

**LEGISLATIVE SUMMARY SHEET**

Tracking No. 0041-17

**DATE:** January 26, 2017

**TITLE OF RESOLUTION:** AN ACTION RELATING TO NAABIK'ÍYÁTI' COMMITTEE; RECOMMENDING THE PASSAGE OF NEW MEXICO HOUSE JOINT MEMORIAL 5, 53<sup>rd</sup> LEGISLATURE – STATE OF NEW MEXICO AND REQUESTING ON BEHALF OF THE NAVAJO NATION THAT THE FEDERAL DEPARTMENT OF THE INTERIOR'S BUREAU OF LAND MANAGEMENT IMPOSE A TEMPORARY MORATORIUM ON ALL FRACKING RELATED LEASE SALES AND PERMIT APPROVALS IN THE MANCOS SHALE/GALLUP FORMATION IN THE GREATER CHACO AREA UNTIL SUCH TIME AS PROPOSED AMENDMENTS TO THAT BUREAU'S RESOURCE MANAGEMENT PLAN ARE COMPLETED

**PURPOSE:** This resolution, if approved, will support New Mexico House Joint Memorial 5 and express the Navajo Nation's request for a temporary moratorium on issuance of fracking leases and permits by the Federal Bureau of Land Management in the Manco Shale/Gallup Formation. It also requests government to government consultation on such related activities that may threaten the Navajo Nation's land and people.

**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 resolution in detail.**

5-DAY BILL HOLD PERIOD: None  
Website Posting Time/Date: 4:32 pm 1/21/17  
Posting End Date: 2/1/2017  
Eligible for Action: 2/2/2017

PROPOSED STANDING COMMITTEE RESOLUTION  
23<sup>RD</sup> NAVAJO NATION COUNCIL—Third Year, 2017

INTRODUCED BY



Primary Sponsor

TRACKING NO. 0041-17

AN ACTION

RELATING TO NAABIK'ÍYÁTI' COMMITTEE; RECOMMENDING THE  
PASSAGE OF NEW MEXICO HOUSE JOINT MEMORIAL 5, 53<sup>rd</sup>  
LEGISLATURE – STATE OF NEW MEXICO AND REQUESTING ON  
BEHALF OF THE NAVAJO NATION THAT THE FEDERAL DEPARTMENT  
OF THE INTERIOR'S BUREAU OF LAND MANAGEMENT IMPOSE A  
TEMPORARY MORITORIUM ON ALL FRACKING RELATED LEASE  
SALES AND PERMIT APPROVALS IN THE MANCOS SHALE/GALLUP  
FORMATION IN THE GREATER CHACO AREA UNTIL SUCH TIME AS  
PROPOSED AMENDMENTS TO THAT BUREAU'S RESOURCE  
MANAGEMENT PLAN ARE COMPLETED

**WHEREAS:**

**Section One. Authority**

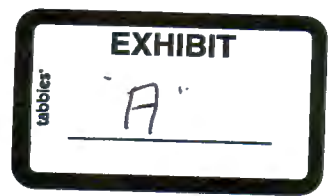
A. The Navajo Nation established the Naabik'iyáti' Committee as a Navajo Nation Council standing committee and as such empowered the Naabik'iyáti' Committee to “coordinate all federal, county, and state programs with other standing committees and branches of the Navajo Nation government to provide the most efficient delivery of services to the Navajo Nation”. 2 N.N.C. §§700, 701 (A)(4).

**Section Two: Findings**

- 1       A. New Mexico House Joint Memorial 5, sponsored by Representatives Derrick J. Lente and Patricia  
2       Roybal Caballero- was introduced to the 53<sup>rd</sup> Legislature – State of New Mexico – First Session,  
3       2017, and is attached hereto as **Exhibit A**.
- 4       B. New Mexico Joint Memorial 5 requests the Federal Bureau of Land Management to  
5       consider issuing a temporary moratorium on all fracking related lease sales and permit  
6       approvals in the Mancos Shale/Gallup Formation in the greater Chaco area until the  
7       amendments to that Bureau’s Resource Management Plan are completed.
- 8       C. Over four hundred fracking wells have been approved in the greater Chaco area since  
9       2013 and plans continue for further leasing of an expected 843 acres of federal land in the  
10      greater Chaco area scheduled to be auctioned on January 25, 2017.
- 11      D. Fracking development in the greater Chaco area disproportionately affects Navajo  
12      communities, specifically those in the Counselor, Nageezi, Ojo Encino and Torreon/Star  
13      Lake Chapter areas.
- 14      E. Fifteen Navajo Chapters Governments including all Eastern Agency chapters within the  
15      planning boundaries of the Farmington field office of the Bureau of Land Management,  
16      have passed resolutions against additional oil and gas leasing until the amendments to the  
17      Bureau’s Resource Management Plan are completed.
- 18      F. It is in the best interest of the Navajo Nation that the Federal Bureau of Land  
19      Management impose a temporary moratorium on the issuance of all fracking related lease  
20      sales and permit approvals in the Manco Shale/Gallup Formation in the greater Chaco  
21      area until such time as the amendments to the Bureau’s Resource Management Plan are  
22      completed.
- 23      G. It is in the best interest of the Navajo Nation that the Federal Bureau of Land  
24      Management engage in government to government consultation with the Navajo Nation  
25      regarding any current or proposed fracking activities that could have a potentially  
26      harmful effect on the land or people of the Navajo Nation.

27  
28  
29      **NOW THEREFORE, BE IT RESOLVED:**  
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- 1 A. The Navajo Nation supports and recommends the passage of House Joint Memorial 5 of  
2 the 53<sup>rd</sup> Legislature of the State of New Mexico.
- 3 B. The Navajo Nation requests that the Federal Bureau of Land Management impose a  
4 temporary moratorium on the issuance of all fracking related lease sales and permit  
5 approvals in the Manco Shale/Gallup Formation in the greater Chaco area until such time  
6 as the amendments to the Bureau's Resource Management Plan are completed.
- 7 C. The Navajo Nation requests that Federal Bureau of Land Management engage in  
8 government to government consultation with the Navajo Nation regarding any current or  
9 proposed fracking activities that could have a potentially harmful effect on the land or  
10 people of the Navajo Nation.
- 11 D. The Navajo Nation hereby authorizes the Navajo Nation President, the Navajo Nation  
12 Speaker, the Navajo Nation Chief Justice and their designees, to advocate for the passage  
13 of House Joint Memorial 5 and for the temporary moratorium and government to  
14 government consultation as identified above.
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1 HOUSE JOINT MEMORIAL 5  
2 53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017  
3 INTRODUCED BY  
4 Derrick J. Lente and Patricia Roybal Caballero  
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10 A JOINT MEMORIAL  
11 REQUESTING THE FEDERAL BUREAU OF LAND MANAGEMENT TO CONSIDER  
12 ISSUING A TEMPORARY MORATORIUM ON ALL FRACKING-RELATED LEASE  
13 SALES AND PERMIT APPROVALS IN THE MANCOS SHALE/GALLUP FORMATION  
14 IN THE GREATER CHACO AREA UNTIL THE RESOURCE MANAGEMENT PLAN  
15 AMENDMENT IS COMPLETED.  
16

17 WHEREAS, the federal bureau of land management has to date  
18 leased ninety-one percent of public lands in the Farmington  
19 area to oil and gas interests; and

20 WHEREAS, advances in oil and gas technology have generated  
21 new industry interest in the Mancos shale/Gallup formation in  
22 the greater Chaco area of northwestern New Mexico for combined  
23 multi-stage hydraulic fracturing and horizontal drilling, known  
24 as fracking; and

25 WHEREAS, the Farmington field office of the federal bureau  
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underscored material = new  
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1 of land management has been leasing federal lands in New Mexico  
2 and approving permits to drill by relying on a 2003 resource  
3 management plan that does not analyze the impacts of fracking  
4 in the Mancos shale/Gallup formation; and

