

**JUSTICE, EQUITY, DIVERSITY, AND INCLUSION
IN ENVIRONMENTAL POLICY-
MAKING: THE ROLE OF ENVIRONMENTAL
ORGANIZATIONS AND GRANTMAKING
FOUNDATIONS**

OVERSIGHT HEARING

BEFORE THE

COMMITTEE ON NATURAL RESOURCES
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED SEVENTEENTH CONGRESS

SECOND SESSION

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**OVERSIGHT HEARING ON JUSTICE, EQUITY,
DIVERSITY, AND INCLUSION IN ENVIRON-
MENTAL POLICYMAKING: THE ROLE OF
ENVIRONMENTAL ORGANIZATIONS AND
GRANTMAKING FOUNDATIONS**

**Tuesday, February 8, 2022
U.S. House of Representatives
Committee on Natural Resources
Washington, DC**

The Committee met, pursuant to notice, at 10:00 a.m., via Webex, Hon. Raúl M. Grijalva [Chairman of the Committee] presiding.

Present: Representatives Grijalva, Sablan, Huffman, Lowenthal, Gallego, Neguse, Levin, Porter, Leger Fernández, Stansbury, Velázquez, Brownley, Dingell, McEachin, Soto, García, McCollum, Cohen, Tonko, Tlaib, Trahan; Westerman, Gohmert, McClintock, Graves, González-Colón, Stauber, Moore, Herrell, Boebert, Obernolte, and Bentz.

The CHAIRMAN. Thank you very much. The Committee on Natural Resources will now come to order.

The Committee is meeting today to hear testimony on Justice, Equity, Diversity, and Inclusion in Environmental Policymaking: The Role of Environmental Organizations and Grantmaking Foundations.

Under Committee Rule 4(f), any oral opening statements at the hearing are limited to the Chair and the Ranking Minority Member or their designee. This will allow us to hear from our witnesses sooner and help Members keep to their schedules.

Therefore, I ask unanimous consent that all other Members' opening statements be made part of the hearing record if they are submitted to the Clerk by 5 p.m. today, or at the close of the hearing, whichever comes first.

Hearing no objection, so ordered.

Without objection, the Chair may also declare a recess, subject to the call of the Chair.

As described in the notice, statements, documents, or motions must be submitted to the electronic repository at HNRCDocs@mail.house.gov.

Additionally, please note that as with our in-person meetings, Members are responsible for their own microphones and can be muted by staff only to avoid inadvertent background noise.

Finally, Members or witnesses experiencing technical problems should inform the Committee immediately.

Thank you. I would now like to begin the opening statements. Let me extend the opportunity to the Ranking Member, if you would like any opening statement before our witnesses begin.

Mr. Westerman, if you are here.

Mr. WESTERMAN. Thank you, Chairman Grijalva.

I would like to start by recognizing our colleague from Utah, Representative Blake Moore, who has agreed to serve as the Ranking Republican on the Oversight and Investigation Subcommittee for the rest of this Congress. Representative Moore has been an active member of this Committee from day one and is the current Vice Ranking Member of the O&I Subcommittee. I know his experiences in the public and private sectors will serve him well in this new role.

Now onto the business at hand.

STATEMENT OF THE HON. BRUCE WESTERMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARKANSAS

Mr. WESTERMAN. The Majority has convened this hearing to discuss the nexus between the principles of justice, equity, diversity, and inclusion in our nation's environmental policymaking. I would argue that, rather than the abstract, our focus should be on how environmental policies impact communities across the nation.

Actions mean more than just words. And, I think, from our witness testimony today and our Members' questions, we will see that the actions of my colleagues across the aisle are actually disenfranchising people rather than helping people.

According to the Interior Department's Environmental Justice Vision Statement, the Department hopes to manage natural resources, and I quote, "in a manner that is sustainable, equitable, accessible, and inclusive of all populations." The communities the environmental justice movement aims to include in the decision-making process, however, are the very ones being harmed by the Biden administration and its policies. And the echo chamber of environmental groups often supports these bad policies.

Let's use the Biden administration's energy policies as an example. At the end of 2021, inflation reached a 40-year high, increasing costs for American families. In fact, the average American family is estimated to have spent \$1,200 more on energy costs in 2021 than they did in 2020. Some estimate that 20 percent of Americans struggled to pay their energy bills in full at least once last year.

Seeing such increases leaves Americans wondering, "Why are my energy costs getting more expensive?" The answer, in part, is that the Biden administration, with the support of environmental groups, is so focused on environmental justice, constantly attacking the oil and gas industry, threatening our nation's domestic supply of energy, and ultimately driving up energy costs.

This Committee has previously heard testimony from Derrick Hollie, an advocate for energy affordability, who, for example, explained how decreasing the availability of affordable domestic energy most negatively impacts low-income, minority, and rural communities. Yet, the Biden administration and Democrats continue to advance policy positions that jeopardize the availability of cheap and reliable domestic energy supplies, curtailing affordable energy for these communities.

So, while we can spend time talking about the virtues of including under-represented communities in policy discussions, actions by the left have increased cost burdens for the very same

people they purport to help. Unfortunately, as environmental groups push for more regulations and red tape, we can only expect to see harsher financial burdens from these misguided policies.

That is why it is so important for local communities and the communities targeted by the environmental justice movement to be given a real voice. Imposing a radical environmental agenda has real consequences for our American families. We need a wide variety of opinions and the presence of diversity of thought.

What does this look like in practice? It means all sides of an issue are heard. Environmental policy decisions should not be made in an echo chamber, where everyone already agrees on an outcome. Diversity of thought means that, although an environmental group wages a national campaign to oppose energy development, the voice of the local community members on all sides of the issue are considered and respected. In practice, it means the real-life economic and local benefits of energy development have equal weight in the decision-making process.

But a commitment to diversity of thought requires follow-through. That is what has been lacking in this Administration and what is missing in this usual exercise of confirmation bias. Our witness today, Mr. Freeland, will share firsthand experience of how the Biden administration refused to include the Navajo Nation in important policy discussions regarding land use in the Chaco Canyon area of New Mexico, directly impacting Navajo landowners.

The Biden administration has disregarded the personal property rights of Navajo allottees. In fact, even though Interior Secretary Haaland traveled all the way to New Mexico to announce a mineral withdrawal, she never took the time to meet with or consult the allottees whose mineral rights would be impacted. That is not equity or inclusivity. And the Biden administration's decision surely did not account for any diversity of thought. The result simply does not seem just.

If we are serious about achieving more diverse and inclusive environmental policies, we must ensure that the communities impacted by those decisions are given a seat at the table.

With that, I yield back.

The CHAIRMAN. Thank you very much, Mr. Westerman. Thank you for your comments. Let me recognize myself for 5 minutes.

STATEMENT OF THE HON. RAÚL M. GRIJALVA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARIZONA

The CHAIRMAN. I want to thank all of you for being here today. I want to thank the witnesses for contributing their expertise and perspectives on this very important conversation about the need to advance justice, equity, diversity, and inclusion, or JEDI, into environmental policymaking.

Since the inception of America's mainstream environmental movement, it has generally been dominated by male, White, affluent leadership, and initially as the primary constituency. So, early conservation efforts in this country were rooted in a troubling ideology of racism and colonialism, a legacy that weighs down efforts to address the most pressing environmental issues we face as a country and as a world.

When I first got elected to Congress and I asked to be on this Resources Committee—a Committee that not only do I enjoy working on, but it is something that I have a passion for—there were a lot of questions as to why I would want to be on a Resources Committee, when I should be on a Committee that would affect my community, or communities of color, having to do with health care, civil rights, or education.

I have a strong interest in that. I have been involved at all levels with the Education and Workforce Committee since my tenure in Congress. Yet, the stereotype was that I should only focus on that, because the other issue was the predominant issue of someone else.

I mean, these preconceptions and stereotypes about people of color, whether they are Members of Congress or not, have prevented policymakers from achieving better environmental and public health outcomes just because communities were not present.

