

Testimony of Kendra Pinto before the House Natural Resources Subcommittee on Oversight and Investigations Entitled “Oversight Hearing Examining Impacts of Federal Natural Resources Laws Gone Astray”

May 24, 2017

Mr. Chairman and Ranking Member, thank you for the opportunity to testify before you.

My name is Kendra Pinto, and I’m from Counselor Chapter, Navajo Nation, in northern New Mexico. I live near Chaco Canyon, in the San Juan Basin, often called the American Cradle of Civilization, where the Anasazi flourished between 900 A.D. and 1300 A.D.

The hub of the Chacoan society is a series of well-designed villages housing some 6,000 people who navigated the countryside using perfectly straight roadways etched into the landscape. The descendants of the Chaco culture are some of the modern Southwest tribal nations. The Chaco ruins are sacred to the Navajo, Hopi and Pueblo peoples.

Today, the Greater Chaco Canyon area spans over 30,000 square miles and remains a sacred source of our cultural heritage. The laws of the Navajo Nation and the United States of America should offer protections for my people and our lands, not take them away.

Federal Protections for Greater Chaco

President Theodore Roosevelt first designated 20,629 acres of Chaco Canyon as a National Monument in 1907. Chaco’s boundaries were later expanded in the 1920s.

During the 1950s and 1960s, energy and mineral development in the San Juan Basin lead to additional archeological discoveries. In response,

Congress in 1980 added an additional thirty-three sites totaling approximately 8,800 acres.

These “Chaco Culture Archeological Protection Sites” are managed primarily by the Navajo Nation, Bureau of Land Management (BLM), and the Bureau of Indian Affairs (BIA). Today, the National Park Service (NPS) manages the core area of Chacoan ruins -- known as Chaco Culture National Historic Park (Chaco NHP).

Chaco NHP is also a UNESCO World Heritage Site.

How Oil and Gas Has Impacted My Community

I was born in Shiprock, NM and raised in Twin Pines, NM. I have always known New Mexico as my home so it is appropriate that I share with you how I see this land. Growing up there was no such thing as boundaries. We were free to roam the valleys and mountains so long as we did not cause harm. This is what I find difficult to talk about in an audience such as this. Not all in this room will feel with their heart the moments I share with you. The moments rooted so deep in feelings there are no words. The love for the land must be felt. It is not only my story that should compel you; it can be heard in areas throughout the country from others who know the importance of life.

I have a tendency to take long hikes. During these hikes there is no time clock to worry about. It is just nature and me. The scenery is breathtaking and vast. On particular peaks in the area I can spot Colorado, Utah, and Arizona all in one quick sweep. Where else can you do that in one glance? The placement of my family in the Chaco region is no mistake and we are not new to the land. Living on and with the land is also something we have not just discovered. There are numerous plants used for medicinal properties by our people and are currently being torn down to make way for steel barrels and a vast network of pipes. The effects of the activity taking place right now in my community is not only causing physical damage to the land but it is also causing mental strain to the people.

I have spoken with Elders who tell me of how plants used to grow here and there but now don't grow at all. The plants they speak of grow wildly among the landscape and cannot simply be replaced by going to a convenience store. Among the wildly growing plants of our area are also beds of gardens. There is a collective concern within our small communities and it is food and water. Our closest grocery store is nearly an hour away. Those who do not have running water must haul their water from either of two water stations made available to residents. Grocery trips must be planned for the month ahead. This is one of the many reasons gardens have begun to find themselves multiplying. But it also must fight like us- fight the gases that settle on its skin and fight to breathe.

My Grandmother was born less than half a mile away from where she currently resides. She is now 92 years old. I listen to her stories and try to imagine what life was like in the 20s and 30s. I've often asked my Grandma of the past. She tells me stories of her younger days; seeing her first automobile when she was eleven, hearing of JFK's assassination on the radio while weaving at the local chapter house. I always look at my Grandmother in amazement. Her stories are here. Here in this valley next to a World Heritage Site, so hidden that the homes of people in the Chaco area were not marked on the BLM State map until for the first time in 2015

In July of 2016, there was a massive explosion in a nearby community. The WPX well site fire in Nageezi, NM started just after 10pm and forced the evacuation of 55 residents. Thirty-six storage units, holding oil and fracking fluid, caught fire and exploded. I can still hear those explosions, each sounding like a pop as the fire grew and became visible over the mountain. I was not on site for the initial explosion so I cannot imagine what it was like. The families who live in the area do not have that luxury. As the fire grew and continued to burn that night, residents were parked along Highway 550 watching the fire because they did not have a place to go. There was no public evacuation or emergency plan. How can this be when well sites are located next to houses, one in particular less than 350ft away from the explosion site. The family living closest to the explosion have not returned. The house sits empty. I do not know of any plans of their return, should they decide to move back in. One of the young children located near

the explosion site still has moments of stress when he hears loud, banging noises. How does this not count as a negative impact of fracking? How is this not being talked about more, of locals risking their lives by simply being near a pipeline or well site? Locals who have been here for decades, some even before oil pumps were tragically peppered in the Greater Chaco region.