5 WHEREAS, on October 21, 2016, the bureau of land  
6 management published in the federal register its notice of  
7 intent to amend the 2003 resource management plan for the  
8 Farmington field office and to prepare an associated  
9 environmental impact statement in cooperation with the federal  
10 bureau of Indian affairs; and

11 WHEREAS, the bureau of land management and the bureau of  
12 Indian affairs have held scoping meetings to gather public  
13 input on the resource management plan amendment; and

14 WHEREAS, the resource management plan amendment and  
15 environmental impact statement are expected to be completed in  
16 2018; and

17 WHEREAS, with over four hundred fracking wells approved  
18 since 2013 in the greater Chaco area, increased fracking  
19 development is already encroaching on the landscape near  
20 cultural assets, such as Chaco culture national historical park  
21 and other tribal cultural properties; and

22 WHEREAS, the bureau of land management continues to lease  
23 public lands in New Mexico for oil and gas activities,  
24 including an expected eight hundred forty-three acres of  
25 federal land in the greater Chaco area to be auctioned on

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1 January 25, 2017; and

2 WHEREAS, Chaco culture national historical park is a  
3 local, national and international treasure that could  
4 experience decreased tourism due to increased oil and gas  
5 activities; and

6 WHEREAS, new fracking development in the greater Chaco  
7 area disproportionally affects Navajo communities, specifically  
8 those in the Counselor, Nageezi, Ojo Encino and Torreon chapter  
9 areas; and

10 WHEREAS, the United Nations declaration on the rights of  
11 indigenous peoples affirms that states shall provide effective  
12 mechanisms for prevention of, and redress for, any action that  
13 has the aim or effect of dispossessing indigenous peoples of  
14 their lands, territories or resources; and

15 WHEREAS, the Ojo Encino chapter of the Navajo Nation has  
16 stated in its comment letter regarding the January 2017 lease  
17 sale that oil and gas development with current stipulations  
18 effectively constitutes dispossession of tribal lands; and

19 WHEREAS, fifteen Navajo chapter governments, including all  
20 eastern agency chapters within the planning boundaries of the  
21 Farmington field office, have passed resolutions against  
22 additional oil and gas leasing until the resource management  
23 plan amendment is completed; and

24 WHEREAS, the United Nations declaration on the rights of  
25 indigenous peoples also states that indigenous people shall not

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1 be forcibly removed from their lands or territories and that no  
2 relocation shall take place without the free, prior and  
3 informed consent of the indigenous people concerned and after  
4 agreement on just and fair compensation and, when possible,  
5 with the option of return; and

6 WHEREAS, oil and gas development in the greater Chaco area  
7 could lead to the reduction of developable land for tribal  
8 community purposes and could effectively force Navajo residents  
9 to leave the area, not inhabit it or otherwise endure a  
10 diminished quality of life; and

11 WHEREAS, the department of environment at times approves  
12 waivers from compliance with air quality standards, and the  
13 energy, minerals and natural resources department manages oil  
14 and gas permitting approvals without consulting with affected  
15 Navajo chapter houses; and

16 WHEREAS, the state of New Mexico and residents of the  
17 state may incur additional costs associated with oil and gas  
18 activities, including public health costs, stress on public  
19 infrastructure, stress to the environment and climate, air  
20 quality degradation, water quality and quantity impacts,  
21 impacts to state tourism and degradation of tribal cultural  
22 properties, as well as related costs associated with oil and  
23 gas leaks, spills and explosions; and

24 WHEREAS, on July 11, 2016, thirty-six fracking storage  
25 tanks managed by WPX energy exploded in the Nageezi chapter

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1 area of the Navajo Nation in a fire that burned for five days,  
2 forcing fifty-five residents to evacuate; and

3 WHEREAS, the national aeronautics and space administration  
4 discovered the nation's largest atmospheric methane plume above  
5 the four corners region, and the methane plume has been linked  
6 to oil and gas production sites; and

7 WHEREAS, air emissions from methane and fracking can be  
8 highly detrimental to the health of residents in local  
9 communities;

10 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE  
11 STATE OF NEW MEXICO that the federal bureau of land management  
12 be requested to consider issuing a temporary moratorium on all  
13 fracking-related lease sales and permit approvals in the Mancos  
14 shale/Gallup formation in the greater Chaco area until the  
15 resource management plan amendment is completed; and

16 BE IT FURTHER RESOLVED that the bureau of land management  
17 be requested to include in its amended resource management plan  
18 a complete public health and social impact report, including an  
19 analysis of transitions to renewable energy sources for the  
20 area and an analysis of environmental justice issues; and

21 BE IT FURTHER RESOLVED that copies of this memorial be  
22 transmitted to the secretary of energy, minerals and natural  
23 resources; the director of the oil conservation division of the  
24 energy, minerals and natural resources department; the  
25 secretary of environment; the secretary of finance and

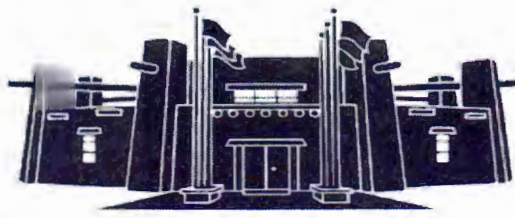
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1 administration; and the members of the New Mexico congressional  
2 delegation.

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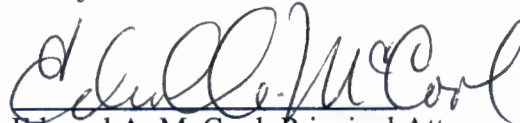


**MEMORANDUM**

**TO:**

Honorable Jonathan Hale  
Navajo Nation Council

**FROM:**

  
Edward A. McCool, Principal Attorney  
Office of Legislative Counsel

**DATE:**

January 26, 2017

**SUBJECT:** AN ACTION RELATING TO NAABIK'ÍYÁTI' COMMITTEE; RECOMMENDING THE PASSAGE OF NEW MEXICO HOUSE JOINT MEMORIAL 5, 53<sup>rd</sup> LEGISLATURE – STATE OF NEW MEXICO AND REQUESTING ON BEHALF OF THE NAVAJO NATION THAT THE FEDERAL DEPARTMENT OF THE INTERIOR'S BUREAU OF LAND MANAGEMENT IMPOSE A TEMPORARY MORATORIUM ON ALL FRACKING RELATED LEASE SALES AND PERMIT APPROVALS IN THE MANCOS SHALE/GALLUP FORMATION IN THE GREATER CHACO AREA UNTIL SUCH TIME AS PROPOSED AMENDMENTS TO THAT BUREAU'S RESOURCE MANAGEMENT PLAN ARE COMPLETED.

