

THE NAVAJO NATION



JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

November 24, 2021

The Honorable Joseph R. Biden, Jr.
President of the United States of America
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

Dear President Biden:

On behalf of the Navajo Nation, we write to state our position to the proposed withdrawal of federal lands from new oil and gas leasing in the Greater Chaco Area and to request an immediate conference with the Department of the Interior.

Congress has considered multiple proposals to create a buffer zone around the Chaco Culture National Historical Park at the request of the All Pueblo Council of Governors but continues to ignore the desires of the Navajo people whose land would actually be impacted by such a decision. This issue is important to the Navajo Nation; specifically, to our Navajo allotment owners.

There are currently 53 Individual Indian Allotments (allotments) leased in the 10-mile buffer zone around Chaco based on the latest map proposed in the legislation considered by Congress. These allotments generate an average of \$6.2 million a year in royalties for approximately 5,462 allottees. Many allottees, including Navajo elders, rely on this income to meet their daily needs. However, the gravity of this decision is much larger as there are 418 unleased allotments associated with approximately 16,615 allottees. So, this rule could impact over 22,000 allottees.

The White House has stated, as did Congress, that the rule would not apply to Individual Indian Allotments or to minerals within the area owned by private, state, and Tribal entities. However, in reality, the rule would have a devastating impact because the indirect effects would make the allottee land worthless from the standpoint of energy extraction. For example, the Mancos Shale reservoir lies south of Counselor, Huerfano and Nageezi Chapters and north of the Chaco Park. To maximize full extraction of the product, a horizontal lateral crossing of two to four miles of subsurface may be required. Due to the cross jurisdictional land status in Navajo Eastern Agency, a proposed horizontal lateral may need to cross federal land. But the Department of the Interior has already told us that any horizontal drilling that requires access through federal lands would be prohibited under the proposed rules.

In fact, the existing temporary ban on leasing have already impacted our people, as energy companies have told some of our Navajo allottees that they will not pursue exploratory drilling

unless they know they can access the sites using horizontal drilling through the federal lands. Because of the ban, something that was once the most valuable marketing of our lands is now in jeopardy of becoming an unproductive piece of property.

In trying to negotiate with our Congressional representatives, the Navajo Nation Council passed legislation that agreed to reduce the size of the 10-mile buffer zone to 5 miles to reduce the impact on Navajo allottees. We are willing to continue discussions with the federal government but announcing this initiative at the White House Tribal Nations Summit, knowing that that Navajo Nation Council and Local Navajo Government entities has passed resolutions in opposition, was an unwarranted affront to the Navajo Nation.

We are also mystified by the fact that only one listening session with 10 allottees was held in July with Assistant Secretary of Indian Affairs Bryan Newland as a way to support tribal engagement in the U.S. Department of the Interior's press release issued November 11, 2021. Even more disturbing is hearing the Department of the Interior commit to "early, robust, interactive, *pre-decisional*, informative, and transparent" tribal consultation when essentially no tribal consultation has been held with critical stakeholders in this case. By simply bypassing true and inclusive tribal consultation with the Navajo Nation and our Individual Indian Allottees, the Biden-Harris Administration is markedly undermining its trust responsibility they owe to the Navajo Nation and the 22,000 Individual Indian Allottees impacted by this decision.

To evince respect to us as a sovereign government and people we insist you not to move forward on this initiative without first reaching an agreement with the duly elected leaders of those affected by it. We ask that you engage in proper tribal consultation before publishing the proposed withdrawal in the *Federal Register* and reconsider the proposed withdrawal.

Respectfully,



Jonathan Nez, *President*
THE NAVAJO NATION



Myron Lizer, *Vice President*
THE NAVAJO NATION

cc:

The Honorable Deb Haaland
The Honorable Martin Heinrich
The Honorable Ben Ray Luján
The Honorable Melanie Stansbury
The Honorable Teresa Leger Fernández
The Honorable Yvette Herrell
The 24th Navajo Nation Council