But on this Committee, there has been great progress, and since becoming Chair, and formerly Ranking Member, this Committee has held hearings to examine barriers and solutions to advancing JEDI in Federal environmental agencies and agency policymaking. The Committee also has intentionally solicited and included more diverse perspectives on the legislative process through either witnesses, or through expertise that we have recruited to present to this Committee as we make our environmental laws more equitable and more comprehensive.

But laws and policies are not created in a vacuum. Many actors affect the outcomes. And non-governmental organizations and the foundations that fund them often play a pivotal role in policy development, as does the development community, the extraction industry, the energy corporations, the gas and oil companies, and the mining conglomerates that continue to have an outsized influence on the policymaking, on the emphasis and the priorities of policymaking, and who is at the table and who is not at the table. Their influence cannot be underestimated.

And as we go forward, that influence requires oversight as well as does past practices and the current snapshot of where we are at with our primary agency of jurisdiction, which is the Department of the Interior. Where are they at in this snapshot, in terms of JEDI, in terms of inclusion, in terms of diversity?

And we will see that that pattern is also an internal pattern. So, the oversight will be about that snapshot, but it will also be about what are the plans, actions, timeline for beginning to address the need to be more integrated, more inclusive, and have diverse voices available to guide general environmental policy.

The environmental policies that this Committee legislates and the Federal agencies under that jurisdiction can only benefit from having a deep understanding and a commitment to JEDI.

Here in the Committee, we have also come to the principal conclusion that we have significant benefits in our legislative process. Yet, for decades, many mainstream organizations have excluded the voices of those who are most impacted. And I agree with the Ranking Member—the communities most impacted, those that have disproportionately been put aside and not brought into the process or been part of the process, those very same communities are seeking our help.

This results in policy solutions that fail to meet or gain the support of most of the marginalized communities across this country, whether it is rural America, urban America, coastal America, plains America, Southwest America, those communities, Indigenous America, don't feel included and feel more marginalized. So, a failure to advance JEDI into the mainstream environmental movement, into the agency itself, has severely limited Congress' ability to meet its goals in addressing this environmental crisis before us, and we have lost time, money, and, in some cases, lives.

It is clear that the mainstream environmental movement's traditional strategy risks losing relevance and impact as our nation becomes more diverse and our communities are increasingly challenged and ravaged by climate change.

Many mainstream organizations have made significant strides in the past decades in advancing JEDI in recent years. However, work remains, and we have very little time to waste.

The moral case of pursuing this just, equitable, diverse, and inclusive environmental policy should be obvious. But the pragmatic case is new to many. It is seen as something foreign, something attacking something. On the contrary, it is an inclusive policy. Even the National Academy of Sciences has said that we cannot decarbonize the economy without an inclusive policy that reaches all.

[The prepared statement of Mr. Grijalva follows:]

PREPARED STATEMENT OF THE HON. RAÚL M. GRIJALVA, CHAIR, COMMITTEE ON
NATURAL RESOURCES

Thank you all for being here today.

I want to thank today's witnesses for contributing their expertise and perspectives to this important conversation about the need to advance justice, equity, diversity, and inclusion—or JEDI—in environmental policymaking.

Since its inception, America's mainstream environmental movement has been dominated by the voices of wealthy, white men.

Early conservation efforts were frequently rooted in a troubling ideology of racism and colonialism—a legacy that continues to weigh down efforts to address the most pressing environmental issues of our time.

When I was first elected to Congress, folks didn't understand why I would care about conservation or environmental policy.

There's often a stereotype that Members of Congress that happen to be people of color should only concentrate on issues like health care or civil rights. In fact, polls consistently show that the strongest interest in environmental issues comes from communities of color.

These preconceptions about what people of color are supposed to care about have prevented us as policymakers from achieving better environmental and public health outcomes for all.

Since I became Chair, this Committee has held hearings to examine barriers and solutions to advancing JEDI in federal environmental agencies and in agency policymaking. The Committee is also intentionally soliciting and including more diverse perspectives in the legislative process to make our environmental laws work more equitably.

But laws and policies are not created in a vacuum—many actors affect the outcomes, and non-governmental organizations and the foundations that fund them often play a pivotal role in policy development.

Environmental policies that this Committee legislates and the federal agencies under our jurisdiction stand to benefit from having a deep understanding of JEDI.

Here on the Committee, we have also come to that principled conclusion and have seen significant benefits in our legislative process. Yet, for decades, mainstream environmental organizations have excluded the voices of those who are the most impacted. The very *same* communities they seek to help.

This results in policy solutions that fail to meet the needs of—or gain the support of—the most marginalized among us.

This failure to advance JEDI in the mainstream environmental movement has severely limited Congress' abilities to meet its legislative goals in addressing environmental crises and has resulted in lost time, money and, in some cases, the loss of lives.

It is clear that the mainstream environmental movement's traditional strategy risks losing relevance and impact as our nation becomes more diverse and our communities are increasingly ravaged by climate change.

Many mainstream environmental organizations have made strides toward advancing JEDI in recent years. However, much work remains—and we do not have time to waste.

The moral case for pursuing just, equitable, diverse, and inclusive environmental policy should be obvious. But the pragmatic case is new to many. Even the National Academy of Sciences has said that we cannot decarbonize the economy without a more inclusive policy approach.

Federal environmental policies should be developed in a way that includes and values the input of those in impacted communities. It is my hope that today's conversation will help us all to better understand how policymaking on environmental concerns can be improved.

The CHAIRMAN. With that, before introducing today's witnesses, I will remind—

Mr. COHEN. Would the Chairman yield?

The CHAIRMAN. Let me introduce the witnesses, and we will go into that, Mr. Cohen. I don't think I have any time, but please let me give you a few seconds, if you don't mind.

Sir, you are recognized.

[No response.]

The CHAIRMAN. OK, let me proceed. Before introducing today's witnesses, I will remind non-administrative witnesses that they are encouraged to participate in a survey that will be provided by the staff.

Let me remind the witnesses that under our Committee Rules, they must limit their oral statements to 5 minutes, but their entire written statement will appear in the hearing record.

When you begin, the timer will start. It will turn orange when you have 1 minute remaining and red when your time has expired. I recommend that Members and witnesses joining remotely use stage view so that they may pin the timer on the screen.

After your testimony is complete, please remember to mute yourself to avoid any inadvertent background noise.

I will also allow the entire panel to testify before turning to the Members for questions to the witnesses.

The Chair now recognizes Ms. Keya Chatterjee, the Executive Director of the U.S. Climate Action Network.

Ms. Chatterjee, you are recognized. The time is yours and you have 5 minutes. Thank you.

**STATEMENT OF KEYA CHATTERJEE, EXECUTIVE DIRECTOR,
U.S. CLIMATE ACTION NETWORK, WASHINGTON, DC**

Ms. CHATTERJEE. Thank you so much, Chair Grijalva. Good morning. My name is Keya Chatterjee. I use she/her pronouns, and I am located on unceded Piscataway and Nacotchtank land known as Washington, DC. I am the Executive Director of the U.S. Climate Action Network, USCAN. Thank you so much for this opportunity.

Our position at USCAN is that the Federal Government, large mainstream environmental organizations, and foundation grant-making processes have been exclusionary to Black and Brown communities. This exclusion has resulted in failed attempts to pass durable climate policy because policymakers have ignored the very people who have an organized community behind them.

For example, my own experience working at a large, White-led NGO was that while there was a focus on diversity in the workforce, there was a lack of retention because of a lack of commitment to justice. A true focus on justice corrects past harms and mitigates future harms. Our intent in providing this testimony is to influence grant-giving and the Federal policymaking process so that Black, Indigenous, and Brown communities have full inclusion in decision-making processes. It is only through agency being returned to Black and Brown communities that people will have the access and power necessary to implement climate solutions.

The barriers to participation in policy processes are significant. One huge one is jargon. Sometimes the most harmful policies are spoken about in the most opaque terms. Members of USCAN, for example, have had to suffer pollution and enormous costs of carbon capture and storage facility in Mississippi. And there are threats of more of these facilities in communities that do not want them in Louisiana and across the Southeast surrounding Black and Brown communities. These proposals would be paired with a massive network of compressed CO₂ pipelines in every community that has worked so hard to fight back against pipelines scarring their lands.

