



Dakota Access protesters. (photo: Mom's Clean Air Force)

For Native People, Fighting Trump's Repeal of Fracking Regulations Is Personal

By Yessenia Funes, Earther, 26 January 18

Navajo Nation member Mario Atencio has seen the ways oil and gas can divide people. His cousins work for the industry out in New Mexico, and his grandmother lives in the unincorporated town of Counselor, not far from Chaco Canyon in the northwest corner of the state.

Now, Atencio sits on the board of Diné CARE, a Navajo-led environmental organization, which is suing the Trump administration for its repeal of an Obama-era fracking rule, which would have implemented better protections for people like Atencio's grandmother.

This region, as well as the state's southwest corner, sees the [highest concentration](#) of drilling for natural gas in New Mexico. Natural gas activity happens to fall near the Navajo Nation Indian Reservation, as well as the Pueblo of Zuni, the Pueblo of Laguna, and the Mescalero Reservation. Former President Barack Obama tried to provide these groups—as well as everyone else who lives on or near public or

tribal lands within the United States—with more transparency surrounding the hydraulic fracturing (or fracking) process used to extract the region's natural gas, but now that effort is being threatened by President Donald Trump.

Under Obama, the Bureau of Land Management [passed](#) a fracking rule in 2015 requiring oil and gas companies on public and tribal lands to disclose what chemicals they were using during the drilling process. It also created safeguards against groundwater contamination, by improving well infrastructure and requiring wastewater be stored in tanks instead of pits.

The federal government never got to implement the rule, which was officially [repealed](#) by the Trump administration in December. But people aren't letting Trump off that easily.

Native groups like Diné CARE and Fort Berthold Protectors of Water and Earth Rights, as well as larger environmental groups like the Sierra Club and the Center for Biological Diversity, filed a

joint [lawsuit](#) Wednesday against the administration for this move. So [did](#) the state of California.

Both suits are arguing pretty much the same thing: that the repeal was illegal and should be vacated.

“Once again, President Trump and Interior Secretary [Ryan] Zinke didn’t let the law or facts get in their way in their zeal to repeal the 2015 Fracking Rule,” said Attorney General Xavier Becerra, [in a press release](#). “The Interior Department’s own factual record shows that the risks to our health and environment are real.”

[Study after study](#) has highlighted the risks that can accompany fracking: groundwater contamination, earthquakes, and unhealthy newborns. Now, this Obama-era rule wasn’t going to protect everyone from potential health threats, but it would have helped protect anyone who lives on or near the millions of acres of public or tribal lands. That includes 56 million acres of Native American land entrusted to the federal government.

“We’re scared that the volatile organic compounds coming from those wells are not being monitored,” said Atencio to Earther.

Fracking wells also give off methane. This greenhouse gas is [30 times](#) more effective at capturing heat than carbon dioxide, making it an even deadlier climate change contributor.

Ultimately, the groups leading the lawsuits aren’t saying fracking must stop. For now, they just want more protections and transparency.

Fractracker Alliance, which works with local residents to map oil and gas drilling around the country, has tried to give people that transparency in the past and has researched who bears these impacts across the country.

“These aren’t places that are uninhabited by any means,” said Kirk Jalbert, the manager of community-based research and engagement at Fractracker, to Earther. “In many ways, they are places that have traditionally been considered sacrifice zones for extraction—from historical oil and gas mining, uranium mining, coal mining—that are already marginalized in many ways, and the rules would have protected them from another layer of industry.”

These places can look like the communities Atencio knows, where some choose money and others choose their health. Or like the community living in the Fort Berthold Reservation, where spills related to fracking operations seemingly happen every day, as put by Nicole Donaghy, a member of the Standing Rock Sioux Tribe who works as a community organizer with the Fort Berthold Protectors of Water and Earth Rights.

“The ultimate goal is to have the [Bureau of Land Management] acknowledge what fracking’s done to these communities and the people living there,” said Donaghy to Earther. “We want them to be aware that there is harm being inflicted on people who live in these communities, and they can’t leave their ancestral lands. They should have the right to clean water, clean air, and clean land.”