

## **Written Testimony of Ukpeagvik Inupiat Corporation President**

**Dr. Pearl Brower**

### **American Indian and Alaska Native Public Witness Hearing**

**Before the U.S. House Appropriations Subcommittee on Interior, Environment,  
and Related Agencies**

**March 8, 2023**

#### ***Introduction and Background***

Uvlaalluataq, good morning, Chairman Simpson, Ranking Member Pingree, and Honorable Members of the Subcommittee on Interior, Environment, and Related Agencies. Uvuna Nageak, Taniktunsiniga, Dr. Pearl Kiyawn Brower. Uiga Jesse Darling. Paniga Islalu, Sindrilu. Ukpiagvinmiuguruᅇa. Savaqtuna Nuna Inupiat. Qaugliruna uvunga Ukpeagvik Iñupiat Corporation (UIC). Quviasuktuna maaniitchumi(ng)agama uvlupak.

Good Morning Committee. I appreciate the invitation to testify in front of you today. My Iñupiaq name is Nageak, and my English name is Dr. Pearl Brower. I am a wife, and a mother of 2. I am from the community of Utqiaᅇvik, otherwise known as Barrow, on the edge of the Arctic Ocean in Alaska. I live, work, and have the honor of caring for our land, the land of the Iñupiat as the President of Ukpeagvik Inupiat Corporation.

I am here to talk to you about the cleanup – or lack thereof - of contaminated lands conveyed to Alaska Native communities as part of the 1971 Alaska Native Claims Settlement Act (ANCSA). Specifically, I am here to testify regarding the need for additional ANCSA contaminated land funding through the Environmental Protection Agency (EPA). Quyanaᅇpak, thank you, for allowing me the opportunity to provide our perspective on the impact of contamination in Alaska.

I have served as the President and CEO of UIC since April 2022. Prior to that, I served on the UIC Board of Directors, and also served as Senior Advisor to the University of Alaska focusing on Alaska Native Success, Institutional Diversity, and Student Engagement. I worked for Iᅇisaᅇvik College, Alaska's only tribal college, from 2007 to 2020, eight of those years serving as President. Iᅇisaᅇvik College is located on some of these lands that UIC owns and that we know are contaminated. I have a Ph.D. in Indigenous Studies with an emphasis in Indigenous Leadership from the University of Alaska Fairbanks; a Master's degree in Alaska Native and Rural Development; and a double Bachelor's Degree in Anthropology and Alaska Native Studies. But today I am here solely on behalf of our UIC shareholders, my Iñupiaq people, who are from the most northern reaches of the United States, the community of Utqiaᅇvik. Our

shareholders, our community members, are forced to live and subsist on lands contaminated by the federal government.

UIC is an Alaska Native Village corporation created under the Alaska Native Claims Settlement Act of 1971. Since then, UIC has worked to become self-sustaining and provide for the economic, social, and cultural prosperity of our shareholders. We celebrate our 50<sup>th</sup> anniversary this year and, as a company, are in the strongest position we have ever been in. We are here because we put our shareholders, our families, first. A large part of our foundation is our land and if our land is not healthy, it will be difficult for our community to be healthy.

We as a people are heavily dependent on subsistence resources consisting of migratory birds, caribou, fish, and marine mammals. Our connection to the land and sea which surrounds us is paramount. To sustain our culturally healthy way of life we must have healthy lands, waters, and animals. It is our cultural belief that taking care of our environment will continue to sustain a healthy way of life, which is why the continued contamination of our land is so harmful. We hunt on land and in the sea because hunting feeds our children, ourselves, our souls—but we hunt on contaminated lands, and waters. We butcher our catch on our traditional lands, but often this land has been contaminated by years of misuse by the Federal Government. We hike inland on tundra looking for eggs, gathering greens, but we encounter hundreds of barrels left by the federal government while researching Arctic activity in the 1940-70s. Once the research was complete, they vacated our land and left it contaminated. This contamination seeps into the water we drink and the land from which our animals feed – the same animals we hunt and eat.

### ***History of ANSCA and Contaminated Land***

As part of the Alaska Native Claims Settlement Act of 1971, the Federal Government agreed to convey to 12 Alaska Native regional corporations and more than 200 village corporations 44 million acres of land and \$962.5 million in settlement of aboriginal land claims of Alaska Native people. However, much of the land conveyed had serious issues with contamination, including PFAS, gasoline and oil spills, metallic debris, and other contaminants.