The effort, however, is not called compressed CO₂ pipelines to keep coal pollution in Black and Brown communities. What does the Federal Government call it instead? It is called 45Q. What does 45Q mean, exactly? Well, you are meant to feel dumb if you don't know, and the answer is truly irrelevant for communities that are being poisoned.

This kind of meaningless jargon is no accident. It emerges from a culture that does not value community organizers and the language that we use within our own communities.

It doesn't have to be that way. Changes are needed for Federal grantmaking and policymaking. The Federal grant process is lengthy, time consuming, and onerous. Non-profits without resources are at a significant disadvantage. Knowing this, USCAN's own grant program process is intentionally set up to take the applicant less than 3 hours, total. I will share a few of our top recommendations for grant giving, based on our experience in adaptively improving grants.

First, No jargon, of course.

Second, require 60 percent representation of women of color, BIPOC and vulnerable communities in boards and staff of grantor and grantee organizations.

Next, adopt and operationalize a JEDI checklist that is used in all operations.

Another is to have a maximum annual operating budget cap. We use \$500,000 as an eligibility requirement for recipients.

Finally, identify grant and policy programs that result in systemic remedies that don't just address an immediate issue. For

example, don't just address flooding, address the root cause of why communities of color were pushed onto vulnerable flooding lands and address how the climate crisis is playing out in communities that are repeatedly flooding.

The climate crisis would not exist if not for a system of White supremacy in which we operate, meaning a system designed so that people of European descent have better outcomes. Where would you place a poisonous coal-fired power plant, an exploding pipeline, or a polluting biomass facility if policymakers were not willing to sacrifice communities of color?

These facilities are regularly rejected by wealthy, White communities, so if not for White supremacy, we would have transitioned to solar, wind, and batteries long ago and before my time. The reality is that White supremacy and colonialism began the process of attacking and dismantling Indigenous ways of living that were connected to the land and that can sustain a stable climate on Earth.

In closing, I would like to reiterate that having this hearing is extremely important in the context we are as a nation and a global community in reference to the climate crisis. We are grappling with a history of systemic impact on communities of color that has never been addressed, and the perpetuation of injustice. There are significantly better alternatives that have been tried and tested, and I hope the examples and recommendations that I have shared illuminate that and play a part in achieving a paradigm shift that is long overdue.

Thank you once again for the opportunity to testify.

[The prepared statement of Ms. Chatterjee follows:]

PREPARED STATEMENT OF KEYA CHATTERJEE, EXECUTIVE DIRECTOR, US CLIMATE ACTION NETWORK

I. Introduction

Good morning, my name is Keya Chatterjee and I am the Executive Director at US Climate Action Network (USCAN). Thank you for this opportunity. I am here to share our membership's (190+ organizations) insights on how Justice Equity Diversity and Inclusion (JEDI) is operationalized at environmental non-profits and grantmaking foundations.

Our position as a network is that the federal government, large mainstream environmental organizations and foundation grant-making processes have been exclusionary to black and brown communities. This exclusion has resulted in failed attempts to pass durable climate policy because policy makers have ignored the very people who have an organized community behind them. Attempts at corrective measures have been applied in response to this fact, but the interventions are stop-gaps, not the systemic change needed to ensure real equity. For example, my own experience working at a large white-led NGO was that while there was a focus on diversity in the workforce, there was a lack of retention because after people of color were brought in, the work of the organization did not change to reflect a commitment to justice and equity. It is insufficient to address only diversity and inclusion and not establish programming focused on justice and equity. Large NGOs and foundations must commit to self transformation. A true focus on justice corrects past harms and mitigates future harms.

Our intent by providing this testimony is to influence federal grant giving and the federal policy making process so that Black, Indigenous and Brown communities have full inclusion in decision making processes. It is only through agency being returned to Black and brown communities that people will have the access and power necessary to implement climate solutions.

The climate crisis would not exist if not for a system of white supremacy in which we operate, meaning a system designed so that people of European descent have better outcomes compared to others. Where would you place a poisonous coal-fired

power plant, an exploding pipeline, or a polluting biomass facility if policy makers were not willing to sacrifice Indigenous, Black and brown communities? These facilities are regularly rejected by wealthy white communities, so if not for white supremacy, we would have transitioned to solar, wind, and batteries long ago, before my time, when President Carter was trying to get us to wear sweaters in winter and move us to energy independence. Long before that, white supremacy and colonialism began the process of attacking and dismantling indigenous ways of living that were connected to the land and that could sustain a stable climate on Earth.

USCAN is on a journey of self transformation and is constantly working to put justice and equity at the heart of our work. We are in our seventh year of a member-led grant program. The purpose of this program is to build grassroots power for climate action, while increasing trust and alignment among our members. To ensure this program is equitable, transparent, and embodies our JEDI values, grant decisions are made by a review committee of USCAN members. Traditionally, most that serve on the review committee are from grassroots organizations; this past grant cycle everyone was from a grassroots organization.

The Federal Grant Process is lengthy, time-consuming, and onerous. It favors nonprofits that have been given grants consistently or with dedicated staff: those that already have the infrastructure in place to tackle it. Nonprofits without those resources are at a significant disadvantage. Knowing this, we have removed anything that is truly not informing the review team's decision. Our program allows grant submissions in varying formats: handwritten, videos, powerpoint, etc.; line-item budgets are not requested. We trust those that are receiving the funds know the best way to spend the funds. The entire application process is intentionally set up to take the applicant less than 3 hours total, and the Review Team Rubric is openly shared with all applicants.

Our grants program is responsive to the organization's needs throughout the grant period. We have multi-year grants for operating support or capacity-building, and more flexible agreements regarding modifications. In addition, we collaborate with our grantee to design evaluation and reporting processes that support the work being done, rather than create extra burdens.

Part of the transformation of USCAN has also been a commitment to bringing Black and Indigenous leadership into positions of access and power in international and federal policy making. Our members tell us that while for the first time they are being consulted on policy more frequently, they feel largely tokenized and do not yet feel influence over policy. The barriers to participation are similar to the barriers to federal grants. The language being used is not the language used to organize in communities. Sometimes the most harmful policies are spoken about in the most opaque terms. Members of USCAN, for example, have had to suffer the pollution and the enormous costs of a carbon capture and storage facility in Mississippi, and there are threats of more of these facilities that communities do not want in Louisiana and across the southeast, surrounding Black communities. This effort is an expansion and extension of poisonous facilities in communities of color that will be paired with a massive network of compressed CO2 pipelines in every community that has worked so hard to fight back against pipelines scarring their communities. That's not what it's called though, what it is called is "45Q". This kind of meaningless jargon is no accident and emerges from a culture that does not value community organizers and the language that they use within their communities.

II. Content

USCAN is the US "node" of a global network, the Climate Action Network, which makes formal interventions at the United Nations Framework Convention on Climate Change Conferences of Parties, or COPs. Our experience in the UN process has been that in order for people of color to gain access, we have had to proactively ensure that badges are prioritized for people of color and that our members are able to vote on who will represent them at international meetings. We have also observed that the barriers to policy access can be ameliorated, but it has to be through proactive work since there are often long standing relationships between white-led organizations and policy makers. Putting JEDI at the heart of our work means prioritizing establishing new, authentic relationships with people of color. Based on our experience moving toward better representation internationally, our top three recommendations for federal policy makers are:

1. Ensure that the people most affected by the policy are included in the decision making process by tracking and sharing who is coming to meetings.

2. Keep a 'progressive stack' in meetings, ensuring that the people being called on for questions or put on the agenda to speak are people reflecting the experiences of communities who have been made vulnerable through policy.
3. Use language that could be understood in a community meeting and avoid jargon and acronyms.

Similar interventions are needed for federal grant making. Several of our members have had first hand experience applying for federal grant programs. The experiences were demoralizing and characterized by a lengthy application process (100 pages long in one instance); with very technical jargon that is difficult to understand and contradictory application instructions. Additionally, many of these application processes and platforms are inaccessible to grassroots organizations interested in applying because they require a proposal submission that is tailored to the technical requirements of a specific federal policy rather than based on the actual needs/reality of the grantee. This is difficult to navigate for small organizations with limited staff bandwidth, and little to no access to policy experts. Finally and most importantly, many of our members are increasingly getting access to funding tables and decision making spaces on policy, but that access does not translate to influence. BIPOC voices and leadership are more often than not tokenized and serve merely as window dressing to create the impression of diverse representation.

