

LEGISLATIVE SUMMARY SHEET

Tracking No. 0121-14

DATE: April 11, 2016

TITLE OF RESOLUTION: AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, REOURCES AND DEVELOPMENT; NAABIK'ÍYÁTI' COMMITTEES; OPPOSING HYDRAULIC FRACTURING WITHIN THE NAVAJO NATION

PURPOSE: This resolution if approved will establish that the Navajo Nation is opposed to the practice of hydraulic fracturing within the Navajo Nation.

This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each committee member to review the proposed legislation in detail.

5-DAY BILL HOLD PERIOD: None
Website Posting Time/Date: 1:38pm 4/13/16
Posting End Date: 4/18/2016
Eligible for Action: 4/19/2016

Health, Education & Human Services Committee
THENCE
Resources & Development Committee
THENCE
Naa'bik'íyáti' Committee

PROPOSED STANDING COMMITTEE RESOLUTION
23RD NAVAJO NATION COUNCIL—SECOND YEAR, 2016

INTRODUCED BY



Primary Sponsor

TRACKING NO. 0121-16

AN ACTION

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, REOURCES
AND DEVELOPMENT; NAABIK'ÍYÁTI' COMMITTEES; OPPOSING
HYDRAULIC FRACTURING WITHIN THE NAVAJO NATION

WHEREAS:

- A. The Navajo Nation established the Health, Education and Human Services Committee (HEHSC) as a standing committee of the Navajo Nation Council to promulgate regulations and provide legislative oversight on matters involving health; and to review and recommend resolutions relating to health and environmental health. *See* 2 N.N.C. §§ 400 (C)(1); 401 (B)(6)(a) (2015).
- B. The Navajo Nation established the Resources and Development Committee (RDC) as a standing committee of the Navajo Nation Council to exercise oversight authority over water, land, environment, and environmental protection; and to promulgate rules and regulations governing environmental protection. *See* 2 N.N.C. §§ 500 (A); 500 (C); 501 (B)(1) (2015).
- C. The Navajo Nation established the Naabik'íyáti' Committee as a Navajo Nation Council standing committee and as such empowered Naabik'íyáti' Committee to recommend resolutions to the Navajo Nation Council on matters within the Committee's jurisdiction. 2 N.N.C. §§ 164 (A)(9), 700 (A), 701 (A)(1) (2015); *see also* CO-45-12.

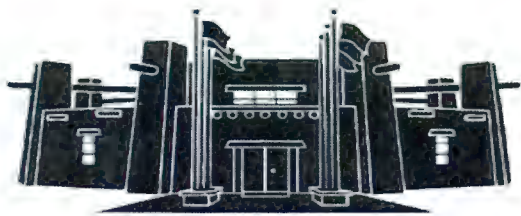
- 1 D. Hydraulic fracturing (hereinafter “fracking”) is the injection of fluid into shale
2 beds at high pressure in order to free up petroleum resources (such as oil or
3 natural gas); fracking creates tiny fissures in the rock deep beneath the earth
4 which then allows gas and oil to flow into the well. *See* Merriam-Webster,
5 Definition of Fracking (April 6, 2016, 10:10 AM), [http://www.merriam-](http://www.merriam-webster.com/dictionary/fracking)
6 [webster.com/dictionary/fracking](http://www.merriam-webster.com/dictionary/fracking).
- 7 E. Currently, the United States has more than 500,000 active natural gas wells, each
8 well requires an average of 400 water tanker trucks to supply the site and takes
9 about one to eight million gallons of water to complete each well. *See* Linda
10 Dong, WHAT GOES IN AND OUT OF HYDRAULIC FRACTURING, (Apr.
11 11, 2016, 10:50 AM), <http://dangersoffracking.com>.
- 12 F. The fracturing site has water brought in and the water is mixed with sand and
13 chemicals to create the fracking fluid; the fracking fluid consist of 600 chemicals
14 including toxins such as lead, uranium, mercury, ethylene glycol, radium,
15 methanol, and formaldehyde; the fracturing fluid is then injected (10,000 feet)
16 into the ground through a drilled pipeline; and once the mixture reaches the end of
17 the well the high pressure causes the nearby shale rock to crack, creating fissures
18 where natural gas flows into the well. *See* Linda Dong, WHAT GOES IN AND
19 OUT OF HYDRAULIC FRACTURING, (Apr. 11, 2016, 10:50 AM),
20 <http://dangersoffracking.com>.
- 21 G. There are several potential reasons for considering fracking a few which include
22 economic benefits; reduction in air pollution and water use (as compared to other
23 fossil fuels); and switching from using coal for electricity to natural gas can
24 reduce sulfur, nitrogen, mercury and air pollution matter. *See* Robert B. Jackson,
25 et. al., THE ENVIRONMENTAL COSTS AND BENEFITS OF FRACKING
26 (2014).
- 27 H. There also various concerns such as: the water requirements for fracking; the well
28 integrity and fracturing induced stress to the land; risks to surface-water and
29 groundwater resources; induced earthquakes from fracking and the deep injection
30 of wastewater causing significantly higher-energy earthquakes; wastewater

1 disposal; surface spills; increase in volatile organic compounds; and locally the air
2 toxins are potential health threats. See Robert B. Jackson, et. al., THE
3 ENVIRONMENTAL COSTS AND BENEFITS OF FRACKING (2014).

4
5 NOW THEREFORE, BE IT RESOLVED:


6 A. The Naabik'íyáti' Committee of the Navajo Nation Council hereby opposes the
7 practice of fracking within the Navajo Nation due to the potential environmental
8 and health risks associated with fracking.

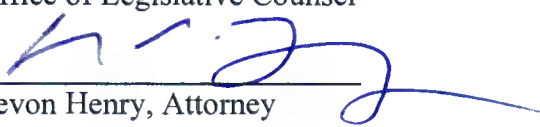
9 B. The Naabik'íyáti' Committee hereby authorizes the Navajo Nation President, the
10 Navajo Nation Speaker, the Navajo Nation Chief Justice and their designees, to
11 oppose the practice of fracking within the Navajo Nation due to the potential
12 environmental and health risks associated with fracking.



MEMORANDUM

TO: Honorable Jonathan Hale
Navajo Nation Council

FROM: 
Rhonda L. Tuni
Office of Legislative Counsel

THRU: 
Levon Henry, Attorney
Office of Legislative Counsel

DATE: April 11, 2016

SUBJECT: AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, RESOURCES AND DEVELOPMENT; NAABIK'ÍYÁTI' COMMITTEES; OPPOSING HYDRAULIC FRACTURING WITHIN THE NAVAJO NATION

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. As with any action of government however, it can be subject to review by the courts in the event of proper challenge. Please ensure that this particular resolution request is precisely what you want. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

The Office of Legislative Counsel confirms the appropriate standing committee(s) based on the standing committees powers outlined in 2 N.N.C. §§301, 401, 501, 601 and 701. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration." 2 N.N.C. §164(A)(5).

If the proposed resolution is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0121-16__

SPONSOR: Jonathan L. Hale

TITLE: An Action Relating To Health, Education and Human Services, Resources and Development; NAABIK'IYATI' Committees; Opposing Hydraulic Fracturing Within The Navajo Nation

Date posted: April 13, 2016 at 1:38 PM

Digital comments may be e-mailed [to comments@navajo-nsn.gov](mailto:comments@navajo-nsn.gov)

Written comments may be mailed to:

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7586

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*