During the 1990s, we raised our significant concerns regarding the Department of Interior (DOI) conveying contaminated land to Alaska Native Corporations (ANCs). Congress heard the community's concerns and took action by requiring the Secretary of Interior to report to Congress on the status of our land. The Bureau of Land Management (BLM) conducted a mail-out survey of ANCs and other interested parties, but did nothing with the information received.

In 1995, Congress directed the Secretary of the Interior to prepare a report on the extent of the contamination. In 1998, the DOI submitted said report to Congress entitled *Hazardous Substance Contamination of Alaska Native Claims Settlement Act Lands in Alaska*.

The report acknowledged conveying approximately 650 contaminated sites to Alaska Native Corporations with various types of hazardous waste and toxic materials which posed significant health risks to humans, animals and the environment, including arsenic, unexploded ordinances, PCBs, among others. 189 of the contaminated sites identified in the report were classified as Formerly Used Defense Sites (FUDS). Many of these sites also include petroleum contamination.

A huge concern for ANCs is we, as the current landowners, may be held responsible for the cleaning of prior contamination of ANCSA lands under existing Federal and State environmental laws. The 1998, DOI report asserted that ANCs would not be, and furthermore recognized the unjustness of conveying contaminated lands to ANCs in settlement of aboriginal rights to land. DOI gave six specific recommendations to help fully identify contaminated sites and cleanup needs of ANCSA lands. Despite the fact that DOI stated it would “coordinate the implementation of these recommendations, although other agencies such as the EPA and the Corps of Engineers may take the lead in certain aspects of the recommendations,” little action was taken because they lacked funding through congressional action.

In 2016, the Bureau of Land Management submitted an update to the report, which included an inventory of the contaminated sites prepared by the BLM (with input from Federal, State and local entities and Alaska Native stakeholders). The inventory identified 537 sites which require remediation. Of the identified sites, the majority are Department of Defense sites (162 sites, 120 of which are FUDS). 94 of the contaminated sites are not in a cleanup program and are classified by the BLM as “orphan” sites (notably the report stated an additional 104 sites still require further verification and may be added later to the Orphan Site Database – since then, additional sites have been added). 92.5 percent of the 94 “orphan” sites are within 2 miles of Alaska villages, places where our Alaska Native peoples engage in subsistence activities, obtain drinking water, and children play. An additional 242 sites identified in the report have land use controls in place, limiting use and development of the land.

### ***ANCSA Set-Aside/Prioritization***

Since 2016, there has been very little progress regarding remediation. There are 35 active contaminated sites in Utqiagvik, UIC itself has 11 separate contaminated sites. Currently the Navy, according to the Restoration Advisory Board meeting held October 2021, is on its THIRD 5-Year Long Term Monitoring Review. The anticipated activities

are to continue into the 21<sup>st</sup> year of Long Term Monitoring in 2023 and start the FOURTH 5-Year Review. The results from the 5-Year Review show “the absence of an established contaminant degradation rate and the 2021 trend data make it unclear when this site will achieve clean-up levels via natural attenuation. It is recommended that the annual long term monitoring program of active zone water continue until clean up levels are achieved”. Essentially contaminants are not going away naturally but the Navy will only continue to monitor them. There are increasing concentrations of contaminants above cleanup levels in sampling locations along the shoreline of Imikpuk Lake. In July 2017, the Navy conducted surface water sampling at Imikpuk Lake and found PFAS and PFOA was present above the EPA lifetime health advisory, showing that the contaminants are moving into previously clean areas. This lake, transferred to UIC from the military, is used by local hunters and caribou. Contaminants continue to build up and seep into the ground, causing further problems by entering our food chain.

It is crucial that we remedy this issue as soon as possible because it is only getting worst. The federal government contaminated this land and transferred it to our people without the removal of contaminants and debris. While the cost to clean the land is not insignificant, we cannot put a price on the health of our families. We look to you to advance this work – prioritize cleaning our land.

The FY 2023 appropriations bill included \$20 million for the inventory, verification, assessment, and remediation of contaminated ANSCA sites. While this is a step in the right direction, \$20 million will not cover the remediation of UIC’s lands – let alone all of the contaminated sites in Alaska. Therefore, I am asking the Committee to include a larger set-aside for ANSCA contaminated lands in your FY2024 Appropriations Bill to ensure the efforts to clean our lands can and will be addressed. By mitigating these issues now, we are preventing further problems down the road.

We would encourage the Committee to consider this funding, as well as other possible avenues for funding ANSCA cleanup – this should be a priority.

I look forward to working with the Committee to address the issue of land contamination in Alaska. Quyanapqak, thank you again for your time and the consideration of this testimony.