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. §§ 700, 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: \_0041-17\_\_\_\_\_

SPONSOR: Jonathan Hale

**TITLE: An Action Relating To Naabik'iyati' Committee; Recommending The Passage Of New Mexico House Joint Memorial 5, 53rd Legislature - State Of New Mexico And Requesting On Behalf Of The Navajo Nation That The Federal Department Of The Interior's Bureau Of Land Management Impose A Temporary Moratorium On All Fracking Related Lease Sales And Permit Approvals In The Mancos Shale/Gallup Formation In The Greater Chaco Area Until Such Time As Proposed Amendments To That Bureau's Resource Management Plan Are Completed.**

*Date posted:* January 27, 2017 at 4:32am

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) 871-7590

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 Nav, ajo 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.*

**THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW SUMMARY**

**LEGISLATION NO.: 0041-17**

**SPONSOR: Honorable Jonathan L. Hale**

**TITLE: An Action Relating To Naabik'iyati' Committee; Recommending The Passage Of New Mexico House Joint Memorial 5, 53rd Legislature - State Of New Mexico And Requesting On Behalf Of The Navajo Nation That The Federal Department Of The Interior's Bureau Of Land Management Impose A Temporary Moritorium On All Fracking Related Lease Sales And Permit Approvals In The Mancos Shale/Gallup Formation In The Greater Chaco Area Until Such Time As Proposed Amendments ToThat Bureau's Resource Management Plan Are Completed.**

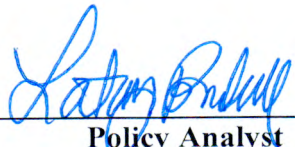
**Posted: January 27, 2017 at 4:32 PM**

**5 DAY Comment Period Ended: February 1, 2017**

**Digital Comments received:**

<b>Comments Supporting</b>	<ol style="list-style-type: none"> <li>1. <i>Becenti Chapter #BNCNV-2017-15</i></li> <li>2. <i>Counselor Chapter #COUN-2016-11</i></li> <li>3. <i>Hardrock Chapter</i></li> <li>4. <i>Huerfano Chapter #HUE-01S-17</i></li> <li>5. <i>Lake Valley Chapter #LVC-NOV13-0006</i></li> <li>6. <i>Nageezi Chapter #NC-17-013</i></li> <li>7. <i>Ojo Encino Chapter #OLJ11-09-16</i></li> <li>8. <i>Pueblo Pintado Chapter #PPC-11-2016-037</i></li> <li>9. <i>Torreon/Starlake Chapter #TSL 11/2016/092</i></li> <li>10. <i>Whitehorse Lake Chapter</i></li> <li>11. <i>Eastern Navajo Agency Council #ENAC-12-2016-03</i></li> <li>12. <i>Rechanda Lee</i></li> <li>13. <i>Kendra Pinto</i></li> <li>14. <i>Maria Archibald</i></li> <li>15. <i>Cecily Corazon</i></li> </ol>
<b>Comments Opposing</b>	<i>None</i>
<b>Inclusive Comments</b>	<i>None</i>

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Policy Analyst  
Office of Legislative Services

2/10/17 2:02pm

Date/Time

## Support Letter regarding Legislation 0041-17

Ojo Encino Chapter <ojoencino@navajochapters.org>

Wed 2/1/2017 5:06 PM

To: comments <comments@navajo-nsn.gov>;

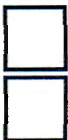
Cc: Counselor Chapter <counselor@navajochapters.org>; Nageezi Chapter <nageezi@navajochapters.org>; Ojo Encino Chapter <ojoencino@navajochapters.org>; Pueblo Pintado Chapter <puebloupintado@navajochapters.org>; Torreon Chapter <torreon@navajochapters.org>; Whitehorse Lake Chapter <whitehorselake@navajochapters.org>; Huerfano Chapter <huerfano@navajochapters.org>;

The attached document is a support letter for legislation 0041-17 from 6 chapters: Counselor, Nageezi, Ojo Encino, Pueblo Pintado, Torreon/Starlake, and Whitehorse Lake.

Thanks,

George Werito, Jr. Ojo [Preview attachment Final Regional Support Comments 0041 17.pdf](#)

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-



[Final Regional Support Comments 0041 17.pdf](#)  
14 MB

Encino Chapter President



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

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### 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 25<sup>th</sup>, 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 <sup>th</sup> , 2016

\*Supporting Documents Attachment B

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

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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 <sup>th</sup> , 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 <sup>th</sup> , 2016	Eastern Navajo Agency Council ##ENAC 12-2016-03

# Counselor Chapter BLM Resolution

One OS 16-10-15a Counselor Chapter

5755580021

P 1



Barry J. Winters, President  
Lynn Lopez, Vice President  
Marianne Thomas, Secretary/Treasurer  
Elizabeth Henry, Land Board Member

Leonard Fendley, Counselor Delegate  
Samuel Lopez, Counselor  
Michele A. Aragon, A.M.S.

## RESOLUTION OF COUNSELOR CHAPTER COUNSELOR, NEW MEXICO RE: OLN-2016-11

RESOLUTION OF COUNSELOR CHAPTER 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:

1. Per Resolution CAP-34-08, the Navajo Nation Council approved Local Government 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 traditions; and
2. Counselor Chapter recognizes that monies generated from royalties, rents, and bonuses of Federal Fluid mineral leases that are within Eastern Agency areas (hereinafter are not shared with the Navajo Nation and Eastern Agency Chapters. A study commissioned by the BLM Eastern Agency areas were an estimated \$19,586,831 and \$18,857,460 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
3. Counselor Chapter recognizes FLPMA provides the following language regarding Mineral Revenue Sharing: and monies paid to any of such States on or after January 1, 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.
4. FLPMA Section 317(a) Mineral Revenue
5. Counselor Chapter recognizes currently, most Eastern Agency chapters have a lack of resources for planning, public facilities, and public services; and
6. Counselor Chapter recognizes that 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 analyses; and
7. Counselor Chapter recognizes 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 23, 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/Gas Development  
How would the BLM manage fluid mineral leasing to address impacts on other resources given the changes in projected oil and gas activity in the planning area?

Issue 2: Land Use Policy  
How would the BLM manage fluid mineral leasing, including level of permitted development, riparianity, and mitigation measures, to fulfill the multiple-use mandate while addressing impacts on other resources given the projected increase in oil and gas activity in the planning area?

Issue 2: Land Use Policy  
How would the BLM manage fluid mineral leasing, including level of permitted development, riparianity, and mitigation measures, to fulfill the multiple-use mandate while addressing impacts on other resources given the projected increase in oil and gas activity in the planning area?

### Other Resources Issue

How would the BLM manage fluid mineral leasing to address impacts on other resources given the changes in projected oil and gas activity in the planning area?

How would the BLM manage fluid mineral leasing to address impacts on other resources given the changes in projected oil and gas activity in the planning area?

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How would the BLM manage fluid mineral leasing to address impacts on other resources given the changes in projected oil and gas activity in the planning area?

### NOW, THEREFORE BE IT RESOLVED THAT:

1. The Counselor Chapter 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
2. The BLM shall develop genuine and community specific environmental justice analyses and engage in direct tribal consultation with affected tribal governments. Additionally, the BLM must take a hard look at other leases that will require removal to ensure that they meet the modern standards of analysis such as environmental justice and tribal consultation requirements; and
3. The chapter is against the approval of additional and pending federal oil/gas related projects, supporting infrastructure (roads required for emergency or health safety purposes), and their corresponding Environmental Analyses 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
4. The chapter wishes to see an equitable distribution of federal royalty revenues, rents and bonuses generated within Eastern Agency boundaries (which includes federally managed lands and resources) to partially mitigate adverse impacts from federal oil/gas development within Navajo Eastern Agency areas. These funds shall be both spent directly to support chapters and a portion also divided amongst all Eastern Agency chapters to help develop planning, public facilities, and public services; and
5. The chapter considers the lack of federal royalties, sales and bonuses sharing with Eastern Agency chapters from activities occurring within Eastern Agency boundaries to be a disproportionate impact on Navajo communities; and
6. The chapter shall cooperate with other chapters, the Navajo Nation, and federal entities to better understand potential environmental and social impacts of horizontal hydraulic fracturing activities that could affect Navajo communities.
7. The chapter is in opposition to the proposed January 2017 lease sale of tribal trust federal mineral split state lands located in counselor and Nageezi Chapters.

### CERTIFICATION

We hereby certify that the foregoing resolution was duly considered by the Counselor Chapter at a duly called meeting, at Counselor, New Mexico, Navajo Nation, at which a quorum was present and that same was passed with a vote of 21 in favor, 0 opposed and 0 abstained on this 20 day of November, 2016.

