



Testimony of Jade Begay
NDN Collective Climate Justice Campaign Director

Before the Committee on Natural Resources, Subcommittee on Energy and Mineral Resources
U.S. House of Representatives

Hearing on *“What More Public Lands Leasing Means for Achieving U.S. Climate Targets.”*

December 2, 2021

Chairman Lowenthal and Members of the Subcommittee:

My name is Jade Begay. I am a citizen of Tesuque Pueblo located just ten miles north of Santa Fe, NM, and a descendant of the Diné Nation and the Southern Ute Tribe. I am the Climate Justice Campaign Director at NDN Collective and a member of the White House Environmental Justice Advisory Council. I have spent my entire adult life working on climate and environmental issues, fighting against extractive industries that continue to harm Indigenous, Black and Brown communities and for our human rights and the treaty rights of Indigenous Peoples to be upheld. I also organize and do advocacy work so that our leadership, especially Indigenous, Native and Tribal leadership is included and honored in any decisions impacting our livelihoods, our health, and our territories and homelands.

Just a little over two weeks ago, I was in Glasgow, Scotland meeting with your colleagues, including the White House Climate Advisor Gina McCarthy and the U.S. Special Envoy on Climate, John Kerry. My team met with these leaders in order to foster a partnership on strengthening the Build Back Better Act, climate policy abroad, and share our expertise on how the whole-of-government response to the climate crisis can be implemented equitably and efficiently. I remember saying one afternoon in the U.S. Delegation offices that “in order to get it right on the international level, we first must get it right at home.” And that is precisely why I am here today, affirming what we all already know to be true -- which is that more public land leasing to oil and gas industries means that we will **not** achieve our climate targets, and instead we will be violating the commitments the U.S. has made to the global community around reducing our emissions as a nation. Leasing lands to oil and gas industries will move us closer towards catastrophic climate change, and cost the U.S. billions of dollars in potential future climate damages.

Further the leasing of public land would not just cause new problems. We are *already* experiencing the impacts of climate catastrophe and damages, especially in the Western United States, where these land leases are set to take place.

As you know, wildfire season across the U.S. but especially in the Western States, has become exponentially more destructive over the past few decades, with wildfires now lasting longer and burning nearly 10 times more acres than they did just three decades ago. Since June 2021, 6.5 million acres have been consumed by wildfires and \$4.4 billion has been spent in suppressing these fires. California experienced the most wildfires, followed by Montana, Oregon, Arizona, and Washington. In 2020, we saw wildfires burn [10 million acres](#), costing \$17.3 billion dollars.

In the West, we are also experiencing an increase of heat waves. In June of this year, the National Weather Service Seattle reported three days of temperatures above 100 degrees in the Sea-Tac area. This is the first time in history that has occurred. This summer in Montana, as the eastern part of the state was experiencing severe drought, a heat dome laid over the state making July the second hottest month on record. In Utah, summer 2021 was the hottest first half of the season in recorded history.

These alarming facts reveal an urgent need to invest in these communities to prepare for and adapt to climate impacts. Yet instead of moving swiftly to protect people in places already experiencing life threatening climate change, the Department of Interior wants to open leases on public lands, potentially exposing surrounding communities to pollution and contamination on top of these unprecedented climate impacts.

The number of people already exposed to harmful pollutants caused by extractive industries is already vast.

In North Dakota, studies conducted by the EPA have found that communities living near and around the Bakken Oil Field have and continue to be exposed to carcinogens, heavy metals, and radioactivity from fracking processes and gas flares. In this particularly egregious case located in a region also encompassing tribal lands, the oil and gas companies are not required to disclose the exact chemical composition of the flared gases, which damages air quality and increases the risk of cancer, asthma, and respiratory disease in nearby communities.

