

**Examining the Biden Administration’s Mismanagement of
the Federal Onshore Oil and Gas Program
Written Testimony of
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Subcommittee on Energy and Mineral Resources**

Good morning, Chairman Stauber, Ranking Member Ocasio-Cortez, and members of the Committee. Quyanaqpak, or “thank you” in Iñupiaq, for having me here today to discuss land rights and usage in our region, critical to the Indigenous communities my organization represents. I am Nagruk Harcharek, President of the Voice of the Arctic Iñupiat, or just VOICE.

VOICE is a nonprofit organization established in 2015 by the region’s collective elected Iñupiat leadership to speak with a unified voice on issues impacting the North Slope Iñupiat, our communities, our economy, and our culture. Our 24 members include the leadership of local governments, Alaska Native Corporations, tribes, and tribal non-profits across the North Slope of Alaska. Notably, our membership includes the North Slope Borough, the regional government for an area as large as the State of Minnesota, which has taxing authority over the development of land on the North Slope and is the largest employer in our region. We also represent Iḷisaḡvik College – the only tribal college in Alaska and the only institute of higher education in our region – and the Iñupiat Community of the Arctic Slope, the North Slope’s federally recognized regional tribe.

The discussion about building more consistent, predictable policy, communication, and collaboration between Alaska Native communities and Washington, D.C. is as pressing and challenging now as it was over 50 years ago, when the Alaska Native Claims Settlement Act, or ANCSA, was signed into law, and which directly shaped the rights we have to our land and the usage of that land today. Much like ANCSA, the policies set in these rooms and in this city have a direct impact on the viability of our people and our communities – and we are asking for a consistent seat at the table to ensure our voices are heard.

Alaska Native Communities and the United States: A One-Sided Start to the Relationship

The Iñupiat have lived on Alaska’s North Slope, one of America’s harshest and most remote environments, since time immemorial. Our connection to our homelands is strong and straightforward: we care for these lands and rely on them to sustain our communities and our culture – from the financial resources that support our lives to the subsistence food we put on our tables.

Unfortunately, the same cannot be said of the North Slope's relationship with Washington, which began in 1867 following the Alaska Purchase. For just \$7.2 million – about \$151 million adjusted to 2022, or roughly the cost of two F-35 Lightning II fighter jets – the United States acquired an area of land more than twice the size of Texas that would eventually become the State of Alaska. Absent from the negotiation table from the start, however, were the Alaska Native people who stewarded the lands in question and the notion that they deserved any benefit from the transaction.

This disregard was a harbinger of things to come. In the decades following the sale, Washington continued to deny our people an equal voice when developing policies affecting our homelands.

Over the past 100 years, large tracts of land that hold significant cultural value for the North Slope Iñupiat and are still used today by our communities to live and practice our subsistence traditions, have been carved out of Alaska at Washington's behest. In 1923, President Warren G. Harding created the Naval Petroleum Reserve Number 4, now known as the National Petroleum Reserve in Alaska (NPR-A). Later, in the 1960s, Washington, spurred on by a public campaign led by outsiders including the Sierra Club and the Wilderness Society, worked to set aside 8.9 million acres to create the Arctic National Wildlife Range, and was the basis for what is now the Arctic National Wildlife Refuge.

Again, absent from the discussion about these lands were its original inhabitants and stewards: the North Slope Iñupiat. Our people were afforded less consideration than the land itself and were virtually erased in the rush to regulate what outsiders and policymakers viewed as “the last great wilderness.” Yet their colonial perspective of Alaska as an untouched, unpopulated wilderness could not have been further from the truth. In their efforts to protect the land, they forgot about the region's most important resource, its people – the North Slope Iñupiat.

Alaska Statehood: Unfulfilled Promises to Alaska Native Communities

A sea change occurred in 1959 when President Dwight D. Eisenhower signed the Alaska Statehood Act into law and Alaska became the 49th state admitted to the union. Finally, Alaska residents would have an opportunity to shape their shared destiny via representation in Congress.

But the promise of representation did not materialize for the Alaska Native peoples. Instead, the Act authorized the State to appropriate over 100 million acres of land from the “vacant, unappropriated, unreserved” areas of Alaska, many of which were vibrant hunting and fishing grounds already used and occupied by Alaska Native people who had lived on those lands for thousands of years.