Motion: Anthony Sam  
Anthony Sam  
Secretary/Treasurer

Second: Dana Houser  
Dana Houser  
Counselor Delegate

Elizabeth Henry, Land Board Member

# Hardrock Chapter BLM Resolution

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

## WHEREAS,

1. The Hardrock Chapter (the "Chapter") is a political subdivision of the Navajo Nation under 11 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

2. 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 Oil/Enrichment Chapter estimated in 2013 and 2014 that federal oil/gas royalty revenues generated from within Eastern Agency areas were an estimated \$15,586,813 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

3. FLPMA provides the following language regarding Mineral Revenue sharing:

"and monies paid to any of such States on or after January 1, 1976, to be used by such State and its subdivisions, as the Legislature of the State may deem proper, for the education of the State, for the promotion of economic development, for the development of mineral lands owned under this Act, for (1) planning, (2) conservation and enhancement of public facilities, and (3) provision of public services."

FLPMA Section 317(a); Mineral Revenue

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

5. 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

6. 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 lacking more thoroughly a development within Eastern Agency areas and the effects of Horizontal Hydraulic Fracturing; and

7. 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 address impacts on other resources given the change in projected oil and gas activity in the planning area?"

BLM FPO Scoping Report November 2016, Section 11.1

"How would the BLM manage fluid mineral leasing, including level of permitted development, regulations, and mitigation measures, to limit the anticipated impacts while reducing impacts on other resources given the projected increase in development and the use of hydraulic fracturing technology?"

BLM FPO Scoping Report November 2016, Section 11.2

Issue 2: Leasing and Mining

"What BLM managed lands is the leasing area an appropriate for disposal?"

BLM FPO Scoping Report November 2016, Section 11.1

Issue 3: Economic Issues

"How would 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?"

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"How would 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?"

## NOW THEREFORE BE IT RESOLVED THAT,

1. The Chapter 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

2. 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

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

4. 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

5. 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

6. 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.

7. 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 Cornerhead and Nageezi chapters.

## CERTIFICATION

I hereby certify that the foregoing resolution was considered by the Members of the Hardrock Chapter at a duly called meeting at the Hardrock Chapter House at which a quorum was present, and that the same was passed by vote of 75 in-favor, 0 opposed, and 2 abstaining, this 17th day of December, 2016.

Motion:

Second:

  
Chapter President

  
Secretary/Treasurer

Figure 1: Schematic representation of the experimental design. The figure is divided into two main sections: 'Pretest' and 'Main Experiment'. The 'Pretest' section includes a 'Pretest' box with a 'Pretest' label and a 'Pretest' box with a 'Pretest' label. The 'Main Experiment' section includes a 'Main Experiment' box with a 'Main Experiment' label and a 'Main Experiment' box with a 'Main Experiment' label.

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**RUSSELL BEGAYE**  
President  
**JONATHAN NEZ**  
Vice President

Jonathan Perry, Council Delegate; Tony Padilla, President; Edison Tso, Vice President; Betty S. Demmison, Secretary/Treasurer; Lucy Ceytincho, Land Board; Milanda C. Yazzie, CSC; VACANT, AMS

### RESOLUTION OF LAKE VALLEY CHAPTER

**WIERLAS:**

- (FLPMA Section 117 (a); Mineral Resources)

7. Lake Valley Chapter understands currently most Eastern Agency Chapters have a lack of resources for planning, public facilities and public service; and
8. Lake Valley Chapter understands it also appears that many Applications for Permission to Drill (APD) 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
9. Lake Valley Chapter understands that the Bureau of Land Management's Farmington Field Office is currently in the midst of updating its Resource Management Plan which began public scoping on February 12, 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
10. Lake Valley Chapter understands that as part of the Resource Management Plan Amendment, the following are issues identified for analysis during public scoping:

- NOW THEREFORE BE IT RESOLVED THAT:

1. Lake Valley Chapter 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.

- The BLM shall develop general and community specific environmental justice analysis and engage in direct Tribal negotiations with different 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.
- Lake Valley Chapter is against the approval of additional and pending Federal oil/gas related projects, supporting its withdrawal from the region (required for emergency or health/safety purposes) until a reasonable financial and mechanical analysis of the new Farmington Field Oil Resource Management Plan Amendment is developed, and a full understanding of potential environmental and health impacts of horizontal hydraulic fracturing is developed.
- Lake Valley Chapter wishes to see an equitable distribution of Federal royalty revenues, sales, and bonuses generated within Eastern Agency boundaries (which include federally managed lands and minerals) to partially mitigate adverse impacts from Federal oil/gas development within Navajo Eastern Agency areas. These funds shall be used directly to support Chapter and public services divided amongst all Eastern Agency Chapters to help develop planning, public facilities, and a better service.
- Lake Valley Chapter considers the lack of Federal royalties, rules, and bonus sharing with Eastern Agency Chapters from activities occurring within Eastern Agency boundaries to be a disproportionate impact on Navajo communities.
- Lake Valley 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.
- Lake Valley Chapter of the Navajo Nation hereby approves and accepts in full support in opposition to the proposed January 2017 lease sale of Tribal Trust/Federal mineral with estate lands located in Coconino and Navajo Chapters, and further opposes approval of Federal Oil Mineral Leases, Federal Oil/Gas related projects, and related environmental impact approvals by the Bureau of Land Management within or adjacent the Navajo Nation Eastern Agency areas and communities.

WE HEREBY CERTIFY that the foregoing resolution was duly considered by the Lake Valley Chapter at a duly called chapter meeting at Lake Valley (New Mexico) Narion, at which a quorum was present and that same was passed by a vote of twenty-two (22) in favor, none (0) opposed and four (4) abstained on this 13<sup>th</sup> day of November 13, 2016. Motion by Ben Beval, and seconded by: Janelle Johnson.

Mr. Tony Padilla, Jr., President  
Mrs. Betty S. Padilla, Secretary-Treasurer

Mr. Jonathan Perry, Council Delegate

# Nageezi Chapter BLM Resolution



## NAGEEZI CHAPTER EASTERN NAVAJO AGENCY DISTRICT 19

Ruben Reguera, Navajo Nation President

Jonathan May, 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 and is 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 \$19,586,813 and \$18,857,466 respectively. These federal royalty monies were divided between the U.S. Department of the Interior and the state of New Mexico as provided by the Federal Land Policy and Management Act (FLPMA) Section 317(a); 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 \$19,586,813 and \$18,857,466 respectively. These federal royalty monies were divided between the U.S. Department of the Interior 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, to be used by such State and its political subdivisions, in the discretion of the State, for direct giving of grants to those subdivisions of the State territory to be economically impacted by development of mineral lands under this Act, for (i) planning, (ii) construction and maintenance of public facilities, and (iii) provision 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 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 Farmington Field Office is currently in the midst of amending its Resource Management Plan which began public scoping on February 25, 2016. 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 minimize impacts on other resources given the changes in proposed oil and gas activity in the planning area?"

BLM FFO Scoping Report November 2014, Section 2.2.1

PO BOX 100, NAGEEZI NM 87407, PH: (505) 960-7200, FX: (505) 960-7201

"How would the BLM manage fluid mineral leasing, including level of permitted development, stipulations, and mitigation 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 2.2.1

#### Issue 2: Land and Realty

"What BLM-managed lands in the planning area are appropriate for disposal?"

BLM FFO Scoping Report November 2014, Section 2.2.1

#### Other Resource Issues

"How would the BLM accurately assess current air quality conditions and determine appropriate mitigation measures to characterize 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 quality and prohibitive 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 setting, including non-market values?"

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

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

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

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

BLM FFO Scoping Report November 2014, Section 2.2

#### NOW THEREFORE BE IT RESOLVED THAT,

The Chapter is against all pending and future federal fluid mineral BLM leases within Navajo Eastern Agency areas (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 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 (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 NM 87407, PH: (505) 960-7200, FX: (505) 960-7201

4. 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

5. 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.

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 06<sup>th</sup> day of November 2016.

