

Testimony on people's rights and voices undermined

Good afternoon. I am Carol Davis, Coordinator/Director of Dine Citizens Against Ruining our Environment (Dine CARE). Dine CARE is an all-Navajo 501c(3) not-for-profit organization that began in the Navajo reservation community of Dilkon (Arizona) in 1988. Our organization serves to protect the health, cultural resources, and the environment of the Dine people who reside within the approximate 27,400 square mile area we call the Navajo reservation. Our reservation extends into the states of Arizona, New Mexico and Utah.

To begin, a result of multiple land jurisdictions—public, private, state, Navajo trust, and Indian allotments--and the existence of split-estates in the eastern most portion of the Navajo reservation (Greater Chaco region), the Navajo Nation, as a sovereign nation, has limited force of Navajo Nation law. This enables and perpetuates environmental discrimination among the Navajo Nation communities throughout that region.

In particular, the people's rights and voices are undermined by the lack of transparency in the federal mineral leasing process; for example, tribal consultation has historically excluded the people's input because we are given the impression that one must have standing to oppose or comment on energy development. Additionally, language barriers and underdeveloped communications infrastructure frustrate the public input process because the Farmington Field office of the Bureau of Land Management fails to adequately accommodate or resolve such barriers.

Furthermore, 91% of public land in Northwest New Mexico is already leased to oil and gas interests, with over 40,000 wells, with most of the remaining unleased land in Greater Chaco despite the lack of adequate tribal consultation, environmental review, or a comprehensive plan for fracking in the area; meanwhile the Bureau of Land Management continues to grant hundreds of new drilling permits with 370 new wells and counting. An additional 843 acres are slated for oil and gas leasing during an online auction scheduled January 25, 2017. Again, the Navajo people directly impacted by fossil fuel development have the added communication infrastructure and language barrier challenges to adequately voice their concerns throughout the public input process.

Once new development is approved, there are added economic disadvantages to the impacted Navajo communities. Federal law requires that a percentage of royalties generated from oil and gas extraction must benefit communities directly affected by industry. Three Navajo Nation communities--Huerfano, Nageezi, and Counselor--are subjected to the negative social, environmental and health-related fallout of current rigorous horizontal and hydraulic fracturing activities. In 2014, the state of New Mexico and the federal government collected roughly \$12.5 to \$14 million in oil royalties from these three Navajo Nation communities. The return on these royalties do not benefit these heavily fracked communities,

but instead the funds are funneled to the state and counties while the people who live in the midst of oil wells and pipelines suffer; very basically, the federal energy development process only perpetuates environmental discrimination in low-income tribal communities.

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