In fact, our newly minted “representatives” acted as anything but and instead supported projects on the appropriated lands that would have significantly disrupted Alaska Native communities. This included projects such as Project Chariot, which would have detonated five thermonuclear devices to create an artificial harbor near the Iñupiaq village of Point Hope.

Thanks to determined, organized opposition by a diverse coalition of Alaska Native communities, projects like this did not come to fruition.

In 1965, the Arctic Slope Native Association (ASNA) was formed to advocate for an aboriginal land claims settlement on behalf of the North Slope Iñupiat. Its leaders understood that the Russian Empire did not have the legal right to sell Alaska in 1867. It is also understood that between 1867 and 1959, the United States government failed to resolve Alaska Native aboriginal land rights, and that the formation of the new state only complicated the issue.

In January 1966, on behalf of the North Slope Iñupiat, ANSA filed a land claims lawsuit with the U.S. Department of Interior for nearly 55 million acres of land on the North Slope. This action prompted other regions across the state to form their own regional Alaska Native associations to file claims to their ancestral homelands as well. Collectively, the regional Alaska Native associations lobbied the Secretary of the Department of the Interior, Stewart Udall, to impose a land freeze until aboriginal land claims were resolved.

The following year, we secured an important victory when Secretary Udall imposed a land freeze to prevent state or private entities from securing title to any lands claimed by Alaska Native communities until Congress addressed the issue. The freeze was catalyzed by a request from the recently established Alaska Federation of Natives and was a symbol of the growing political influence of the Alaska Native people. Other Alaska Native groups quickly followed suit and, by May of 1967, 39 claims covering about 380 million acres – an area larger than the land area of Alaska itself – had been filed.

The timing of these claims and Secretary Udall's land freeze was auspicious. In 1968, the following year, one of North America's largest deposits of commercial quantities of oil was discovered at Prudhoe Bay on the North Slope, our homelands. This discovery dramatically elevated the importance of Alaska Native land claims resolution, as did the suit filed by five Alaska Native villages to prevent construction of a cross-state pipeline on claimed lands to transport oil and gas from Prudhoe Bay to Valdez. Until the issue of Alaska Native land claims was resolved, these resources could not be accessed, and the infrastructure required to bring them to market could not be built.

The State, oil companies, and Alaska Native communities and organizations increased their pressure on Congress for a land claims settlement to resolve the situation. It is important to note that the discovery of oil on the North Slope and the potential windfall it could yield to oil companies and the State – not justice for Alaska Native communities – is what drove settlement discussions forward in Washington.

ANCSA: An Imperfect Solution and the “New Harpoon”

Several solutions emerged over the course of negotiations. The Arctic Slope Native Association (ASNA), which was formed under the leadership of Charles “Etok” Edwardsen, Jr. to advocate on

behalf of North Slope Iñupiat land claims, proposed that a final land claims settlement be based on the amount of land lost by each group, rather than regional population. After all, the North Slope represented only 5% of the Alaska Native population but claimed 16% of Alaska's total land area. And the recent discovery at Prudhoe Bay underscored the immense value of our land claims.

Many proposed bills to settle land claims did not reflect this perspective, and the bill that was signed into law – ANCSA, in 1971 – partially observed ASNA's proposal. Signed by President Richard Nixon, the act created 12 Alaska land-based regional corporations, which would act as private, for-profit businesses with Alaska Native people as their sole shareholders. In essence, corporations whose profits would solely benefit their Indigenous shareholders. It also awarded Alaska Native communities 44 million acres of their homelands and nearly \$1 billion in compensation for lost land claims.

As far as the Iñupiat were concerned, this was only a partial settlement. The law recognized only 11% of our total claims – notably, the North Slope Iñupiat were required to relinquish their rights to approximately 50 million acres of land out of the total 55 million acres that comprise our region – and the compensation for all of the land lost by Indigenous people in Alaska was only slightly more than the \$900 million yielded by auctioning two parcels of Alaska Native land to oil companies. Both parcels were located on our ancestral homelands on the North Slope. As Charles "Etok" Edwardsen Jr. stated in an essay summarizing the law, "we were simply robbed by the settlement."

Despite our grievances, we realized that ANCSA provided us with a new tool: the Alaska Native Corporations. To use Etok's words again, we set about the urgent business of wielding this "new harpoon" to bring prosperity to Alaska Native communities on the North Slope, much as our ancestors had done at sea and on land before us.

