

Federal statutes and Environmental Justice on the Navajo Nation: the case of Fracking in the Greater Chaco region.

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*This essay is written in collaboration between scholars, community organizers, and practitioners of both Indigenous and settler origin who have been working together for years as part of the Indigenous-led fight to protect the Greater Chaco landscape and living communities from fracking.

Abstract

Arguing for the importance of robust public participation and meaningful Tribal consultation to address the cumulative impacts of federal projects, this essay bridges interdisciplinary perspectives across law, public health, and Indigenous studies. We focus on openings within existing federal law to involve Tribes and publics more meaningfully in resource management planning, while recognizing the limits of this involvement when only the federal government dictates the terms of participation and analysis. The essay first discusses challenges and opportunities for addressing cumulative impacts and environmental justice through two U.S. federal statutes—the National Environmental Policy Act and the National Historic Preservation Act. Focusing on a major federal planning process involving fracking in the Greater Chaco region of northwestern New Mexico, we examine how the Department of the Interior attempted consultation during the Covid-19 pandemic. We also highlight local efforts to monitor Diné health and wellbeing. For Diné people, human health is inseparable from the health of the land.

But in applying the primary legal tools for analyzing the effects of extraction across the Greater Chaco region, federal agencies fragment categories of impact that Diné people view holistically.