

TESTIMONY OF DR. LEN NECEFER, PH.D.

**BEFORE THE U.S. HOUSE NATURAL RESOURCES SUBCOMMITTEE ON ENERGY
AND MINERAL RESOURCES**

ON

**“OIL AND GAS DEVELOPMENT: RESTORING COMMUNITY INPUT AND PUBLIC
PARTICIPATION IN LEASING DECISION”**

JUNE 20TH, 2019

I. Introduction

Good morning Chairman Lowenthal, Ranking Member Gosar, and members of the committee. Thank you for the opportunity to appear before this committee to share my knowledge and experience of the Bureau of Land Management’s leasing process and public participation in oil and gas leasing, and offer my support for H.R. 3225, the Restoring Community Input and Public Protections in Oil and Gas Leasing Act of 2019. I thank Congressman Levin and the committee members for their leadership with this legislation. Oil and gas development on public lands is currently managed in favor of the oil and gas industry while other uses of public lands such as conservation, recreation and even renewable energy development are being shortchanged, and this bill is a first step at addressing them.

II. Background

Shi ei Len Necefer yinishé. Nat'oh Dine'e Tachiinii nishlj, Scottish bashishchiin, Naakai Dine'e dashicheii, Romanian dashinali. My name is Len Necefer, I am a member of the Navajo Nation, my introduction in Navajo tells where I come from, who I represent, and most importantly who I am accountable to. I come from the Tobacco Clan of the Tachii'nii people, our roots in the southwest date back millennia. It is because of the environmental stewardship of my ancestors and others that we are able to enjoy our public lands today. For centuries, my family split their time between the desert valleys of the Colorado Plateau and the pine forests of Chuska mountains as farmers, shepherds, and medicine people. I grew up helping my grandparents tend to the sheep, the corn fields, and collect medicinal plants. I grew up being told that it was my duty as a Navajo person to protect my people and our homeland defined by our sacred mountains.

I sit before you to today to tell my story of energy development in my home community and other native communities that I have worked in. For decades the environmental impacts of energy and mineral development on the Navajo Nation occurred unabated and with little concern for the broader consequences on communities like my own. Across Indian Country the BLM under the Trump Administration has weakened public input, and has actively dismissed tribal nations, largely repeating the deleterious impacts of energy and mineral resource development we have seen in our communities for decades.

My grandfather, Henry Lee, was one of the thousands of Navajo men recruited to mine uranium across the Navajo Nation in the 1950's. Red Valley, Arizona where my family lives, was one of the centers for uranium mining on the Navajo Nation. As a child I first learned about what impact uranium mining had on my community through what my grandfather called his

“tail.” This tail was the tubes that ran across his face, down his back, to a portable oxygen tank that he carried everywhere. My grandfather lost his left lung to silicosis and struggled with respiratory illnesses for the rest of his life. His condition was exacerbated by air pollution created by other energy development, such as a coal mining, oil, and natural gas around the four corners. I soon realized that he was one of the lucky ones. In the late 80’s and early 90’s many of the men his age in Red Valley began dying one by one from cancers, pneumonia, and the variety of illness that came from mining uranium without breathing protection.

Poor government oversight, loose regulations, and a far too cozy relationship between regulators and industry contributed to what I see as an ongoing crisis in my community. The connection between dust from uranium mining and a multitude of health effects at that period of time was well known from studies in Poland in the 1930’s. However, despite this knowledge, the costs of breathing protection and dust mitigation likely were too much for the companies. Unfortunately, my grandfather and my community were simply seen as costs of doing business. The Church Rock Mill spill in 1979, the largest release of radioactive material in US history, still contaminates Navajo communities. In addition, hundreds of abandoned uranium mines still dot the landscape some of which I grew up driving by as a kid in Red Valley, Arizona.

Earlier I mentioned air pollution being a contributing factor to my grandfather’s respiratory issues. I grew up a stone’s throw of the Four Corners Power Plant, the Navajo Mine, and Oil and Gas development in the San Juan Basin. My uncle worked at the local coal power plant as a welder. A number of my cousins dug the coal up at the mines that fed this power plant and others worked as roughnecks in the oil field. Every winter an inversion would form above Shiprock – I vividly remember being able to see the brown haze sit above my grandparents’ house. I remember being able to taste the air and that I would get bronchitis nearly every winter

– I thought this is what it meant to get a cold. I also saw my grandfather develop pneumonia with a regular frequency – which eventually took his life. Later in college I learned that this bronchitis & pneumonia was not normal in many of the other communities where my white friends grew up. I learned as a young man that the source of this pollution came from the energy development in the region. I also learned that much of the benefits from this development were going to western cities while my community was saddled with the pollution and sickness.