USCAN as a network, has evolved and made improvements over several years to ensure that our internal processes, including around grant making, are transparent, democratic, and embody our JEDI values. Our top ten recommendations, based upon our own experience in adaptively improving are:

1. Require 60% representation of women of color, BIPOC and vulnerable communities in boards and staff of grantor organizations (both public and private)
2. Adopt and operationalize a JEDI checklist as a tool of accountability to assess organizational equity, with the power to make changes based upon checklist results exercised at the director level that results in adaptive improvements and systemic change
3. Have maximum annual operating budget caps e.g. \$500,000 as an eligibility requirement for recipients
4. Use application language that the community uses, not jargon
5. Reserve 40% of grant programs to groups who have never received funding
6. Identify grant and policy programs that result in systemic remedies, instead of just addressing the problem as it is manifesting at the moment (e.g. don't just address flooding, address the root cause of why people of color were pushed to vulnerable lands and address how the climate crisis is playing out in communities that are repeatedly flooding)
7. Eliminate the current filter for eligibility as a grantee partner that is based on a very narrow set of criteria that favors large, established institutions
8. Make sure that peer review panels include community organizers who organize in Black, Indigenous and brown communities
9. Lower barriers to applying for grants and increase the reach (shorter proposals, more outreach)
10. Invest in collaborations where there are enough resources for every partner

III. Closing

In closing, I would like to reiterate that having this hearing is extremely important in the context of where we are as a nation and global community in reference to the climate crisis. We are grappling with a history of systemic impact on BIPOC communities that has never been addressed and the perpetuation of injustice. There are significantly better alternatives that have been tried and tested, and I hope the example and recommendations I have shared illuminate that and play a part in achieving the paradigm shift that is long overdue. Thank you once again for the opportunity to testify.

The CHAIRMAN. Thank you very much for your testimony. Let me now turn to recognizing Mr. Abdul Dosunmu, Campaign Manager for the Climate Funders Justice Pledge at the Donors of Color Network.

Sir, you are recognized for 5 minutes.

**STATEMENT OF ABDUL DOSUNMU, CAMPAIGN MANAGER,
CLIMATE FUNDERS JUSTICE PLEDGE, DONORS OF COLOR
NETWORK, DALLAS, TEXAS**

Mr. DOSUNMU. Thank you so much, Chairman Grijalva and Ranking Member Westerman, for this opportunity to address Members of the House on this important topic. Addressing and mitigating the impacts of climate change is the single most important issue we face as humanity.

I have a deep background in racial justice, having served in the Obama administration at the U.S. Department of Transportation and having founded a voting rights organization called the Young Black Lawyers' Organizing Coalition. And I bring that same racial justice lens to the work I do now to help shift the center of gravity in climate philanthropy. And I am pleased to be here today to talk about the Donors of Color Network and the Climate Funders Justice Pledge.

The Donors of Color Network is the first ever cross-racial community of high net worth donors of color and movement leaders committed to building the collective power of people of color to achieve racial justice and shift the center of gravity in both politics and philanthropy.

One year ago, we launched the Climate Funders Justice Pledge to shift the center of gravity and philanthropy toward racial and economic justice by challenging the nation's top climate funders to commit publicly to greater transparency and to giving at least 30 percent of their U.S. climate funding to the BIPOC-led justice groups that have an outsized impact in beating back the climate crisis.

To date, we have spoken to 36 of the top 40 climate funders in the United States. So far, 26 funders have taken the pledge, including 8 funders who are in the top 40 in terms of assets. In just 1 year, we project that tens of millions of dollars in new resources will have been shifted to BIPOC-led organizations.

But there are still far too many funders sitting on the sidelines, and that has to change. A New School Study, in collaboration with Building Equity and Alignment, found that of the \$1.34 billion awarded to 12 national environmental funders, only 1.3 percent of it goes to BIPOC-led justice groups. And 1.3 percent isn't just a moral failing—it is an ineffective and losing strategy.

No winning social movement has succeeded without the leadership and guidance of a multiracial coalition. BIPOC leaders and organizations are the driving forces behind some of the most expansive climate policy in the country, whether it is Indigenous organizers disrupting billions of tons of greenhouse gas emissions annually, or BIPOC organizations driving forward the New Jersey and California environmental justice laws that preceded President Biden's Justice40 Initiative. And that is despite receiving a grossly inequitable share of funding.

Moreover, even though we know that the impacts of climate change hit low-income communities and communities of color first and worst, most climate efforts are primarily focused on strategies that prioritize the wealthy. That is because philanthropy is a space

that largely lacks meaningful diversity in its leadership ranks. As a result, the funder community has inherent implicit biases in grantmaking that historically have meant that communities of color are overlooked and under-resourced.

We must push these foundations beyond their biases and their excuses. Funders will say they don't know how to find BIPOC-led organizations. Others will say they are not aware of BIPOC-led academic policy perspectives and solutions. In response, we have compiled an expansive list of BIPOC-led organizations and movement networks and developed the most comprehensive compilation of U.S.-based BIPOC PhDs.

Imagine if the BIPOC-led organizations that are leading the fight against the climate crisis were actually funded at the same level as their White counterparts. Imagine if they had the resources to export their work at scale. Imagine if our climate movement was actually holistic instead of grossly disproportionate. With your help, we can shine a light on the solutions, like getting the largest funders to be transparent about how inclusive their grantmaking is by taking the Climate Funders Justice Pledge.

In closing, we asked the leadership of the top foundations one simple question: "Do you think 1.3 percent is a winning number?" And no one says yes.

Change is possible. I and the Donors of Color Network would love to be a resource for you as you work to build a winning climate strategy that harnesses the power of BIPOC leaders and tips the scale toward true justice and progress. Thank you so much.

[The prepared statement of Mr. Dosunmu follows:]

PREPARED STATEMENT OF ABDUL DOSUNMU, REPRESENTING THE CLIMATE FUNDERS
JUSTICE PLEDGE OF THE DONORS OF COLOR NETWORK

INTRODUCTION

Thank you Chairman Grijalva and Ranking Member Westerman for this opportunity to address members of the House on this important topic. Addressing and mitigating the impacts of climate change is the single most important issue we face as humanity.

I have a deep background in racial justice work. Since my time growing up in Dallas, Texas, I have long been invested in developing solutions to the uneven opportunity landscape that hinders our society from reaching its full potential. I served in the Obama administration at the U.S. Department of Transportation supporting the Department's work to promote equity in transportation. I am active in the voting rights movement through an organization I founded called the Young Black Lawyers' Organizing Coalition, or YBLOC. And I bring the same lens to the work I do now to help shift the center of gravity in climate philanthropy.

I am pleased to be here to talk about the Donors of Color Network and their Climate Funders Justice Pledge. Time is running out, and we need all hands on deck to win on climate. That means it's critical to better and further resource BIPOC-led, justice-focused organizations fighting on the frontlines—whether around President Biden's Justice40 Initiative or our own Climate Funders Justice Pledge. The private and public sector must work together to build a winning climate movement rooted in justice.

WHO IS THE DONORS OF COLOR NETWORK?

The Donors of Color Network (DOCN) is the first ever cross-racial community of high net worth donors of color and movement leaders committed to building the collective power of people of color to achieve racial justice and shift the center of gravity in both politics and philanthropy.

WHAT IS THE CLIMATE FUNDERS JUSTICE PLEDGE?

One year ago, we launched the Climate Funders Justice Pledge (CFJP), a climate justice campaign, to shift the center of gravity in philanthropy toward racial and economic justice, and challenge the nation's top climate funders to commit publicly to greater transparency and to give at least 30% of their U.S. climate funding to the BIPOC-led justice groups who have an outsized impact in beating back the climate crisis.

The CFJP doesn't ask for perfection. It asks for unflinching accountability and resourcing to people of color doing winning climate work. We aim to drive hundreds of millions of dollars to BIPOC-led organizations over the course of the pledge.

WHAT IS CFJP'S IMPACT TO DATE?