Ervin Chavez, Chapter President

Jessie Valdez, Chapter Secretary/Treasurer



# Oljato Chapter BLM Resolution



OLJATO CHAPTER/ADMINISTRATION  
PO BOX 360455  
MONUMENT VALLEY, UTAH 84536  
Email: [oljato@navajochapters.org](mailto:oljato@navajochapters.org)  
Phone: 435-727-5850 Fax: 5852  
Shirlee Bedonie, Com. Serv. Coord.

Herman Daniels Jr. Council Delegate  
James Adakai, President  
Albert Holiday, Vice President  
Lanell Menard-Purish, Sec./Treasurer  
Benedict Daniels, Grazing Official  
Peggy Abrigo, Account. Maint. Specialist

PAGE TWO ONE THREE  
RESOLUTION NO: OLJ11-09-16  
DATE: NOVEMBER 20, 2016

## RESOLUTION OF THE OLJATO CHAPTER Resolution No. OLJ11-09-16

### 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,

1. The Oljato Chapter (the "Chapter") is a political subdivision of the Navajo Nation under 11 N.N.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
2. 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 \$19,586,813 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
3. FLPMA provides the following language regarding Mineral Revenue sharing:  
...said moneys paid to any of such States on or after January 1, 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 service;  
FLPMA Section 317(n): Mineral Revenues; and
4. Currently, most Eastern Agency chapters have a lack of resources for planning, public facilities, and public services; and
5. 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
6. 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
7. 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 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 FFO Scoping Report November 2014: Section 2.3.1  
\* How would the BLM manage fluid mineral leasing, including level of permitted development, stipulations, and mitigation measures, to fulfill the multiple-use mandate while addressing impacts on other resources given the predicted increase in development and the use of hydraulic fracturing technology?  
BLM FFO Scoping Report November 2014: Section 2.3.2

#### Issue 2: Lands and Realty

- \* What BLM-managed lands in the planning area are appropriate for disposal?
- BLM FFO Scoping Report November 2014: Section 2.3.1
- Other Resource Issues  
\* How would the BLM accurately assess current air quality conditions and determine appropriate mitigation measures to minimize 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 water quality and minimize impacts on groundwater and surface water quality and quantity from oil and gas development, including hydraulic fracturing?
- \* How would the BLM address both positive and negative impacts of oil and gas development on local and regional economies and social setting, including non-market values?
- \* How would the BLM minimize impacts from the oil and gas industry on human health? What measures will be in place to ensure transparency of information related to potential contaminants in the planning area?
- \* How would 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 would 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 FFO Scoping Report November 2014: Section 2.3.2

#### NOW THEREFORE BE IT RESOLVED THAT,

1. The Chapter 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
2. 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
3. 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 Office Resource Management Plan Amendment is developed, and a full understanding of potential environmental and health impacts of horizontal hydraulic fracturing is developed; and
4. 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

12/28/2016 09:14 5059555-010 PUEBLO PINTADO CHAPTER PAGE 307 03

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**PUEBLO PINTADO CHAPTER**

#### NOTE: TRACKING, BLM FIELD OFFICE:

1. The Chapter 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

2. 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

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

4. 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

5. The Chapter considers the use of 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

6. The Chapter 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

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

8. 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

9. The Chapter considers the use of 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

10. The Chapter 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

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

12. 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

13. The Chapter considers the use of 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

14. The Chapter 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

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

16. 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

17. The Chapter considers the use of 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

# Teesto Chapter BLM Resolution



THE  
NAVAJO  
NATION

TEESTO CHAPTER  
P.O. BOX 7385 - Teesto CPU  
Winslow, Arizona 86047  
Phone: (928) 657-8042 - Fax: (928) 657-8046



THE  
NAVAJO  
NATION

TEESTO CHAPTER  
P.O. BOX 7385 - Teesto CPU  
Winslow, Arizona 86047  
Phone: (928) 657-8042 - Fax: (928) 657-8046



## RESOLUTION OF TEESTO CHAPTER

# TTE-NOV-12-17

Opposing any further approval of federal mineral leasing and federal oil/gas related projects, and Environmental Analysis by Bureau of Land Management within, or impacting Navajo Nation Eastern Agency Areas and Communities.

### WHEREAS,

1. The Teesto Chapter (the "Chapter") is a political subdivision of the Navajo Nation under 11 N.N.C. § 10 and the Chapter is responsible for the health, safety, and general welfare of its residents/inhabitants and for stewardship of its Chapter lands and resources; and
2. Minors 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 Oil and Gas Chapter estimated in 2013 and 2014 that federal oil/gas royalty revenues generated are estimated \$19,586,813 and \$18,857,400 respectively. These federal royalty monies were divided almost equally 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
3. FLPMA provides the following language regarding Mineral Revenue sharing:  
... said monies paid to any of such States on or after January 1, 1970, to be used by such State and its subdivisions, in the legislature of the State may direct giving priority to those subdivisions of the State socially or economically impaired by development of minerals leased under this Act, for (i) planning, (ii) construction and maintenance of public facilities, and (iii) provision of public service; (FLPMA Section 317(a) Mineral Revenue)
4. Currently, most Eastern Agency chapters have a lack of resources for planning, public facilities, and public services; and
5. It also appears that many Applications for Permission to Drill (APDs) and Environmental Analyses (EAs) within or impacting Eastern Agency areas/communities historically and currently lack sufficient direct tribal consultation and Environmental Justice analyses; and
6. 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
7. 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 address impacts on other resources given the changes in projected oil and gas activity in the planning area?

BLM FFO Scoping Report November 2014, Section 2.2.1

How would the BLM manage fluid mineral leasing, including level of permitted development, regulations, and mitigation measures, to fulfill the multiple-use standard while addressing impacts on

other resources given the projected increase in development and the use of hydraulic fracturing technology?

BLM FFO Scoping Report November 2014, Section 2.2.2

#### Issue 2: Lands and Water

What BLM-managed lands is the planning area an appropriate for disposal?

BLM FFO Scoping Report November 2014, Section 2.2.3

#### Other Resource Issues

How would the BLM accurately assess current air quality conditions and determine appropriate mitigation measures to minimize 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 water quality and minimize impacts on groundwater and surface water quality and quantity from oil and gas development, including hydraulic fracturing?

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

How would the BLM minimize impacts from the oil and gas industry on human health? What measures will be in place to ensure transparency of information related to potential contaminants in the planning area?

How would the BLM minimize direct and indirect impacts from increased vehicle traffic and additional funds in the planning area as a result of oil and gas development?

How would 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 FFO Scoping Report November 2014, Section 2.2.2

### NOW THEREFORE BE IT RESOLVED THAT,

1. The Chapter 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
2. 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 other leases that will require renewal to ensure that they meet the modern standards of analysis such as environmental justice and tribal consultation requirements; and
3. 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 Office Resource Management Plan Amendment is developed, and a full understanding of potential environmental and health impacts of horizontal hydraulic fracturing is developed; and
4. The Chapter wishes to see an equitable distribution of federal royalty revenues generated within Eastern

Page 2

Elmer Clark, President - Leroy J. Thomas, Vice President - Sophia Francis, Secretary/Treasurer - Alberto Farias  
Greeting Official: Lee Jack, Sr. - Council Delegate/Teesto/Dineen/Reds/Greenwood/White Cone

Elmer Clark, President - Leroy J. Thomas, Vice President - Sophia Francis, Secretary/Treasurer - Alberto Farias  
Greeting Official: Lee Jack, Sr. - Council Delegate/Teesto/Dineen/Reds/Greenwood/White Cone



THE  
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Phone: (928) 657-8042 Fax: (928) 657-8046



Teesto Chapter

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

5. 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
6. The chapter shall partner 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.
7. 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

I hereby certify the foregoing resolution was duly considered by the Teesto Chapter at a duly called meeting at the Teesto Chapter, Navajo Nation, (Arizona) at which a quorum was present and that the same was passed with a vote of 36 in favor, 00 opposed, and 15 abstained on this November 21 2016.

