

**Testimony of Harry Brower, Jr.
Mayor, North Slope Borough, Alaska
February 15, 2022**

**Before the
Committee on Natural Resources
United States House of Representatives**

Hearing on H.R. 2021 – Environmental Justice For All Act

Chairman Grijalva and Members of the Committee:

Thank you for inviting me to speak to you about the *Environmental Justice For All Act*. This legislation contains many good ideas that are worth pursuing. But it is my view that parts of this legislation could have serious negative consequences for the people it is intended to protect.

My name is Harry Brower, Jr. I live in Utqiagvik, Alaska, and I serve as the Mayor of the North Slope Borough.

I have served as Mayor of the Borough since 2016. I previously served as Deputy Director of the Borough's Department of Wildlife Management. I am a whaling captain and the former Chairman of the Alaska Eskimo Whaling Commission.

The North Slope Borough is a county-level government. It covers the entire northern region of Alaska, an area about the size of Wyoming.

Nearly 80% of the Borough's 10,000 residents are Alaska Native, and our communities are the Iñupiat villages of Anaktuvuk Pass, Atkasuk, Kaktovik, Nuiqsut, Point Hope, Point Lay, Utqiagvik, and Wainwright.

The Borough is a unique example of Native people creating a municipal government to advance the self-determination of an entire Native group, the Iñupiaq people of our region. In 1971, when the Alaska Native land claims were settled by Congress, we were denied the ability to select areas of our traditional land that had oil and gas potential. The federal government and the State of Alaska had already claimed that land. Our Iñupiat leaders countered this injustice

by establishing the North Slope Borough, giving our people the ability to tax oil and gas infrastructure in our region and to use that tax revenue to provide benefits to our communities.

In a speech he gave in 1976, Eben Hopson—the first Mayor of the Borough and the founder of the Inuit Circumpolar Council—talked about the discovery by the U.S. Navy of natural gas near Utqiagvik, which was called Barrow at that time. The federal government had created the Naval Petroleum Reserve in 1923 and, within the Reserve, the Navy established a research facility near Point Barrow. The Navy’s drilling led to the discovery of natural gas in 1949, and a gas field was developed near Barrow. Natural gas was used to heat federal buildings like the hospital, the Bureau of Indian Affairs school, and the Naval Arctic Research Laboratory. But the Navy did not allow the community of Barrow to use the gas from the federal lands to heat their homes.

In his speech, Eben Hopson spoke about the long, frustrating struggle to get permission to hook our homes in Barrow to gas mains that crisscrossed Barrow. The federal government refused to let our people use the natural gas that came from our own backyard to heat our homes. It took an act of Congress in 1963 to allow the Native people of Barrow to buy their own natural gas back from the federal government.

Today, 95% of the tax revenue that supports the North Slope Borough comes from taxes on oil and gas property in our region.

These oil and gas tax revenues support our health clinics, schools, tribal college, water and sewer infrastructure, fire departments, search-and-rescue services, and other essential services in all of our villages.

We understand that many federal decisions have had disproportionate negative impacts on disadvantaged communities. We have had first-hand experience with this on the North Slope.

The impulse to right these historic wrongs is good. But I am concerned that well-intended legislation, like this bill, could empower outside special interest groups to use the federal courts to defeat the interests of communities and elected leaders.

Many NGOs claim to represent the interests of disadvantaged communities. In reality, it is the elected leaders of disadvantaged communities that represent disadvantaged communities.

To be clear, I support the general objectives of this legislation. We should empower disadvantaged communities. We should review federal policy through the lens of environmental justice. But I am concerned that some sections of this legislation will unintentionally give power to special interest groups that often wrongly attempt to wear the mantle of environmental justice.