To date, we have spoken to 36 of the top 40 climate funders in the United States. Since our launch, some of the largest climate funders in the country have stepped up to take the pledge—like inaugural pledgers the Kresge Foundation and the Pisces Foundation. So far 26 funders have taken the pledge, including 8 funders who are in the top 40 in terms of assets. Every foundation that signs on chips away at the lack of transparency that surrounds philanthropy and begins to shift climate philanthropy toward greater racial and economic justice.

In just one year, we project that tens of millions in new resources will have been shifted to BIPOC-led organizations. But there's far too many funders still sitting on the sidelines—many of whom likely think resourcing BIPOC-led organizations is a tangential concern rather than an essential piece of their climate strategy. That has to change.

WHY IS IT CRITICAL TO MOVE RESOURCES TO BIPOC-LED ORGANIZATIONS IN ORDER TO HAVE A WINNING CLIMATE STRATEGY?

A New School Study, in collaboration with Building Equity and Alignment, found that of the \$1.34 billion awarded to 12 national environmental funders, only 1.3% goes to BIPOC-led, justice-focused groups.

1.3% isn't just a moral failing—it's an ineffective and losing strategy. Philanthropy funnels countless resources into the same big organizations and strategies, but we haven't moved the needle far enough. It's time to change.

We will not win on climate if we leave the power and expertise of leaders and communities of color on the table.

No winning social movement has succeeded without the leadership and guidance of a multiracial coalition. BIPOC leaders and organizations have an outsized impact in advancing winning climate policies, programs, and projects, at the local, state, and national level. They are the driving force behind some of the most expansive climate policy in the country—policy that's critical in tackling climate change—as well as some of the biggest wins against Big Oil.

If you don't know the movement leaders of color in the climate movement and the vital role they have played, it's because funding also dictates which stories are heard. But the successes are there and they are incredible.

Whether it's Indigenous organizers disrupting billions of tons of greenhouse gas emissions annually or BIPOC organizations driving forward the foremost environmental laws—the New Jersey and California environmental justice laws that preceded President Biden's Justice40 Initiative—our most impactful climate wins are largely led by people of color. And that's despite receiving a grossly inequitable share of funding.

Moreover, even though we know that the impacts of climate change hit low income communities and communities of color first and worst, most climate efforts are primarily focused on strategies that prioritize the wealthy.

The climate movement as it stands generally focuses on a top down approach, but if the goal is to save lives and our planet—*now and in the future*—then we need to center those on the frontlines of climate disasters. BIPOC justice-focused organizations and leaders are the ones doing that work at scale—and it will be desperately needed in the years to come.

BARRIERS TO ADVANCING JEDI?

Philanthropy is a space that largely lacks meaningful diversity in its leadership ranks. As a result, the funder community has inherent, implicit biases in grant-making that, historically, have meant that communities of color are overlooked and under-resourced.

We must push these foundations beyond their biases. Failing to fund BIPOC-led organizations will leave us scrambling to address climate change.

The CFJP is a hopeful campaign and we aim to support any pledger who is looking to be a part of this change, whether that funder is far below our 30% threshold or well above it.

By and large, the concerns we hear from apprehensive funders can be directly tied to “traditional” or “established” funding practices that limit the scope of their climate response.

Funders will say that they don’t know how to find and connect with BIPOC-led organizations or grantees that are outside of their typical funding rotation. Some say they’re not aware of BIPOC-led academic perspectives and policy solutions. Others say they’re not sure how to collect the funding data we ask for in pursuit of transparency.

In response, we have compiled an expansive list of BIPOC-led organizations and movement networks, both national and regional in focus; developed the most comprehensive compilation of U.S.-based BIPOC PhDs, who are some of the foremost guiding lights in our climate crisis; and created easy to follow templates for funders to collect their data that literally can be done in minutes.

These hesitations often stem from the belief that BIPOC-led groups are not an essential part of our fight to combat climate change. That is misguided and harmful.

Funneling the same hundreds of millions of dollars into the same climate organizations every year is *not producing results or building a winning movement*.

BIPOC-led organizations are the ones who are standing up to the fossil fuel industry and shutting down dangerous power plants and pipelines across the country. Imagine if they were actually spoken to, engaged, funded and supported at the same level as their white counterparts. Imagine if they had the resources to export their work at scale. Imagine if our climate movement was actually holistic instead of grossly disproportionate.

WHAT CAN YOU DO?

With your help in shining a light on the solutions—like getting the largest funders to be transparent about how inclusive their grantmaking is by taking the Climate Funders Justice Pledge—we can ensure those with most at stake are able to scale the already excellent work that they have been doing.

CONCLUSION

The Donors of Color Network realized that the public statements on diversity, equity and inclusion of the largest funders did not match their funding. We wrote to the leadership of all of the top foundations and asked: do you think 1.3% is a winning number? No one says yes.

Again, we called on funders to do two things—be transparent, and pledge to be part of the solution. This means honestly answering “*What percentage of investments have gone to organizations where communities of color decide the agenda and are focused on justice?*” and scaling US grantmaking to BIPOC-led, justice focused organizations to 30%.

Change is possible. But we need speed and scale for that, and we need public/private partnership. I and the Donors of Color Network would love to be a resource for you to help expand knowledge of solutions needed on the ground to complement your work building a winning climate strategy. You have the privilege of sitting in decision-making seats. You have the power to bring visibility and resources to BIPOC leaders pioneering amazing solutions. Harnessing that power, is how we tip the scale toward true justice and real progress.

The CHAIRMAN. Thank you very much. I appreciate your testimony. Now let me turn to and recognize the Honorable Mark A. Freeland, Delegate to the Navajo Nation Council.

Sir, welcome, and you are recognized for 5 minutes.

**STATEMENT OF MARK A. FREELAND, NAVAJO NATION
COUNCIL DELEGATE, CROWNPOINT/TSE'LI'AH/ NAHODISH-
GISH/BECENTI/WHITEROCK/LAKE VALLEY/HUERFANO/
NAGEEZI CHAPTERS, WINDOW ROCK, ARIZONA**

Mr. FREELAND. Thank you, House Committee on Natural Resources Chairman Raúl Grijalva, Ranking Member Bruce Westerman, and the Subcommittee members of the Natural Resources Subcommittee on Oversight and Investigation. My name is Mark Freeland, and I am a Council Delegate on the 24th Navajo Nation Council, which is the legislative body of the Navajo Nation Government. As a formal introduction, by our Navajo custom, my maternal clan is Tótsohnii. My paternal clan is the Kinyaa'áanii. My maternal grandfather clan is Tsénjíkini, and my paternal grandfather clan is Tsenabahilnii. My clans define me as a Navajo and identify me to the ties of my people and to our great Navajo Nation.

As a member of the 24th Navajo Nation Council, the governing body of the Navajo Nation, I am honored and privileged to be a Member of the Council's Natural Resources and Development Committee, which regulates oversight authority over all of the Navajo Nation's water, land, environmental protection, cultural resources, minerals, and economic development, among other areas.

The Navajo Nation is comprised of approximately 399,594 Navajo citizens and covers 27,000 square miles of land in Utah, New Mexico, Arizona, and Colorado. This area is subdivided into 110 chapters, local governments that represent local voices of our people, and work on the local level to see to the needs of our people, as well.

I am here today to testify on behalf of the Navajo people who have lived and still do live in and around the greater Chaco area since time immemorial. Their voices have been lost in the public discussions about oil and gas development activities and the discussions regarding a buffer zone around Chaco Canyon National Historic Park.

The White House has stated, as did Congress, that the rule would not apply to individual Indian allotments, or to minerals within the area owned by private, state, or tribal entities. However, in reality, the rule would have a devastating impact, because the indirect impacts would make the allottee land worthless from the standpoint of energy extraction.

In attempts to negotiate with our congressional representatives, the Navajo Nation Council passed legislation that agreed to reduce the size of the 10-mile buffer zone to 5 miles as a compromise to reduce the impact toward our Navajo allottees. We are willing to continue these discussions with the Federal Government, but announcing this initiative at a White House Tribal Nations Summit, knowing that the Navajo Nation Council and local government entities have passed resolutions in opposition, was an unwarranted affront to the Navajo Nation.