Another example is in my home state of New Mexico, where just this year ETC Texas Pipeline based in Tulsa, Oklahoma was fined \$1.3 million by the New Mexico Environment Department (NMED) for violating their own permit and emitting air pollution. NMED cited ETC for illegally emitting more than 3.1 million pounds of pollutants from the facility, including nitrogen oxides, carbon monoxide, volatile organic compounds, sulfur dioxide and hydrogen sulfide between Jan. 1, 2017 and Aug. 31, 2018. While the amount of this fine is just a drop in the bucket to ETC, the effects on the people, climate and lands of NM are devastating.

Next, we have the example of the Dakota Access Pipeline, which is currently operating illegally, without rights-of-way permits from the Army Corps to construct and operate under the Missouri River at Lake Oahe, 0.5 miles north of the Standing Rock Sioux Tribe's Reservation. What's more is that the illegal construction and operation under Lake Oahe and poor safety record also occurs while ETC/Dakota Access/Sunoco have gained the approvals of the respective North Dakota, South Dakota, Iowa, and Illinois state public service commissions to double the volume of Bakken crude in the DAPL to over 1.1 million barrels/day (46,200,000 gallons/day or the equivalent of fueling about 3.3 million cars and trucks for one day). As of August 3, 2021, the DAPL volume in the illegal pipeline has reached 750,000 barrels/day (31,500,000 gallons/day).

One final issue that I want to highlight as I am discussing infrastructure leaks and capacity, is that last year despite restoring the Waste Prevention Rule in 2020, Interior Department data has shown that companies wasted an estimated 462 billion cubic feet of gas on public and tribal lands through venting, flaring and leaks between 2009 and 2015. This is enough gas to serve more than 6.2 million homes for one year. How are we going to prevent future problems like this when there are existing pipelines that have been approved by government agencies but are currently leaking and operating illegally? Point and case is, again, the Dakota Access Pipeline. It seems to me rather than opening new leases, we should be fixing the infrastructure failures that exist and prevent future pollution.

I list these examples because when I hear that the Biden administration has stated that it is preparing to mount a whole-of-government response to the climate crisis, alongside a whole-of-government equity agenda, and that every U.S. agency is meant to be a climate and equity agency-- I cannot help but feel misled, disheartened, and disappointed. The actions I am witnessing and the focus of this hearing today-- the Department of Interior taking steps to lease more public lands to oil and gas interests - do not support the stated agenda.

I will not stay quiet when I see all the promises made to our people during campaign season being blatantly broken -- all in the name of further profit.

Alongside countless others who worked locally to defend our rights to vote, to flip critical states like Arizona, and to mobilize our people to the polls in the midst of a deadly pandemic, I worked to elect candidates that shared our goals in addressing the challenges we are facing caused by the climate crisis. We organized and mobilized because we trusted your commitments to make the right decisions for the health and safety of our communities. We worked especially hard in key states for Indigenous Peoples, like Arizona, Nevada and Colorado - and now it is a sad irony that these states are largely where these leases are set to happen. We had hoped our shared climate justice goals would be the foundation to honor past, present and future promises made to our communities instead of continuing to collaborate with the oil and gas companies who are polluting our waters, destroying our lands and livelihoods.

So I urge the Congress , please do not forget that you are here to serve us and work with us. Right now, while so many of us are vulnerable to the impacts of climate change, we are also very ready to work with each of you and the entire federal family to build the solutions we need.

We know the resources are there to invest in a swift and just transition away from fossil fuels. And what's more is that Indigenous and frontline communities are ready to build partnerships between the private and public sectors in order to create solutions, infrastructure, and capacity to move us away from the extractive industries that are exacerbating climate change and harming our communities, the land, air and water.

We are ready to expand renewable energy and local and regional regenerative economies that honor and utilize Indigenous traditional ecological knowledge. In the last week, the White House made a commitment to elevating Indigenous Knowledge in Federal Policy Decisions. This is an exciting opportunity to listen to the people who have managed these so-called “public lands” for centuries without causing man-made climate change and work with us and our knowledge to grow and implement solutions to address the climate crisis. In order to ensure our communities are given a real seat at the table in these endeavors, U.S. agencies must engage with our communities beyond consultation or environmental impact statement processes. We have the skills and knowledge you need to design and implement real, sustainable solutions and alternatives.