I hear stories of relatives buried within the lands. Unmarked graves scattered throughout the region but somehow unimportant to outside industries who are there for one purpose only. How are the Indigenous people of this land, Our Land, still being treated with little or no respect and made to look like stereotypical, savage “Indians” when all we talk of is for fair and just treatment of Mother Earth. The Earth which provides for us. We have begun to lose sight of who we are. We believe we are immortal. We believe there will be no repercussions to our actions. We believe we live in a world hosting unlimited resources and extraction is the best possible way to improve life. That's not sustainability, it is dependability.

The area where I live is commonly known as “The Checkerboard Area” because placed on a map, the land is fragmented between federal, state, private, allotment, and tribal trust lands. It is because of this checkerboard issue that well sites can be relatively close to houses. There are no visible boundaries among this checkerboard area. There is no distinct border to separate BLM public land and allotment lands. But you would not know this if you're not from the area. Looking at a map does not show you the people who have lived there for generations. Looking at a map falsely projects the idea that a fence surrounds the different sections of land.

Air Pollution in my Community

The air monitoring I have done showed something rather alarming. At the well site located across the highway from Lybrook Elementary School showed elevated levels of hydrogen sulfide. Disturbingly close to children yet continues to operate as if nothing is wrong.

Hydrogen sulfide was detected in the sample collected along Highway 550 at mile marker 100 north of the Lybrook School at a level of 7.6 µg/m³.

Hydrogen sulfide is commonly emitted by natural gas wells because raw natural gas is commonly contaminated by hydrogen sulfide.

Hydrogen sulfide is a gas that possesses a potently offensive odor of rotten eggs. Long-term exposure to hydrogen sulfide is associated with an elevated incidence of respiratory infections, irritation of the eye and nose, cough, breathlessness, nausea, headache, and mental symptoms, including depression. The California OEHHA has established a chronic reference exposure level for hydrogen sulfide of 10 µg/m³ (for preventing effects on the respiratory system) and an acute reference exposure level for hydrogen sulfide of 42 µg/m³ (for preventing headache, nausea, and physiological responses to odors). The U.S. EPA reference concentration for hydrogen sulfide is 2 µg/m³ (for preventing nasal lesions of the olfactory mucosa).

The level of hydrogen sulfide detected in the sample collected north of the Lybrook School exceeds the U.S. EPA reference concentration for hydrogen sulfide, but is below the California OEHHA has established a chronic reference exposure level for hydrogen sulfide. If hydrogen sulfide levels of 7.6 µg/m³ north of Lybrook school generally prevail, then these levels may pose some risk to human health.”

BLM Methane Waste Rule

As is clear from the air testing we've done, and the latest scientific data, that oil and gas air pollution impacts people's health. The toxic gasses from oil wells and processing facilities waft about the air we breathe. Much of this pollution is invisible, but we know from optical gas imaging cameras that help us see the pollution firsthand that it is there.

Federal standards like the BLM methane waste rule can lessen the harm to people living with oil and gas facilities in their communities. Nationally,

there are more than 750,000 summertime asthma attacks in children under the age of 18 due to ozone smog resulting from oil and gas pollution, including over 12,000 in New Mexico.

Each summer, there are more than 2,000 asthma-related emergency room visits and over 600 respiratory related hospital admissions nationally due to ozone smog resulting from oil and gas pollution. Children miss 500,000 days of school nationally each year due to ozone smog resulting from oil and gas pollution.

The BLM's methane waste reduction rule protects our air and health. By capturing methane, oil and gas companies also capture other air pollutants, reducing the amount of toxic volatile organic compounds that currently vent, flare, or leak into our air.

These types of federal protections not only protect our health, they also preserve the resource operators wish to sell to market and protects royalty revenues that are owed to taxpayers.

Without a rule to curb methane emissions on public lands, we allow the industry to burn our money - and our health - away.

BLM Hydraulic Fracturing Rule

Regulation matters because water is life. The BLM's hydraulic fracturing rule protects our dwindling water resources and reduces the chances of groundwater contamination. The rule improves standards for well casings, mechanical integrity, waste disposal, and chemical disclosure.

Importantly, it creates a minimum standard, a basic level of protection for our tribal lands, the water flowing through them, and the people and wildlife who drink it. Rolling back this rule leaves my community more vulnerable.

Federal Land Policy Management Act (FLPMA) BLM Resource Management Plan

The Federal Land Policy Management Act (FLPMA) requires the Government to manage our lands “in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values”.

Yet, BLM’s current Resource Management Plan (RMP) for my region predates the arrival of hydraulic fracturing to the San Juan Basin by about five years. Nevertheless, BLM has extensively leased lands for oil and gas drilling around the Chaco NHP, and operators have hydraulically fractured hundreds of new wells.

An updated RMP should balance energy development with other uses of our lands. The RMP should respect tribal wishes and preserve dozens of our Chaco Great House ruins including our vast network of ancient sacred roads.

Conclusion

I hope the explosions that devastated my community illustrate why we must protect our sacred lands, water, and air resources. American and Navajo law must reinforce this support, not undermine it. Accordingly, Congress and the BLM should strengthen federal protections like the BLM’s fracking and methane rules.

There is nothing wrong with demanding clean air and clean water. Everyone here needs those two things. It should not be the deciding factor on how a human will treat another human

Thank you for your time.