Navajos have lived in the Southwest since time immemorial and as Navajo people, our clans and our ceremonial history is tied to Chaco Canyon and the landscape. Much of our life-ways begin in the greater Chaco region, and our Navajo people are concerned about their life-ways, ceremonial use areas, plant and mineral

gathering areas, offering places, historic burials, as well as archeological sites throughout the region, which are still in use today.

Recently, Secretary Haaland issued a proposed mineral withdrawal on Federal lands from any development. The BLM, the Bureau of Land Management, published in the Federal Register on January 6, 2022, the proposed withdrawal of 351,479 acres of Federal lands from development for a 20-year term. We have some really strong concerns regarding that Secretary Haaland did not consult with the Navajo Nation before making this decision on Federal action.

In the announcement for the administrative decision, Ms. Haaland was quoted as stating that the decision was based on the cultural resources investigation studies that tribes were awarded to conduct within the Chaco Canyon region. The Navajo Nation has yet to complete these ethnographic studies to date.

The Navajo Nation sent a letter to her and to President Biden in December 2021 detailing our concerns regarding these activities in the Eastern Navajo Agency. As of today, we have not gotten a response from President Biden or Secretary Haaland.

Let me remind you, the greater Chacoan landscape is a part of Navajo Nation lands and individual allotments. It is our front yard. It is our home. Secretary Haaland has completely ignored and disregarded the executive directives given by President Biden regarding tribal consultation on Federal actions and decisions.

Withdrawal may affect development on Navajo trust lands and individual allotments, in particular, improving infrastructure to access minerals in these lands. The Department of the Interior did not provide adequate notice nor offer consultation with the Navajo Nation prior to making this administrative decision.

Most importantly, we ask the Department of the Interior, the BLM, the BIA, and the Biden-Harris administration to respect Navajo cultural connections to this landscape. Navajo people have lived in the Chaco region for innumerable generations and must be consulted in the same regards, give consent regarding development of mineral resources and the impact to their quality of life, and engage in meaningful government-to-government consultation with the Navajo Nation and its people.

In closing, myself and the 24th Navajo Nation Council respectfully and rightfully request with collaborative efforts and extend an invitation to the House Natural Resources Committee to participate in a field hearing on the Navajo Nation, the Eastern Navajo Agency, and located in the Nageezi Chapter. This hearing would assist in the ongoing collaborations of the Navajo Nation and your leadership in regards to hearing the Navajo Nation allottees and their voices toward these matters.

Mr. Chairman, thank you, and God bless each and every one of you.

[The prepared statement of Mr. Freeland follows:]

PREPARED STATEMENT OF MARK FREELAND, COUNCIL DELEGATE TO THE 24TH
NAVAJO NATION COUNCIL AND MEMBER OF THE RESOURCES AND DEVELOPMENT
COMMITTEE

Thank you House Natural Resources Chairman Raul Grijalva and Ranking Member Bruce Westerman, and Subcommittee Members of the Natural Resources Subcommittee on Oversight and Investigation. My name is Mark Freeland and I am

a Council Delegate on the 24th Navajo Nation Council—which is the legislative branch of the Navajo Nation Government. As a formal introduction by our Navajo custom, my Maternal Clan is Tótsohnii, Paternal Clan is Kinyaa’áanii, my Maternal Grandfather clan is Tsénjikini and my Paternal Grandfather clan is Tsenabahilnii. My clans define me as a Navajo and identify me to my ties to my people and to the Navajo Nation.

As a member of the 24th Navajo Nation Council, the governing body of the Navajo Nation, I am honored and privileged to be a Member of the Council’s Resources and Development Committee, which regulates oversight authority over all The Navajo Nation’s water, land, environmental protection, cultural resources, minerals, and economic development, among many other areas. The Navajo Nation is comprised of approximately 399,594 Navajo citizens on over 27,000 square miles of land covering Utah, Arizona, New Mexico and Colorado. This area is subdivided into 110 Chapter governments that represent the local voice of our people and work on the local level to see to the needs of our people.

As leaders of the Navajo Nation, we take great pride in our cultural connections to our land and our people. I am here to testify on behalf of the Navajo people who have lived and still do live in and around the greater Chaco area since time immemorial. Their voices have been lost in the public discussions about oil and gas development activities, and the discussions regarding a buffer zone around Chaco Culture National Historical Park. Collectively leadership from the Navajo Nation is equally concerned that environmental organizations have made a point to target Chaco Culture National Historical Park for political or financial gain without listening and taking into account the people that are from the region. Chaco Canyon is located on Navajo Nation lands. As leaders of the Navajo Nation we have come to understand that part of the impetus of Chaco Canyon protection came from the National Parks Conservation Association (NPCA). They have been one of the primary environmental advocacy group for National Parks and for years have launched a campaign calling for buffers around parks called “Spoiled Parks: the 12 National Parks Most Threatened by Oil and Gas Development” (the “oil” is capitalized by them in the title). NPCA’s website features Chaco at the top of their list: www.npca.org/spoiledparks.

Consequently, Congress for the past 6 years have considered multiple proposals to create a buffer zone around the Chaco Culture National Historical Park, at the additional request of the All-Pueblo Council of Governors, but unfortunately, continue to ignore the desires of the Navajo people whose lands would actually be impacted by such a decision. This issue is important to the Navajo Nation; specifically, to our Navajo allotment owners. Again, I want to point out that none of these environmental organizations, tribes, State or Congressional leaders have taken the time to meet with our people on the Navajo Nation, despite repeated requests, letters, and teleconferences.

There are currently 53 Individual Indian Allotments (IIA allotments) leased in the 10-mile buffer zone around Chaco based on the latest map proposed in the legislation considered by Congress. These allotments generate an average of \$6.2 million a year in royalties for approximately 5,462 allottees. Many allottees, including Navajo elders, rely on this income to meet their daily needs. However, the gravity of this decision is much larger as there are 418 unleased allotments associated with approximately 16,615 allottees. So, this rule very well could impact over 22,000 allottees.

The White House has stated, as did Congress, that the rule would not apply to Individual Indian Allotments or to minerals within the area owned by private, state, and Tribal entities. However, in reality, the rule would have a devastating impact because the indirect effects would make the allottee land worthless from the standpoint of energy extraction. For example, the Mancos Shale reservoir lies south of Counselor, Huerfano and Nageezi Chapters and north of the Chaco Park. To maximize full extraction of the product, a horizontal lateral crossing of two to four miles of subsurface may be required. Due to the cross jurisdictional land status in Navajo Eastern Agency, a proposed horizontal lateral may need to cross federal land. But the Department of the Interior has already told us that any horizontal drilling that requires access through federal lands would be prohibited under the proposed rules.

In attempts to negotiate with our Congressional representatives, the Navajo Nation Council passed legislation that agreed to reduce the size of the 10-mile buffer zone to 5 miles to reduce the impact on Navajo allottees. We are willing to continue discussions with the federal government but announcing this initiative at the White House Tribal Nations Summit, knowing that that Navajo Nation Council and Local Navajo Government entities have passed resolutions in opposition, was an unwarranted affront to the Navajo Nation.

We are also mystified by the fact that only one listening session with 10 allottees was held in July with Assistant Secretary of Indian Affairs Bryan Newland as a way to support “tribal engagement” in the U.S. Department of the Interior’s press release issued November 11, 2021. Even more disturbing is hearing the Department of the Interior commit to “early, robust, interactive, pre-decisional, informative, and transparent” tribal consultation when essentially no tribal consultation has been held with critical stakeholders in this case. By simply bypassing true and inclusive tribal consultation with the Navajo Nation and our Individual Indian Allottees, the Biden-Harris Administration is markedly undermining its trust responsibility they owe to the Navajo Nation and the 22,000 Individual Indian Allottees impacted by this decision.

To evince respect to us as a sovereign government and people we insist Congressional leaders and the Administration not to move forward on this initiative without first reaching an agreement with the duly elected leaders of those affected by it. We ask that you engage in proper tribal consultation before finalizing the proposed BLM land withdrawal around Chaco Culture National Historical Park.