Elmer Clark, President  
Teesto Chapter

Motion by: Cindy Second by: Marilyn Ruiz

# Torreón/Starlake Chapter BLM Resolution



## RESOLUTION OF TORREÓN/STAR LAKE CHAPTER TS. 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,

1. Torreón/Star Lake Chapter is a political subdivision of the Navajo Nation under § 11 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
2. 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 Pinco 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 \$18,557,456 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
3. 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
4. Currently, most Eastern Agency chapters have a lack of resources for planning, public facilities, and public services; and
5. 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
6. 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

4. 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
5. 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
6. 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.
7. 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 Torreón/Star Lake Chapter at a duly called meeting at Na'nee: Zhini, New Mexico, at which quorum was present and that the same was motioned by: Annie Bahé and seconded by Cecilia Brown and adopted by a vote of 34 in favor, 0 opposed and 1 abstained on the 06<sup>th</sup> day of November 2016.

  
David Rico, President  
Torreón/Star Lake Chapter

  
Evangelina Tachina, Secretary/Treasurer  
Torreón/Star Lake Chapter

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

### Issue 1: Oil and Gas Development

1. 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 FFO Scoping Report November 2014: Section 2.3.1

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

### Issue 2: Lands and Realty

1. What BLM-managed lands in the planning area are appropriate for disposal?  
BLM FFO Scoping Report November 2014: Section 2.3.3

### Other Relevant Issues

1. How should the BLM accurately assess current air quality conditions and determine appropriate mitigation measures to minimize potential impacts on air quality from proposed fluid mineral development?
2. How should the BLM minimize the impacts of oil and gas development on important cultural resources in the planning area?
3. How should the BLM protect riparian interests?
4. 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 setting, including row market values?
5. 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 relevant to potential contaminants in the planning area?
6. 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?
7. 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 FFO Scoping Report November 2014: Section 2.3.2

## NOW THEREFORE BE IT RESOLVED THAT:

1. The Chapter 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
2. 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
3. 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

# Whitehorse Lake Chapter BLM Resolution

President of Navajo Nation  
Russell Begaye

WHITEHORSE LAKE CHAPTER-EMA  
HCR 79 BOX 4086 CUBA, NEW MEXICO 87013  
Phone: (505) 555-5430 Fax: (505) 555-5432



Vice President of Navajo Nation  
Jonathan Nez

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 Whitehorse Lake Chapter (the "Chapter") is a political subdivision of the Navajo Nation under 11 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
- Minerals generated from royalties, sales, and bonuses of federal fluid mineral leases that are within Eastern Agency areas boundaries are not shared with the Navajo Nation and Eastern Agency Chapters. A study commissioned by the Navajo Chapter estimated in 2013 and 2014 that federal oil/gas royalty revenues generated from within Eastern Agency areas were an estimated \$19,256,813 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(c); and

FLPMA provides the following language regarding Mineral Revenue sharing:

"and monies paid in any of such States as after January 1, 1976, is to be used by such State and its subdivisions in the rehabilitation of the State any other spending priority to those subdivisions of the State directly or indirectly impacted by development of minerals located under this Act, for (i) planning, (ii) construction and maintenance of public facilities, and (iii) provision 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 Permits to Drill (APDs) and Environmental Analysis (EA) 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 Field Office is currently in the midst of amending its Resource Management Plan which began public scoping on February 23, 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, including types of potential development, regulations, and mitigation measures, to protect the subsistence resources while addressing impacts on other resources from the potential increase in development and for use of hydraulic fracturing technology?

BLM PFD Scoping Report November 2014, Section 2.1.1

How would the BLM manage fluid mineral leasing, including types of potential development, regulations, and mitigation measures, to protect the subsistence resources while addressing impacts on other resources from the potential increase in development and for use of hydraulic fracturing technology?

BLM PFD Scoping Report November 2014, Section 2.1.1

Issue 2: Lands and Soils

What BLM-managed lands in the planning area are appropriate for disposal?

BLM PFD Scoping Report November 2014, Section 2.1.1

Issue 3: Resource Issues

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

How would the BLM accurately assess the impacts of oil and gas development on riparian resources in the planning area?

How would the BLM protect riparian resources?

How would the BLM manage water quality and riparian impacts to riparian resources and surface water quality and quantity?

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How would the BLM manage riparian resources and riparian impacts to riparian resources?

Leonard Torres-Canoa Delegate  
Howard Martinez-Land Board  
Vernon Chapter Coordinator  
Vernon - AHS

President of Navajo Nation  
Russell Begaye

WHITEHORSE LAKE CHAPTER-EMA  
HCR 79 BOX 4086 CUBA, NEW MEXICO 87013  
Phone: (505) 555-5430 Fax: (505) 555-5432



Vice President of Navajo Nation  
Jonathan Nez

## 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 could directly or indirectly impact Eastern Agency Areas) until a responsible review planning 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 and submit a comprehensive environmental justice analysis and engage in direct tribal consultation with affected tribal communities/chapters. Additionally, the BLM must take a hard look in 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 (such as required for the emergency or health/safety projects), and their corresponding Environmental Analysis within Eastern Agency areas (or other lease sales which could directly or indirectly impact Eastern Agency Areas) until a responsible review planning 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 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 primarily 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 shared amongst all Eastern Agency chapters to help develop planning, public facilities, and public services; and
- The Chapter considers the lack of federal royalties, sales, and bonuses sharing with Eastern Agency chapters from activities occurring within Eastern Agency boundaries to be a disproportionate impact on Navajo communities; and
- The Chapter shall negotiate 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; and
- Per Resolution #1, the Chapter is in opposition to the proposed January 2017 lease sale of tribal trust / federal mineral split estate lands located in Coconino and Navajo chapters.

## CERTIFICATION

I hereby certify that this foregoing resolution was considered by the Members of the Whitehorse Lake Chapter at a duly called meeting at the Whitehorse Lake Chapter House at which a quorum was present, and that the same was passed by vote of 24 in favor, 0 opposed, and 1 abstaining, this 16 day of November, 2016.

Witness: Richard Lewis

Second: Clyde Yazbeck

Chas Sano, Jr.  
Whitehorse Lake Chapter President

Chas Sano, Jr. President  
Fernando Yeasany - Vice President  
Jorge E. Jim. Secretary/Treasurer

Leonard Torres-Canoa Delegate  
Howard Martinez-Land Board  
Vernon Chapter Coordinator  
Vernon - AHS

# Eastern Navajo Agency Council BLM Resolution



EASTERN NAVAJO AGENCY COUNCIL  
THE NAVAJO NATION  
P.O. Box 668  
Crownpoint, New Mexico 87313  
Phone: (505) 786-2090  
Fax: (505) 786-2097

Ramón Regalado, President  
Ervin Chavez, Vice President

Johnny Johnson  
Vice President

Jonathan Vega, Vice President  
Johnny 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 Fincino 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 \$18,857,466 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 in any of such states on or after January 1, 1976, to be used for such State and its inhabitants, in the judgment of the State, may except giving priority to the inhabitants of the State, locally or communally, in the development of the State, under this Act, for (1) planning; (2) construction and maintenance of public facilities; and (3) other uses of public service."  
(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/Gas/Gas Development  
"How would the BLM manage fluid mineral leasing impacts on other resources given the change in proposed oil and gas development?"  
BLM FPO Scoping Report Appendix 264-1 Section 1.1.1

"How would the BLM manage fluid mineral leasing, including level of permitted development, siting, and development, in order to include the maximum while addressing impacts on other resources given the proposed increase in development and the use of hydraulic fracturing technology?"  
BLM FPO Scoping Report Appendix 264-1 Section 2.1.2

Issue 2: Land and Easements  
"What are the potential impacts on the planning and development of the area?"  
BLM FPO Scoping Report Appendix 264-1 Section 2.2.1

Issue 3: Land and Easements  
"How would the BLM manage fluid mineral leasing impacts on other resources given the change in proposed oil and gas development?"  
BLM FPO Scoping Report Appendix 264-1 Section 2.2.1

"How would the BLM manage fluid mineral leasing impacts on other resources given the change in proposed oil and gas development?"  
BLM FPO Scoping Report Appendix 264-1 Section 2.2.1

"How would the BLM manage fluid mineral leasing impacts on other resources given the change in proposed oil and gas development?"  
BLM FPO Scoping Report Appendix 264-1 Section 2.2.1

"How would the BLM manage fluid mineral leasing impacts on other resources given the change in proposed oil and gas development?"  
BLM FPO Scoping Report Appendix 264-1 Section 2.2.1

#### 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 project 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 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

- 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, 00 opposed and 04 abstained this December 3, 2016.