I pursued higher education because at first because I was angry about this history and then later because I felt responsible for doing something about it. I wanted to figure out how energy and environmental policy worked so that I could stop this history from repeating itself in my community and others. I eventually found myself studying in Carnegie Mellon University's Department of Engineering and Public Policy Ph.D. program. My doctoral research focused upon the intersection of technical natural resource policy assessment and indigenous cultural values. Under the Obama administration, my work became of interest to the U.S. Department of Energy's Office of Indian Energy Policy and Programs due to its applicability to tribes in the lower 48 and Alaska.

III. Climate Research Silenced by Trump Administration

After interning with the Office of Indian Energy for two years. I moved to Colorado to take a job as a federal contractor for the Department of Energy where I worked directly for the Office of Indian Energy. I worked directly with native communities both in the lower 48 and Alaska on administering grants, technical assistance, and research on sustainable energy development. From this work I developed many friendships and relationships with these native communities that I still hold today. It was through this job that I came to understand the importance of things like traditional and customary hunting in rural Alaska and the board and

direct impacts of climate change across Indian country. More broadly similar struggles of native communities across the lower 48 and Alaska to protect the cultural heritage imbued within the public lands ostensibly managed for the benefit of this country.

It was also during this period that a change in administration happened. Understandably my tasks at the DOE began to change rapidly and in my opinion at the expense of native people. The current administration's policy platform of "Energy Dominance," fossil fuel extraction at any cost to people and the environment, was a storyline I was all too familiar with. What I saw was a regression to a history that had led me to pursue my education. Our office was eventually tasked with removing references to climate change in our literature and website for fear of attracting the attention of new political appointees – despite the real impacts we knew this was having on the communities we worked with. During the transition the research project I was working on focused on how renewable energy could support Alaskan native communities most directly impacted by climate change. This research relied on over 40 open-ended interviews with Alaskan native community leaders across the state. A common theme from these interviews was the first hand accounts of climate change – from changing animal behavior to entire villages falling into the ocean. I was told by our supervisor that this report would not be published unless references to climate change were removed including those from the people we interviewed. I refused to comply with this request and since the mid-2017 these reports have been effectively censored still remaining unpublished. When I learned that the protections for the Bears Ears National Monument and the Arctic National Wildlife Refuge were soon to be on the chopping block to lose their protections. I knew exactly what the impacts would be on my community and others like the Gwich'in in Alaska. I knew it was my time to leave so I quit my job in December of 2017.

IV. BLM's Failure to Adequately Consult Native Communities

After two years of observing the patterns the BLM and other agencies fail to meaningfully engage with tribes most affected by development, in my opinion, can be chalked up to avoiding input from communities with inconvenient perspectives and truths that inconvenience the broader policy of "Energy Dominance." Indigenous communities across the United States are increasingly confronted with threats to their sovereignty and to the places they rely on for their culture identity and way of life. Nowhere is this threat felt more than in the Arctic National Wildlife Refuge. From the obvious shortening of public comment periods, my colleagues in the Gwichyaa Zhee Gwich'in country spoke about BLM officials giving a days' advance notice prior to arriving in Fort Yukon, Alaska during the middle of hunting season for what was described as tribal consultation on management of oil and gas leasing in the 1002 Area of the Arctic National Wildlife Refuge. This faulty consultation continued despite community leader's pleas to allow for more time for tribal leadership to be able to attend. In my opinion it was likely because these Gwich'in communities would provide the harsh feedback to the BLM that these management plans and likely environmental impacts in the 1002 area directly threaten their existence as a people. The Gwich'in directly tie their wellbeing and identity as a people to the health and wellbeing of the Arctic Refuge, including the porcupine caribou herd. Rightfully so, these relationships and cultural identities has allowed the Gwich'in to thrive for over 20,000 years, over 80 times the age of this country's existence.

V. Conclusion

I did not have a choice in to the life, community, or history that I was born into. I realize how much of these experiences both personally and professionally have formed my opinions today about current policies. I have seen how policy mistakes in my community and others has informed better management decisions however today I find myself seeing a decline to a period of history I wished never to repeat. It is clear, our communities need to have meaningful consultation and their concerns adhered to when BLM is leasing on our lands and surrounding public lands, and even clearer that BLM continues to drop the ball. The provisions in H.R. 3225 are a necessary first step to improving transparency, protecting natural and cultural resources, protecting land owners, and slowing down the rush to lease in the name of “energy dominance.” I encourage the committee to move this pass this legislation immediately.