Navajo Cultural Ties to Chaco Culture National Historical Park

Let me tell you a little about the Navajo people. We have deep connections, from pre-contact to the present, to the many places throughout the Chacoan area. Navajos have lived in the Southwest since time immemorial and as Navajo people, our clans, and oral ceremonial history is tied directly to Chaco Canyon and the landscape. Much of our life-ways begin in the greater Chaco Canyon region. Navajo people are concerned about their life-ways, ceremonial use areas, plant and mineral gathering areas, offering places, historic burials, as well as the archaeological sites throughout the region in which are all still in use today. Some of our Navajo Traditional Origins include the following:

- Navajo clans such as the Kinyaa’aanii (Towering House) originated from the Chacoan Great House, Kinyaa’a, near the present Navajo town of Crownpoint. Sub-clans include Tazhii Dine’e (Turkey people), Doot’izhi Dine’e (Turquoise people), and Dzil T’anii Dine’e (Mountainside people). These subclans were important in the overall functioning of the “Chacoan system”. This is just one example.
- Many Navajo ceremonials reference or begin in the Chacoan region. For instance, the Navajo ceremonials, the Yoo’ee (Beadway) begins here. The ceremony is for healing both the individual and the community of personal and social ills. In addition, the eagle catching traditions of the Navajo people are deeply embedded in the Chacoan landscape. Both ceremonial traditions include the built environment (archaeological sites), and natural features in the greater Chacoan landscape.
- Many songs, prayers and oral narratives begin at, or incorporate Chacoan places. For instance, Tse diyilii (Fajada Butte), is a prominent place in the Ajilee (Excess Way), T’eeji (Nightway), Na’at’ooji (Shooting Way) ceremonials.

Federal Jurisdictional Maze Around Chaco Culture National Historical Park

The Eastern Agency of the Navajo Nation is a complicated mixture of Federal, Navajo Nation, State, Individual Indian Allotments (IIA), and private lands. Navajo people who live here are forced to negotiate the complex web of jurisdictions in their daily lives, ceremonial practice, and development activity related to oil and gas leasing. As stated above, there are approximately 53 Individual Indian Allotments (IIA) in the proposed 10-mile buffer zone. Many of them have oil & gas leases that generate more than \$6 million annually for the Navajo allottees. Now, it is important to note that only Navajo people live in this area. No other tribe have lands here. We have stewards of the natural and cultural resources of the area for countless generations/time immemorial.

As part due-diligence to protect this area, the Navajo Nation is a participant in the EIS for the Farmington-Mancos-Gallup Resource Management Plan Amendment (RMPA) for the past few years. The local Navajo Chapters, particularly the Tri-Chapter Coalition (Naagizi, Ojo Encino, and Counselor Chapters) is active in voicing their concerns about the effect of the oil & gas development in their communities. The Navajo Nation is also participating in the development of a Programmatic Agreement (PA) for the Section 106 process of the NHPA for the RMPA process. The Record of Decision (ROD) for the EIS will not be signed until the PA is completed and signed. There are numerous interested and concurring parties for the EIS, including 24 Indian Tribes from across the Southwest.

Also, as a response to the activities of Congress for the last few years regarding Chaco Canyon, the Navajo Nation has been allocated funding to undertake an ethnographic project. The Navajo Ethnographic Study for the Chaco Region:

- In 2020, the BIA/DOI provided \$1 million for tribes to conduct ethnographic studies. The Navajo Nation received \$434,000 to conduct an ethnographic study to identify cultural resources of importance to the Navajo People in the Chaco area. The remaining funds went to other Tribes/Pueblos.
 - An additional \$600,000 was added to this BIA project. The additional funds went to other pueblo tribes (total allocation to Puebloan tribes is \$1,166,000)
 - The Navajo Nation requests additional funding to complete the study, which include popular publications for the public, and development of curriculum materials for local schools to teach Navajo youth about their heritage.
- The project area spans much of the Eastern Navajo Agency with particular emphasis on the planning area for the RMPA.
- The Navajo Nation contracted a Navajo-woman owned firm in Farmington, New Mexico to conduct the study-Dinetahdoo Cultural Resources Management, Inc. (DCRM). The contract is managed by the NNHHPD. DCRM has begun interviewing, and we expect a final report to be delivered before the end of the current federal fiscal year in September 2022.
 - local people living in the area will be interviewed, plus individuals whose families used to live in the area, and knowledgeable ceremonial practitioners to provide a more complete picture of the long and rich history of Navajos in the Chaco area.

The report will be delivered to the BIA's national headquarters and will also be shared with the BLM Farmington Field Office, and the BIA Navajo Regional Office. Hopefully these agencies will use the information for land management and resources management activities and decisions.

No Federal Tribal Consultation with Navajo Nation

Recently, Secretary Haaland issued a proposed mineral withdrawal on federal lands from any development. The Bureau of Land Management published the Federal Register on January 6, 2022. The proposal will withdraw 351,479.97 acres of federal lands from development for a 20-year term. We have some very strong concerns:

- Secretary Haaland did not consult with the Navajo Nation before making the decision on this federal action. In the announcement for the administrative decision, Haaland is quoted stating that the decision was based on the cultural resources investigation studies that tribes were awarded to conduct within Chaco Canyon. The Navajo Nation has yet to complete the ethnographic study to date. The Navajo Nation sent a letter to her and President Joe Biden in December 2021 detailing our concerns regarding development activities in the Eastern Navajo Agency. As of today we have not gotten a response from President Biden or Secretary Haaland. Let me remind you, the greater Chacoan landscape is part of Navajo Nation lands, and Individual Indian Allotments. It's our front yard, our home. Secretary Haaland has completely ignored and disregarded the Executive Directives given by the Biden Administration requiring Tribal Consultations on Federal actions and decisions.
- Withdrawal may affect development on Navajo trust lands and Individual Indian Allotments, in particular, improving infrastructure to access minerals on these lands.
- The Department of Interior did not provide adequate notice or offer consultation with the Navajo Nation prior to make this administrative decision.

Most importantly we ask the Department of Interior, the BLM, the BIA, and the Biden-Harris administration RESPECT Navajo cultural connections to the Chacoan landscape. Navajo people have lived in the Chacoan region for innumerable generations, and must be consulted and in some regards, give consent regarding development of mineral resources, and the impact to their quality of life. Engage in meaningful government-to-government consultation with the Navajo Nation and also the Navajo people. Perhaps this committee could also ask environmental organizations like National Parks Conservation Association, what formal consultation

and guidance they have received from the Navajo Nation to allow them to use our landscape and people for their financial and political gain.

In closing, myself and the 24th Navajo Nation Council respectfully and rightfully request with collaborative efforts, and extend an invitation to the House Natural Resources Committee to participate in a field hearing in the Navajo Eastern Agency. This hearing would assist in the ongoing collaborations of the Navajo Nation and your leadership in regards to hearing to Navajo Allottees positions and voices on these matters. In addition, the proposed cultural resource investigation (“study”) that was commissioned by Congress and authorized congressional appropriation to the Navajo Nation and to the All-Indian Pueblo Council to be performed by cultural experts within the Chaco Canyon and Chaco Culture National Historic Park, is still ongoing. The cultural resources investigation being conducted by our own Navajo Nation Heritage & Historic Preservation Department is allowing the Navajo Nation to identify the culturally and historically significant areas to the Navajo Nation and we urge Congressional leaders to wait until study results are completed before requesting any administrative withdrawals by the Secretary of Interior.

QUESTIONS SUBMITTED FOR THE RECORD TO THE HON. MARK A. FREELAND, NAVAJO NATION COUNCIL DELEGATE

The Honorable Mark A. Freeland did not submit responses to the Committee by the appropriate deadline for inclusion in the printed record.

Questions Submitted by Representative Moore

Question 1. In your written testimony, you noted that leadership from the Navajo Nation were concerned that environmental groups target Chacon Canyon for political and financial gain. Can you elaborate on these concerns?

The CHAIRMAN. Thank you, Mr. Freeland, Delegate Freeland, and I appreciate your comments. Let me now recognize Mr. Peter Forbes, Co-Founder of First Light.

Mr. Forbes, you are recognized, sir.