To help govern and administer the nearly 95,000 square miles of land in our region, the North Slope Borough was established in 1972 after yet another fight with the State of Alaska and the oil and gas industry. The Borough exercised powers of zoning and taxation and was the first time that the Iñupiat exercised their self-determination through municipal government. It was, and remains, proof that we had succeeded in returning self-rule to our land. Our region, as stated previously, is roughly the size of the State of Minnesota and not connected through a permanent road system between our communities or to the rest of Alaska.

Despite the formation of the Borough, our claims to its surrounding lands, and our Alaska Native Corporations' right to develop our lands to provide economic benefit to the shareholders, as enshrined by ANCSA, the Naval Petroleum Reserve was transferred from the Navy to the Bureau of Land Management and renamed as the National Petroleum Reserve-Alaska (NPR-A) through the Naval Petroleum Reserves Production Act in 1976. The Act defined how the NPR-A would be managed, including the establishment of five Special Areas within the NPR-A, and gave little thought to those who have called it home for thousands of years.

In fact, half of the North Slope Borough's communities are located within NPR-A, including Nuiqsut near the Colville River Delta, Atqasuk, Utqiagvik, and Wainwright. Two other communities, Point Lay and Anaktuvak Pass, use the NPR-A for subsistence purposes. Four separate village corporations – Atqasuk Corporation, Olgoonik Corporation, Ukpeaġvik Iñupiat Corporation, and Kuukpiik Corporation – collectively own over 400,000 acres of land in NPR-A. And a 1977 study identified 119 traditional Iñupiat land use sites in the area.

However, despite our governmental authority, exemplified by the North Slope Borough and the federally recognized tribe of the Iñupiat Community of the Arctic Slope (ICAS), as well as our historic claims to the land, Washington chose again not to consult the Iñupiat about the impact of its decisions or create the possibility of co-management of these lands.

Just east of NPR-A, more inconsiderate and callous actions expanded ANWR. The Alaska National Interest Lands Conservation Act (ANILCA) was signed into law by President Carter in 1980. The law more than doubled the size of the Range and renamed it as the Arctic National Wildlife Refuge. It also included a provision, Section 1002, setting aside 1.5 million acres of the Coastal Plain to be assessed for its development potential. After years of careful study, in 1987 the Department of the Interior recommended that this Section 1002 area be opened to responsible development projects. The Alaska Native village of Kaktovik, which has “public interest” in the lands in ANWR and multiple entities as members of VOICE, is the sole community located in Section 1002 area of ANWR and the only community located in all of the over 19 million acres of ANWR.

Once again, Alaska Native interest was discounted in Washington's calculus. Without consulting Alaska Native communities about the impact of their decision, the federal government under the waning days of President Jimmy Carter cleaved large tracts of land away from Alaskans until Congress could determine their future.

The Current Situation: An Inconsistent Policy Approach to Alaska Native Lands

This brings us to today and the administration's recent announcement about ANWR and NPR-A, both of which are critical to America's onshore energy production efforts and the economic self-determination of the people of the North Slope.

As my organization and our constituents noted immediately following the decision, the Biden administration developed the new policies on ANWR and NPR-A without first consulting with Alaska Native communities about their impact on our lives and communities. They did so despite publishing many memos and strategies outlining a purported desire to include Indigenous communities, like the Iñupiat, in their decision-making processes. In fact, the recently published White House National Strategy for the Arctic states “the United States is committed to regular, meaningful and robust consultation, coordination, and, as appropriate, co-management with Alaska Native Tribes, communities, corporations, and other organizations – both to ensure Alaska Native communities are partners in decisions affecting them and also because we recognize that Alaska Native experience and knowledge is essential to the success of this strategy. We will

support an equitable partnership, including by integrating co-production of knowledge and Indigenous Knowledge into federal processes and by supporting Tribal self-determination and opportunity.”

Yet these new mandates directly contradict this statement and many other claims made by this administration about incorporating Alaska Native perspectives into its policymaking process and will undoubtedly have a profound, negative effect on our self-determination as well as America’s future energy production efforts.

The administration’s latest decisions are viewed by North Slope Alaska Native communities no differently than ANCSA or ANILCA. But, upon closer inspection, there is a subtle, but important, difference between the two. Whereas ANCSA essentially stripped away our lands in the name of profit, the administration’s latest NPR-A and ANWR regulations, similar to ANILCA, are foreclosing on our communities’ future economic opportunities in the name of climate change and environmental justice.

