keenly aware of the Bureau of Land Management's actions to lease the public lands for oil/gas exploration in a manner that precludes its multiple use to a singular use for energy development; and
6. Counselor Chapter and its residents have personal knowledge of the adverse impacts their relatives are experiencing with the declining air quality through the venting and flaring, the increased vehicular traffic, and the familiar discord resulting from the bonus payments for the leasing of the allotments; and
7. Counselor Chapter has community voters who have allotments and heirs and have an interest in the Mancos-Gallup formation and will work to assure that any state or federal legislation not dispose mineral rights of the Navajo Nation or member of the Navajo Nation to trust land or allotment land, and does not affect the potential future disposal or exchange of federal lands to the Navajo Nation; and
8. Counselor Chapter supports the rights identified in the United Nations Declaration on the Rights of Indigenous Peoples adopted by the United Nations General Assembly in September 2007 and was supported by President Obama in December 2010 by issuing that the Declaration has both moral and political force must guide the policies and practices of all the agencies for the Federal government to assure the needs, interests and points regarding land use priorities, protection of culturally grounded ways life and safeguarding the environmental which are imbued in Articles 26, 27, 29, and 32 of the UN Declaration; and

9. On March 22, 2018, during the 2nd Session of the 115th Congress of the United States, the Honorable Senator Tom Udall and the Honorable Senator Martin Heinrich introduced a bill entitled "Chaco Cultural Heritage Area Protection Act of 2018", which would withdraw federal minerals in the state of New Mexico within a 10-mile radius of the Chaco Cultural National Historical Park; and
10. The Chaco Cultural Heritage Area Protection Act of 2018 did not, upon its initial introduction, incorporate Counselor Chapter's core concerns, specifically that 1) The Greater Chaco Landscape not be minimized to the Chaco Culture National Historical Park (CCNHP) not to a 10-mile buffer around the park; 2) Resource management of the Greater Chaco Landscape must include tribal consultation at the Chapter level; 3) A bill regarding resource management of the Greater Chaco Landscape must provide community public health and environmental justice protections; and 4) A bill regarding resource management of the Greater Chaco Landscape must also ensure that CCNHP and wilderness areas within the Greater Chaco Landscape attain Class I Air Quality Standards; and
11. Federal mineral withdrawal under the 2018 Chaco Cultural Heritage Protection Act was limited to an arbitrary 10-mile radius around CCNHP and Pierre's Point, excluding numerous Chacoan Greater Houses and Navajo cultural properties. Counselor Chapter supports the protection of these sites.
12. Above all concerns, Counselor Chapter positions itself to have Federal and State agencies recognize home sites, traditional and customary use areas to be protected as there is the living Navajo society and culture in place since before the agencies were authorized.

NOW THEREFORE BE IT RESOLVED THAT:

Counselor Chapter would support a federal bill that withdraws federal minerals within the Greater Chaco Landscape provided that it:

1. Does not reduce the Greater Chaco Landscape to the Chaco Cultural National Historical Park or to an arbitrary buffer around the Park; and
2. Provides public health and environmental justice protections for local communities impacted by oil and gas development; and
3. Requires that resource management decisions in the Greater Chaco Landscape are informed by tribal consultation at the Chapter-level with impacted Navajo Chapters; and
4. Restores Chaco Culture National Historical Park and wilderness areas in the Greater Chaco Landscape to Class I Air Standards.

Counselor Chapter also supports state and federal efforts to:

1. Complete a Cultural Resources Inventory report in the Greater Chaco Landscape; and
2. Provide opportunities for economic development, diversification and decarbonization in Eastern Navajo communities; supported by increases oil and gas royalty rates and taxes, as well as monies appropriated for just transitions and fossil fuel remediation; and
3. Compile a National Academy of Sciences Study to compile scientific data supporting setback limits that are aligned with protecting human health and maintaining Hozho; and
4. Increase community, state, and federal monitoring and reporting of air quality, water quality and quantity and human health impacts related to oil and gas development.

CERTIFICATION

WE, HEREBY CERTIFY THAT THE FOREGOING RESOLUTION was duly considered by the Counselor Chapter at a duly called meeting at Counselor, New Mexico, at which a quorum was present and that the same was motion by: Woody Keetso and seconded by: Betty Sala and adopted by a vote of 15 in favor, 0 opposed, and 4 abstained this 10 day of February, 2019.