It seems like every “Arctic” oil and gas project—even if it has had 10 years of environmental review—ends up in court. As the Mayor of the North Slope Borough, I have to use community resources to defend the decisions of the federal government—decisions that we support—to allow responsible resource development in our region of the country. I urge the Committee to be careful about creating new layers of review and new opportunities for litigation. For example, the National Environmental Policy Act (NEPA) already requires an extensive analysis of the impacts of federal decisions on our communities, including impacts on community health, the environment, and our cultural resources.

Our people have always debated where and how to develop oil and gas in a responsible way in our region. These are not easy decisions. We take our role as stewards of our ancestral lands very seriously. We work closely with project developers and with the federal government to ensure that the evaluation of proposed development projects incorporates our knowledge and perspectives to minimize and mitigate potential negative impact on our resources. We have challenged resource development in court when it was the right thing to do for our communities.

Unfortunately, when our decisions and our perspectives do not match up with what some people want us to do or say, our voices are suddenly silenced. Or perhaps worse, other groups claim to speak for us. This is not the proper way to promote environmental justice for our communities.

We faced this reality again recently. For several years, the Borough worked closely with the Bureau of Land Management (BLM) as a cooperating agency to develop a new National Petroleum Reserve-Alaska (NPR-A) Integrated Activity Plan (IAP). BLM developed the IAP in part due to a request from the Borough for BLM to reconsider its management of the NPR-A.

The Borough's participation on behalf of four Alaska Native communities within the NPR-A was substantial. For example, we cooperated with BLM in the development of various management alternatives and reviewed and commented on the adequacy of the environmental analysis. The final management plan that was released in 2020 reflected our input and had our support.

At least ten environmental organizations wrote to the new Administration last year asking BLM to reject the new NPR-A management plan. They claimed "environmental justice" demanded this result because "Alaska Native communities who live within the region rely on its resources." But, none of our communities signed that letter. None of our tribal governments signed that letter. None of our elected leaders signed that letter.

With no notice to the North Slope Borough, in January, BLM announced that it was selecting a new "preferred alternative" for management of the NPR-A. By adopting the "No Action" alternative, BLM ignores the input and desires of the Borough, our communities, and the people who most directly rely on the resources of the NPR-A.

After we dedicated years of work on the NPR-A IAP, the federal government reached this decision without consulting with us first. For the first time ever, the Borough—a cooperating agency that represents a community whose population is 80 percent indigenous—had to formally request consultation with the BLM on a project. This is not a problem that will be solved with more litigation. It is a problem that can be solved through more meaningful consultation between the federal government and the impacted local communities.

We are talking today about legislation that will allow organizations to use "environmental justice" to defeat federal decisions in court. While well intentioned, I fear that there will be negative, unintended consequences. I have just watched outside special interest groups successfully use their power and

influence to convince federal decision makers to overturn a decision that had the support of, and would benefit, our local communities. This is not “environmental justice.” It is a self-serving effort to use our communities to support someone else’s agenda.

When we look at federal policy today—federal policy that governs oil and gas development on our traditional lands—I, as an elected leader, must ask this question on behalf of my community: When Congress prohibits oil and gas development in our region, even when all of our local elected leaders support that development, are the actions of the federal government today, executed in the name of environmental justice, really any different than they were in the 1940s or 1950s when the government didn’t allow us to access the natural gas under our own feet to heat our homes?

The federal government often says it wants to work with our communities, but the reality is that it often does so when it is convenient for the government and when our perspectives amplify the views of the day. This is not a partisan view. It is a reality that has been a reality for a very long time.

I am concerned that this legislation could give more power to people who are not from our communities, who are not elected to represent our communities, and who don’t have to find a way to survive in our communities. Instead, environmental justice should be promoted by listening to and respecting the desires of those who are actually living in impacted communities.

Chairman Grijalva, I am grateful to you for making environmental justice a priority. I have some concerns with this legislation, but I hope that I can work with you, with Congressman Young, and with the Members of the Committee to advance these important goals in a way that will be beneficial to our Alaska Native communities.

Quyanaqpak for the opportunity to speak with you today.