When most of our lands were taken from us, starting in 1923 with the creation of the now NPR-A, there was at least minimal opportunity for compensation and economic gain by the North Slope Iñupiat, like the creation of the North Slope Borough. Now, the opportunity to grow our economy and build a stronger, more prosperous Iñupiaq culture has been seized from us.

There is a sordid throughline threading these decisions: Washington has and continues to trammel on our right to self-determination and economic prosperity. This flies in the face of environmental justice. As expressed by a communique following the 2023 Arctic Peoples’ Conference, “Climate change cannot be an excuse to infringe on our distinct rights as Indigenous Peoples.”

To be clear, due to our very complicated history that I have endeavored to describe, the position that we find ourselves in today is because of the federal government and Congress. Now, after decades of being denied a seat at the table, we deserve a more active role in shaping the future of our homelands and people.

In fact, Joseph Upicksoun, one of ASNA’s first presidents, in 1971 noted in an address to the AFN that “the United States wants to provide for its own security against foreign enemies out of our land” by pursuing energy projects on the North Slope. Now, when we are in a position to cooperate and equitably benefit from this production occurring on our homelands, we are being denied the opportunity by Washington.

At present, the North Slope Borough, which was established to ensure our people would benefit from development projects in the region, receives more than 95% of its total revenue from infrastructure taxation authority on development. This revenue is used to support valuable community infrastructure projects that improve our quality of life in one of America’s most challenging and unforgiving environments.

These include schools, community and recreational centers, housing, water and sanitation, police and fire departments, search and rescue, and special equipment to bury our deceased during the winter months. It's important to highlight that Kaktovik, which is located in ANWR and will be deeply impacted by the administration's recent announcement, desperately needs a new school after theirs burned down several years ago. Wainwright, which is located within the NPR-A, uses tax revenues and funding from the NPR-A Impact Mitigation Grant Program to support its youth program, which provides recreational and cultural activities critical to keeping local youth on the right path. Going forward, Wainwright hopes these funds will also support a new building to replace their aging city hall and other community infrastructure projects.

Tax revenues derived from resource development projects also support vital administrative bodies like the North Slope Borough Department of Wildlife Management, which plays a leading role in studying and managing our region's wildlife resources, including the caribou and bowhead whales that our communities rely on. It's safe to say that without these responsibly developed projects, we would not be able to conduct our world-class research on population strength and movements or afford the staff to preserve these resources for future generations. Our police and search and rescue and emergency services – which operate across a land area larger than the United Kingdom – are also supported by these important tax revenue streams.

Taxes levied by the North Slope Borough on resource development projects are furthermore used to develop and maintain basic amenities like roads and modern water and sewer systems that are ubiquitous to the lower 48 but have only recently arrived on the North Slope within the last 40 or so years. That revenue also provides critical access to jobs: the Borough is the largest employer on the North Slope.

In fact, we can quantify the powerful impact of these projects by observing the increase of life expectancy on the North Slope. In 1969, before our people had any land rights and no economic prospects as a result, life expectancy was just 34 years. By 1980, our average life expectancy was 65, roughly equivalent with Libya and lower than North Korea. Today, our people can expect to live to an average of 77 years. This increase, the most dramatic in the United States, can be directly connected to the proliferation of a basic economy, modern infrastructure, and services supported by resource development projects.

The VOICE Board of Directors, comprised of mostly locally and regionally elected leaders, recognizes the benefits these projects offer our communities and have passed resolutions supporting responsible, community-led development, when appropriate, of ANWR and the NPR-A. Since ANILCA, which was crafted and passed without our input, the North Slope Iñupiat have been fighting for the right to develop ANWR.

We believe that responsible resource development projects in both the NPR-A and ANWR are vital to our collective future. They are even more so for communities located within the NPR-A which, again, represent half of the North Slope's communities, and Kaktovik, the only community

located within ANWR. In numerous letters to the Bureau of Land Management (BLM) and members of this committee, we have made clear the economic benefits of development in these regions, including the 1002 Area, to these communities and our firm belief that resource development projects and conservation efforts are not divergent priorities. They can – and must – coexist on the North Slope. To do otherwise would be to strangle our communities from the long-term economic and food security they rightfully deserve.

