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**Testimony Before the House Committee on Natural Resources,
Subcommittee on Energy and Mining Resources**

**Legislative Hearing on H.R. 4374 Energy Opportunities for All Act
July 13, 2023**

Chairman Stauber, Ranking Member Ocasio-Cortez and members of the subcommittee, thank you for the opportunity to bring voice to those Navajo tribal members who, like me, have had our sole means of modest income—oil and gas payments from our Indian allotted mineral interests—de facto stripped away by Public Land Order 7923, the Chaco ten-mile buffer withdrawal. This was despite the strong and consistent opposition of the Allottees and our tribal Nation, the Navajo Nation, to the withdrawal of a ten-mile buffer surrounding the Chaco Culture National Historic Park first proposed in legislation, then in a land use plan and finally a PLO.

In 2019, I came before another subcommittee, on behalf of the many Allottees who signed petitions in 2018, to oppose any buffer around the already protected Chaco Culture National Historic Park. Later in early 2020, the Navajo Nation, with the support of the Allottees, proposed a compromise five-mile buffer. In 2021, the Navajo Nation met with members of Congress to encourage the compromise.

When Secretary Haaland came into office, she promised to listen to Indian Country and give us a stronger role in decisions affecting our lives. But she did not listen to our Allottee voices, she did not consult with us or with the Navajo Nation on our proposed five-mile compromise. Secretary Haaland instead issued the PLO that withdraws the federal minerals necessary to the development of our allottee minerals. The Navajo Nation and the allottees now are united in their opposition to *any* buffer around the Park. That is why we testify today in support of H.R. 4374.

I am Delora Hesuse, a citizen of the Navajo Nation, Nageezi Chapter. My chapter is in the Greater Chaco region and near the Chaco Culture National Historic Park. My grandmother was a Councilwoman for the Nageezi Chapter for eight years, and my father was a Navajo Nation Council Delegate for the Nageezi Chapter for twenty years. Like my parents and grandparents before me, I have worked with our

community to help my neighbors, the other Allottees, who often do not speak or read English, to understand the oil and gas development on their properties and ensure that they get good terms for their leases. I have participated alongside other Navajo Allottees in many dozens of environmental review meetings and planning processes over decades. We are very active and careful about how we use our land and develop our oil and gas and make sure that we get regular water testing and that nothing is built on any traditional sites. I frequently go out to the well sites to watch when the companies perform air and water quality testing or other work, so that I can see for myself what is being done and ensure that the interests of our community are respected.

We have sought and achieved balance in development, in accord with our Navajo language and culture, working closely with industry partners who listen to us and respond to any community concerns because they are part of our community.

Many people don't understand our Native American heritage and the fact that many individual Navajo Nation members such as I, called Allottees, own private lands and the minerals underneath them. Many years ago, the federal government passed a law that gave my ancestors an allotment of land and minerals in restricted fee title to own and pass down to their family members. Many Allottees have family ties to specific land dating back to at least the early 20th century if not the late 1880s. These lands were given to our great, great grandparents in exchange for citizenship, and we have rights as citizens and landowners to develop our lands for oil and gas as we see fit. This is a steadfast property right that sustains our livelihoods and way of life.

H.R. 4374 would correct a wrong—PLO 7923—that puts many of our mineral rights off limits and stops a much-needed source of income to feed, shelter, clothe and protect our families. I'm not exaggerating the importance of this income.

In 2015 alone, the Federal Indian Minerals Office distributed \$96 million to 20,835 Allottees. This is hugely important, because our area is very poor, and many families still do not have electricity or running water. Our elderly rely on this money to feed their grandchildren and livestock. I know for a fact that allottee families have sent their children to school on this royalty money. I have seen it. Some of them are now doctors and engineers. Other families have built businesses, including a very successful construction business. Oil and gas development also provides jobs for many of my neighbors and relatives, and many are out of work because leases and drilling permits are not being approved.

The Public Land Order strands the Navajo Allottees and our minerals, making ANY new development impossible. More than a hundred families in our community have leases that they negotiated and signed for their property but that have not been approved by the federal government. Many of these people are living in small trailers, without electricity or basic necessities, and they call and text me every day asking me to find out what is happening with their leases.

This withdrawal is the end of their hopes. Because their land is tightly checkerboarded and mixed with federal land that has been withdrawn, it cannot be developed alone. If you take out the federal minerals, you can see you cannot reach the Tribal and Allottee minerals. The federal oil and gas are mixed with ours, and the gathering lines and other infrastructure cross federal land. It does not matter if the Department of the Interior says existing rights are not subject to the buffer—this is wrong. This is an obvious fact of oil and gas production. The buffer is a significant taking of hundreds of millions of dollars of property from the Allottees, property that the United States is supposed to protect as a trustee, not to block off for its own purposes.

Our future revenue loss could be as much as \$200 million, although we do not know the exact number because it depends on the oil prices and the quality of the wells. In the BLM EA, BLM claims only 47 future wells will be eliminated by the withdrawal, but the company analysis instead shows 233 wells

would be prevented. This is a significant impact to our livelihood – without federal oil and gas royalty income, we do not know how we will be able to survive.

I testify today in support of H.R. 4374 as a community member, a grandmother, and someone who cares for others, especially our elders, who are very scared right now because they struggle to understand the impacts of the Public Land Order.

I too care deeply about the Chaco cultural heritage. After all, I'm a Navajo who lives right in the Greater Chaco region. But the Chaco Culture National Historic Park already protects the Great Houses. Artifacts that may be outside the Park are protected by BLM through the National Historic Preservation Act. Any development of my minerals and the minerals of other Allottees is done in strict accordance with the Preservation Act, to make sure they are protected. Not only do we insist upon it, but that is the law of the land. The Secretary's Trust responsibility to Allottees is also the law of the land. But she ignored that responsibility to us.

I urge the Committee to pass this bill. I and 20,000 other Navajo Allottees have no idea how we will make ends meet if you don't.

Thank you for the opportunity to testify today.