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HOUSE JOINT MEMORIAL 5

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

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A JOINT MEMORIAL

REQUESTING THE FEDERAL BUREAU OF LAND MANAGEMENT TO CONSIDER
ISSUING A TEMPORARY MORATORIUM ON ALL FRACKING-RELATED LEASE
SALES AND PERMIT APPROVALS IN THE MANCOS SHALE/GALLUP FORMATION
IN THE GREATER CHACO AREA UNTIL THE RESOURCE MANAGEMENT PLAN
AMENDMENT IS COMPLETED.

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

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

WHEREAS, the Farmington field office of the federal bureau

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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 disproportionately 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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