What we know right now is that humanity is in “code red” in terms of the extreme weather and impacts from climate change, according to the Sixth Assessment Report from the Intergovernmental Panel on Climate Change. We know that greenhouse gas emissions, particularly from fossil fuel burning, are putting billions of people across the globe at risk. We also know that emissions from burning and extracting fossil fuels from public lands and waters account for about a quarter of U.S. carbon dioxide emissions, according to the U.S. Geological Survey.

Returning to the question of why we are gathered today, “*What More Public Lands Leasing Means for Achieving U.S. Climate Targets?*” The answer is plain and simple: if these leases are opened, we will not meet our targets, we will continue to see emissions rise despite our promises to citizens in the U.S. and the rest of the world, and we will fail as a global climate leader.

I will close my testimony by making these asks of the U.S. government as you consider the proposal for another round of oil and gas sales early next year:

1. I urge the Congress to support a permanent pause on leasing and convey your support to the Administration. . This Committee has the opportunity to play a key role in the Department of Interior’s consideration of new oil and gas leasing on public lands.
2. I ask that the Department of Interior and the Congress continue to challenge the June 2021 injunction and use policies and the authority that the Secretary Interior has to end lease sales on public lands.

3. In terms of strengthening agencies:
 - a. We want to work with you and this team in improving regulations within the EPA - Look to the people in Indigenous communities that are already bearing the heavy burden of doing analysis of what's going wrong with current oil, gas, and energy projects and how to fix it. NDN Collective has done deep research into the flawed infrastructure of the Dakota Access Pipeline - we have detailed information about how the engineering and mechanics lead to inevitable leaks and spills from the pipeline, and it is already happening. We cannot continue skipping around important processes, like Environmental Impact Surveys, and ignore tribal feedback. Our lives are at stake with every leak. This report will tell you what we've been hearing from the tribal frontlines all along - it's not a matter of IF, it is a matter of WHEN.
 - b. The Department of Energy Tribal Energy Loan Guarantee Program (TELGP) is underutilized and there is no documented distribution of funding from this program. We urge you to investigate why this funding is inaccessible and we also recommend consulting with tribal nations and tribal-led organizations, like NDN Collective, to understand how to create better access to these critical resources. It is imperative to get this program functioning as it should so that American Indian and Alaska Native people can continue contributing to the future of energy in the U.S.
4. Additionally Free Prior and Informed Consent (FPIC) must be incorporated into the whole-of-government approach
 - a. This would make a statement to the rest of the world that the U.S. is committed to and has a legally-binding obligation to true climate solutions.
5. When it comes to legislation, Rep. Grijalva's office is working on a bill right now called the RESPECT Act that would codify the consent and involvement from Indigenous communities for any land, water, and sacred places decisions that will affect tribal communities and the self-determination of American Indian and Alaska Native people. We encourage you to become familiar and advocate with us for the swift passage of this bill.
6. Lastly, we need support from you to advocate for direct funding into Indigenous and environmental justice communities and Tribes for research and jobs in new clean and equitable energy development.

I want to share a short passage from the NDN Collective Climate Justice publication *Required Reading: Climate Justice, Adaption, and Investing Indigenous Power*:

“Climate Justice, as defined by Indigenous dreaming, is an invitation into complexity, a surrendering to the truth, and a reckoning with extractive society in order to revitalize possibility.”

I'd like to thank the Chairman and members of the Subcommittee for holding this hearing and for the opportunity to testify today. My team at NDN Collective and I look forward to working with you to build bold climate solutions that rapidly reduce emissions and move our shared communities and our nation towards true climate justice and racial equity.