Motion made by: Chas Smith  
Seconded by: Charles Long

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

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

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

**Attachment B:**  
**Letters of Support for Legislation 0041-17**

Letters of Support for Legislation
Counselor Chapter Nageezi Chapter Ojo Ecnino Chapter Pueblo Pintado Chapter Torreon/Starlake Chapter Whitehorse Lake Chapter



**NAGEEZI CHAPTER  
EASTERN NAVAJO AGENCY  
DISTRICT 19**

Russell Begaye, Navajo Nation President Jonathan Nez, Navajo Nation Vice-President

**Support Comment for Legislation 0041-17**

Council Delegates,

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

On January 25<sup>th</sup>, 2017 the BLM leased out minerals from directly under our Navajo Citizens in th 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, royalties will go to Washington D.C. and Santa Fe. Additionally, these lease sales were made agai 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 many impacts we have suffered. We are grateful that the council is now beginning to try and grap with these issues.

Fifteen chapters and the Eastern Navajo Agency Council have passed the same resolution request that the BLM halt all new leasing and new federal BLM oil/gas development on BLM lands until BLM develops better plans to reduce impacts to Navajo communities (Attachment A). Additional 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 that it is many of your chapters including your Agency Council which have voted for resolutions i which this legislation is derived, we would expect you to act accordingly.

With Thanks,

Harry Domingo  
Counselor Chapter President

2/1/2017

Supporting Resolution: COUN-2016-11-

**Support Comment for Legislation 0041-17**

Council Delegates,

The undersigned chapters in the eastern region are in support of this resolution 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 25<sup>th</sup>, 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,

  
Ervin Chavez  
Nageezi Chapter President

2/1/17  
Date

Supporting Resolution: NC 17-013

Ervin Chavez Chapter President Rory Jacques Chapter Vice President Jessica Platero Secretary/Treasurer Carlos Arviso Land Board Jonathan Perry Council Delegate  
PO Box 100 Nageezi, NM 87027 Phone No.: (505) 960-7200 Fax No.: (505) 960-7201 Email: nageezi@navajochapters.org



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@navajochapter15.org

#### Support Comment for Legislation 0041-17

##### Council Delegates,


The undersigned chapters in the eastern region are in support of this resolution 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.

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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,

  
George Werito  
Ojo Encino Chapter President  
Date 2/1/17

Supporting Resolution: 11-17-16/002

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

Gloria Chiquito, Chapter Manager  
Leonard Tosile, Council Delegate  
Elizabeth Stonew, Land Board Member

#### Support Comment for Legislation 0041-17

##### Council Delegates,

The undersigned chapters in the eastern region are in support of this resolution 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 25<sup>th</sup>, 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,

  
NAME  
Date 2/1/17

Erlene Henderson, Chapter Vice-President

Supporting Resolution # PPC-11-2016-037

Support Comment for Legislation 0041-17

Council Delegates,

The undersigned chapters in the eastern region are in support of this resolution 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 25<sup>th</sup>, 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,

David Rico

2/1/2017

Torreon Sariake Chapter President

Supporting Resolution: TSL 11/2016-092

Support Comment for Legislation 0041-17

Council Delegates,

The undersigned chapters in the eastern region are in support of this resolution 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 25<sup>th</sup>, 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,



Art L. Chaff

Date

Whitehouse Lake Chapter President

Supporting Resolution: Passed November 16<sup>th</sup>, 2016

## Comments on Legislation 0041-17

R Lee <reclee07@gmail.com>

Wed 2/1/2017 4:59 PM

To: comments <comments@navajo-nsn.gov>;

1 attachment

OilGasCommentNavajoNation.docx;

Hello,

Please see attached letter in support of Legislation 0041-17.

Thank You,  
Rechanda Lee

Executive Director  
Office of Legislative Services  
P.O. Box 3390  
Window Rock, AZ 86515

February 1, 2017

RE: Legislation 0041-017: An Action Relating To Naabik'iyati' Committee; Recommending The Passage Of New Mexico House Joint Memorial 5, 53rd Legislature - State Of New Mexico And Requesting On Behalf Of The Navajo Nation That The Federal Department Of The Interior's Bureau Of Land Management Impose A Temporary Moratorium On All Fracking Related Lease Sales And Permit Approvals In The Mancos Shale/Gallup Formation In The Greater Chaco Area Until Such Time As Proposed Amendments To That Bureau's Resource Management Plan Are Completed.

Dear Executive Director,

There has been a lot of oil and gas activity in my community and we have witnessed complete instability, human rights and environmental injustices, as well as the desecration and disturbance of sacred areas and traditional cultural sites (archaeological sites). It's a shame that our community has to continuously fight for the health and safety of our people as oil and gas development moves into the surrounding vicinity of our communities of Counselor, Lybrook, Nageezi, Ojo Encino, Huerfano, and Torreon. I am grateful that Council Delegate Jonathan Hale of St. Michaels is sponsoring Legislation 0041-017. It's unfortunate that our own Council Delegate, Leonard Tsosie, lacks to assist the communities that he represents. In 2016, fifteen (15) chapters and the Eastern Navajo Agency Council passed a moratorium to ban oil/ gas development near Navajo communities. And recently, community members have expressed their concerns to Bureau of Land Management (BLM) directors and managers but BLM continued to lease lands near and on our communities. We literally saw the land beneath our feet sell for over \$3 million to the highest bidder, it was a disturbing process to see! Our communities are beginning to wonder what Mr. Tsosie's intentions and obligations are and to. We elected him to serve our communities and he has yet to help us in this fight! Nonetheless, I support Navajo Legislation 0041-017.

There has been much research on the impacts of oil and gas development in other areas across the United States, and from these scientific findings we are learning about the negative footprint that oil and gas imprints on the land. We as a community are concerned with the health and safety of our people and we shouldn't have to continuously fight for the ability to have clean air and clean water. We should also not have to worry about the invasion on our cultural practices, as oil locations impact sound and visual quality which effect early morning prayers, night observances, and other cultural practices. As a community we are deeply concerned about the impact of oil and gas development on our water resources. There are a number of active springs in the area that are still used for traditional purposes and if those resources are contaminated a significant portion of our cultural practices are affected. Not to mention the health and safety of people residing in the community who not only depend on spring water for cultural practices, but for the whole community that depends on ground water for our daily needs (drinking supply).

We have already seen and heard of numerous oil leakage and spills within our community, and tank explosions and blow outs. This has become a safety hazard to residents living in the area. There is little oversight and it seems like there is NO REGULATIONS in place on the development of these well locations. There needs to be strict regulations that should be enforced. For too long, these big corporations have gotten away with multiple human and environmental injustices and we should hold them accountable. Just like last years, Gold King Mine Spill the Navajo Nation was greatly impacted by that incident and in the coming future more of our fellow Navajo members will be affected by oil and gas development.