These letters also highlighted Washington’s hypocrisy when it comes to conservation. It is unfair to seize our lands and ask Alaska Native communities to carry this burden while other states develop their lands freely with an easy conscience. It is equally outrageous to suggest that ecotourism stand as a replacement for resource development projects in our region.

For a brief time, it seemed that Washington had heard our voice. The 2017 Tax Cut and Jobs Act gave us hope of realizing our goals by directing the BLM to conduct two lease sales in the 1002 Area of ANWR. The first of which was held in January 2021. The second lease sale is required by law to happen by the end of 2024.

We also felt heard when BLM released an NPR-A Integrated Activity Plan (IAP) in June 2020 that considered the interests of our communities, including future community infrastructure needs.

Most recently, the recent re-approval of the Willow Project also suggested that our relationship with Washington was growing stronger. Our Board issued multiple resolutions in strong support of the project, and we are pleased that Willow, which was first approved in 2020, is proceeding in a manner that respects our communities’ economic and environmental needs. Though it is important to note that outside environmental groups with little to no connection to our lands are now seeking to overturn our will through frivolous, time-consuming court cases.

Since coming into office, the Biden administration has since done much to undo this progress, beginning with its mandate to suspend operations and production on the awarded leases in ANWR. And two weeks ago, the administration chose to foreclose on current and future opportunities in ANWR with its new regulations.

It’s important to contextualize the total area impacted by the Biden administration’s decision. The 1002 area in ANWR is 1.5 million acres, only 7% of the Reserve’s more than 19 million acres of land, and only a small fraction of the 1002 area’s non-wilderness land has been reserved for development, specifically 2,000 acres. Despite this small size, the Biden administration elected to seal off this area in its blatant attempt to appease so-called climate activists who are all too eager to disregard our desire for self-determination in our ancestral homelands and long-term economic security for our people.

This decision, coupled with further “protections” for NPR-A, will undoubtedly shrink the economic opportunities available to the North Slope. It virtually guarantees to set us back on our journey toward self-determination by requiring further reliance on the federal and state

government to provide for the basic needs of the people on the North Slope. In the early 1960's, Howard Rock, a champion for our people and founder of the Tundra Times, stated: "We are battling greed that is relentlessly closing in on us." That statement was true back then, and with the latest Biden administration announcements, remains true today. We battled greed in the name of profits during the days of ANCSA, and now we are battling greed in the name of climate change and environmental justice.

The Way Forward: Consistent Engagement, Mutual Respect, and Self-Determination

We support responsible energy development projects on the North Slope because, to paraphrase the current Secretary of Interior, "we know our lands better than anyone." And we understand that responsible resource development with the inclusion and engagement of our communities has taken place for over 50 years. It exemplifies a positive model of cultural, economic, and ecological interdependence.

Over the past few months, we have heard much discussion of what we *cannot* do in our homelands with little attention given to economic alternatives to support our economy in the long term. Past investments in our region have already yielded a brighter future for the Iñupiat. It is important that we continue this upward trajectory, and we hope that Washington joins us at the table to discuss a viable economic path forward for North Slope communities that includes on shore oil and gas leasing.

This shared effort will require a strong partnership characterized by consistent, predictable, and reliable communication and collaboration between Alaska Native leaders and Washington. We believed the foundation for this relationship was in place when we recently welcomed EPA Administrator Michael Regan to the North Slope for fruitful discussions that resulted in \$2.5 million in grant funding to restore federally contaminated lands conveyed to Alaska Native Corporations via ANCSA. Yet, the following week, we were blindsided by the White House's ANWR and NPR-A announcements, suggesting that this partnership is very much a work in progress.

This approach is no way to operate, especially with communities as remote and distinct as ours. Despite these inconsistencies, the North Slope Iñupiat are eager to engage with Congress and the federal government.

We believe that strength comes from unity and cooperation, and we understand the importance of that value locally, regionally, and nationally. That is why VOICE was created: to unify and strengthen the North Slope. As partners, we can right the historic wrongs imposed on our communities, create responsible resource development projects in our region to secure America's energy future, and fully realize Iñupiat self-determination and prosperity. But this can only happen with policymaking sensitive to the needs and rights of indigenous communities, consistent and meaningful engagement, and mutual respect.

Thank you for the opportunity to provide comments today. Quyanaqpak.