BLM indicates that a sufficient distance for residential areas to be placed from well locations is 660 feet. The Indian Affairs Tribal Energy and Environmental Clearinghouse (IATEEC) indicated that "noise from drilling has been measured as 115 dBA at the source to above 55 dBA at distances 1,800 feet (549 meters) to 3,500 feet (1,067 meters) from the well"<sup>1</sup>. I live approximately 1,500 feet from a well pad that was installed before consultation was even considered or done, and my family has been affected by the deep-base noise that the pumps generate. At times, there is also a strong odor that fills the air, which causes concern for not only my health and well-being, but my family and neighbor's health and well-being. IATEEC indicates that odors can be prominent in an area over one mile. These oil locations should not even be within the same vicinity of residential areas. There are harmful and deadly noxious gases that may be emitted into the air. There are still a lot of people who actively herd their livestock or walk for the enjoyment of viewing their landscape. How are they supposed to know if an area is contaminated or the air is highly noxious?

There are health impacts already occurring in the community such as respiratory problems, sleep deprivation, and cancer. This is the first time that our community is beginning to see a high rate of cancer.

We have to deal with heavy traffic which becomes a huge safety concern especially during times of inclement weather. There is a lot of overweight and oversized diesel trucks, rig equipment, and company vehicles that deteriorate our roads. Now, our roads are not paved and are still the old fashion dirt roads. When it rains or snows, the roads become very difficult to travel. It's a shame that all this development is making millions of dollars and these trucks are driving on the local roads, but none of that money goes back into the community to help maintain or improve the roads. As a result, the community has to struggle to get to their destinations. Most people do not have 4x4 vehicles, as most people drive cars which are low to the ground and when there are deep ruts some people cannot even get home.

When the roads are dry, the trucks produce a lot of dust. This presents a problem because it causes more respiratory problems (e.g. dust pneumonia, asthma). In addition, all the dust that is airborne has to settle somewhere. It not only settles on the ground but on plants which reduces photosynthesis. So, plants starve because they are not getting enough light to grow. This is a problem because there are animals, both livestock and wildlife, which depend on the vegetation for substance. We have already seen a disturbance and decrease in wildlife activity as they are being forced out of an area due to high traffic and human activity and loss of habitat. In addition, there are still traditional Navajo people who use plants for ceremonies and cultural practices. If

1 <https://teeic.indianaffairs.gov/er/oilgas/impact/drilldev/index.htm>

certain plants are being threaten and do not grow that threatens our cultural beliefs and practices as Navajo people.

As an archaeologists, I would also like to address the concern of proper and complete identification of archaeological sites, both prehistoric and Navajo sites. In the past, there were some Navajo sites both archaeological and Traditional Cultural Properties (TCPs) that were not correctly identified and as a result were destroyed or desecrated. CRM firms or government-entity archaeologists should be able to identify Navajo sites and avoid all impacts on these cultural resources. The vibration from the oil and gas development will have long term effects on cultural resources in the future. Chaco Canyon is an important archaeological site to multiple Tribal Nations and the architecture has remained intact for over 1,000 years. The natural night skies are impacted by light and air pollution which also greatly impacts the visual resources of the canyon. There are many sites in this area that are significant to Navajo, Pueblo, Ute, and Apache people.

In all, I am deeply concerned for the health and well-being of the people within my community who are being directly impacted by oil and gas development. You hear the argument that oil and gas will bring jobs and grow the economy. We are seeing none of that, all this development is not benefitting us as a community. We are not seeing community members working in the oil fields as most oil field workers are coming from out of state. None of the money being generated is not going back to our community to develop the local, true local, economy. True local meaning the community being directly impacted by oil and gas development. It seems like these types of development effect poor communities because the oil and gas companies know that poor communities have little tools and resources to fight against oil and gas development. Even though our communities are poor, we have the advantage because we are a SOVEREIGN nation! And we should start exercising our rights and being recognized as a SOVEREIGN POWER! We are at the fringe of seeing more instability and I hope that our nation, the Navajo Nation helps us in our fight!

Ahé'héé,  
Rechanda Lee  
Counselor Tribal Member  
reclee07@gmail.com

## LEGISLATION NO: \_0041-17

Kendra Pinto <kendrapinto@gmail.com>

Wed 2/1/2017 3:18 PM

To:comments <comments@navajo-nsn.gov>;

My name is Kendra Pinto. I live in the Twin Pines area. I am a community leader and my address is PO Box 447, Nageezi, NM 87037. Twin Pines is located between Nageezi and Counselor Chapter House. I strongly oppose fracking in my area and I fully support Legislation 0041-17. The health and safety issues in the Chaco area are widely ignored and should be heard from the community members. No additional activity should be taking place while the Resource Management Plan is being amended and is open for public comment until February 20, 2017. The RMP should first be finished before leases are considered being issued.

I will continue to speak out about the issue for as long as it takes. I do not welcome this hydraulic fracturing freely because it poses a disastrous threat to the drinking water. We have one water source in the area and we cannot have this dangerous activity near the aquifer. The daily safety violations that take place in the area continue to be unseen by BLM officials and are continuously ignored by the oil company WPX. We cannot wait until a death happens. We cannot wait until the water is contaminated. We cannot let the people continue to breath in these toxic gases. We cannot ignore the people who have lived in the Chaco area for generations.

Thank you for taking time to read this comment and I do hope it is taken seriously. As someone who lives on Parcel 3 of the Chaco sale I cannot express how much I am devastated and angry that the land I grew up on will disrespectfully be destroyed.

## Legislation 0041-17: Chaco Canyon fracking moratorium

Maria Archibald <maria.c.archibald@gmail.com>

Mon 1/30/2017 5:10 PM

To: comments <comments@navajo-nsn.gov>;

To Whom in May Concern:

I am writing to voice my support for Legislation 0041-17, which requests a moratorium on all fracking related lease sales and permit approvals in the Greater Chaco Area.

Thank you for your attention to this issue.

Maria Archibald  
2400 Black Falls Trail  
Flagstaff, AZ 86005

## Fracking moratorium

Cecily Corazón <cecilyk@hotmail.com>

Tue 1/31/2017 7:59 AM

To: comments <comments@navajo-nsn.gov>;

Dear Sir or Ma'am:

I am writing to express my support for the moratorium on fracking leases and permits in the Chaco Canyon area. This area is far too culturally significant for such a destructive practice.

Thank you,

Cecily Corazón  
605 Princeton Dr SE  
Albuquerque, NM, 87106  
505-796-8696

**THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW SUMMARY**

**LEGISLATION NO.:** 0041-17

**SPONSOR:** Honorable Jonathan L. Hale

**TITLE: An Action Relating To Naabik'iyati' Committee; Recommending The Passage Of New Mexico House Joint Memorial 5, 53rd Legislature - State Of New Mexico And Requesting On Behalf Of The Navajo Nation That The Federal Department Of The Interior's Bureau Of Land Management Impose A Temporary Moritorium On All Fracking Related Lease Sales And Permit Approvals In The Mancos Shale/Gallup Formation In The Greater Chaco Area Until Such Time As Proposed Amendments ToThat Bureau's Resource Management Plan Are Completed.**

**Posted:** January 27, 2017 at 4:32 PM

**5 DAY Comment Period Ended:** February 1, 2017

**Digital Comments received:**

<b>Comments Supporting</b>	<i>1. Donna House</i>
<b>Comments Opposing</b>	<i>None</i>
<b>Inclusive Comments</b>	<i>None</i>



**Policy Analyst  
Office of Legislative Services**



**Date/Time**

0041-17

nmnn2009@gmail.com

Thu 2/9/2017 2:37 PM

To: comments <comments@navajo-nsn.gov>;

Please support 0014-17. Oak Springs Chapter Resolution OSC 1-08-17#18 passed on January 8, 2017 asking BLM for temporary moratorium on Fracking. Will send the Resolution if requested.

Thank you Honorable Hale.

Donna House  
Oak Springs Chapter

Sent from my iPad