STATEMENT OF PETER FORBES, CO-FOUNDER, FIRST LIGHT, WAITSFIELD, VERMONT

Mr. FORBES. Thank you, Chairman Grijalva, Ranking Member Westerman, for your leadership in raising these issues. My name is Peter Forbes.

I want you to know me as a farmer who works and earns a livelihood from the land in Abenaki territory and as a White man committed to changing conservation culture.

I believe in the promise of our public lands to tell a story about this nation that brings us together, gives us meaning, prepares us for the future. To care for the land isn’t Republican or Democrat, conservative or liberal. To care for the land isn’t even reserved for environmentalists. To care is simply human.

These beliefs led me to a career in conservation where I became an insider to national organizations. But my bedrock belief in people often made me an outsider to those same institutions where I mostly saw my own privileged, White world celebrating the land while denying, through intention and blind neglect, those same benefits to others and their very history and experience of it.

[Slide.]

Mr. FORBES. I come to you to share my own experience and to dialogue. My culture has always thought of itself as White angels. This isn’t my concept. John Gast painted it in 1872 and named it

American Progress. My culture has never reconciled what Manifest Destiny created: the two American atrocities of human enslavement and Indigenous genocide. Every acre taken by Manifest Destiny was stolen from someone else, often violently.

We have an opportunity now to create healing and reconciliation through an honest telling of history and its impacts.

[Slide.]

Mr. FORBES. This is a map of Indigenous land loss on this continent. Despite White settlers' best efforts over hundreds of years, Indigenous people and their cultures were never removed from this continent, though dispossessed of land and life-ways and still oppressed today.

[Slide.]

Mr. FORBES. And here is a map of conservation land gained during the same time period. Rarely does conservation talk about its connection to the history of Black and Indigenous land dispossession. Too much we persist in seeing ourselves as White angels saving the land, having the right answers, paternalistic, and reducing the agency of BIPOC communities, even as we preside over existential challenges such as species extinction, climate instability, social unrest, and a burning continent. Our poets write their last love letters to last places while environmental culture remains insulated from the wisdom that has always been right here within other people.

National Parks Conservation Association is in that process of changing themselves by elevating BIPOC leaders and knowledge. They publicly challenge themselves to have at least 50 percent of their staff be people of color within 5 years. All of these environmental groups need to re-examine their own history and speak to their own past betrayals. Organizations like NPCA addressing race and history isn't mission drift—it is mission maturity. This is a genuine invitation to enter a dialogue on more equitable terms about what other cultures need from our public lands.

The role of White leadership is to create our own cultural shifts and take direction from Black and Indigenous leaders. For example, in Maine, with our country's Whitest population, 65 conservation groups there have organized themselves into a collective called First Light to take direction from Wabanaki leaders on what lands must be returned and how all lands must be better cared for. Conservation groups there have returned thousands of acres and granted access to 78,000 acres, with more to come.

This repairing and returning must become our long work if we are to mature beyond being White angels tossing bread crumbs to seagulls. This is about finally learning from those who we have ignored and dismissed the longest. Biodiversity, fire management, climate adaptation, and basic land use are all done better with traditional ecological knowledge.

[Slide.]

Mr. FORBES. The Nature Conservancy, who manages over 100 million acres worldwide, is partnering with the Klamath Tribe in Oregon to bring their knowledge into fire management, the benefits of which are vividly seen here in this photograph of the different results in land health when done with and without cultural burning by the Tribe.

Justice, equity, diversity, and inclusion between people has always been essential to caring for the land, long before this moment, but ever more important now. This is the time for my culture to work harder, building a practice of listening and moving at the speed of trust. Thank you.

[The prepared statement of Mr. Forbes follows:]

PREPARED STATEMENT OF PETER FORBES, NAVAJO NATION COUNCIL DELEGATE

I'm grateful to the committee and its staff for this opportunity to address very important issues. Thank you, Chairman Grijalva and Ranking Member Westerman for your leadership.

I want you to know me as someone who works and earns a livelihood from the land, who lives in a rural part of this country, is a weekly ambulance driver on an all-volunteer squad, someone who has never before given such testimony.

As a farmer, I can't join this conversation without honoring the contributions to our country made by Black and Brown farmers, that topic deserves its own hearing.

I believe in the relationship between land and people; I also believe in the promise of our public lands to tell a story about this nation that brings us together, gives us meaning, prepares us for the future. My physical connection to the fields, forests and animals of our farm creates caring. And to care isn't Republican or Democrat, conservative or liberal. To care is not reserved, even, for environmentalists. To care is simply human.

These beliefs led me to a career in conservation where I became an insider to national and global organizations as an employee, leader, organizer. But my bedrock belief in people often made me an outsider to those same institutions where I mostly saw my own privileged, white world celebrating the land while denying—through intention and blind neglect—those same benefits to others as well as their very history and experience with it.

I come to you to share my own experience and to dialogue.



My culture has always thought of itself as white angels. This isn't my concept. It's been demonstrated over and over since John Gast painted it in 1872. His *American Progress* became the symbol of the doctrine of discovery and manifest destiny. My culture has never reconciled what manifest destiny created: the two American atrocities of human enslavement and genocide. Every acre taken by manifest destiny was stolen from someone else, often violently. We have an opportunity to create healing and reconciliation through an honest telling of history and its impacts.

Indigenous Land Loss—Before**Indigenous Land Loss—After**

This is a map of Indigenous land loss on this continent. Despite white settlers' best efforts over hundreds of years, Indigenous people and their cultures were never removed from this continent. Though powerfully dispossessed of land and lifeways and still oppressed today, the people and their ecological wisdom are here. Environmentalists must care about the people equal to the wisdom; the two can't be separated.

Here's a map of land conservation gain during the same time period.

Conservation Land Gain—Before



Conservation Land Gain—After



While conservationists inspire themselves at staff retreats with stories of land conservation's growth, rarely does conservation talk about the other history of Black and Indigenous land dispossession that was unfolding at the exact same time. Doing so goes against our perception of ourselves as good, but environmentalists can't actually become "good" without engaging it.

Too much, we persist in seeing ourselves as white angels, saving the day and the land, having all the right answers, paternalistic and reducing the agency of BIPOC communities, even as we preside over existential challenges such as species extinction, climate instability, social unrest, and a burning continent. Our poets write their last love letters to last places while environmental culture remains insulated from other knowledge and wisdom that has always existed right here within other people who have different answers.

We're great at raising money, but less good at changing practices that open us to other worldviews. For example, Green 2.0 Transparency Report Card found that while 99% of NGOs have resources set aside to finance their JEDI efforts and 84% have written an explicit policy, the majority of surveyed NGOs don't have concrete ways to elevate Black and Indigenous voice in their organizations.

It's an obvious truth that not enough has been done, but genuine progress is being made.

Some organizations are taking responsibility for their own change, going beyond words into action. These groups aren't outsourcing their own shifts by asking to Black, Brown and Indigenous people to educate them, but beginning to create a different future by understanding and speaking of the past betrayals. Addressing race and history may be for some an attempt to prove wokeness, but for others it's a genuine invitation to Americans to enter a dialogue on more equitable terms about what the planet needs and what our relationships with one another need.

Organizations are elevating BIPOC leadership and centering their knowledge. National Parks Conservation Association is in that process: they've publicly challenged themselves to have 50% of their staff be people of color within 5 years. They've elevated staff of color into senior program roles and their executive team. This changes the conversations and actions that are possible. If you want to see where this can go, look at Grand Canyon Trust whose years of consistent Indigenous leadership on their board has led to innovative, successful local and national programs that are strengthening Indigenous communities, improving the health of the canyon itself, and changing what conservation means.

The role of white leadership is to create our own culture shifts, never to represent BIPOC voice. For example, in Maine, with our country's whitest population, 65 conservation groups there have organized themselves into a collective called First Light to take direction from a Wabanaki Commission and to follow Wabanaki direction on what lands must be returned, or opened to their uses, and how all lands might better be cared for. These lands trust have granted rights to 78,000 acres with much more to come. The shared goals are equity for Wabanaki people, yes, and also better land management for everyone's benefit. There's a similar collaboration among 22 conservation groups in Oregon to develop sufficient relationship and trust to take direction from Tribal leaders around returning rights, access and land.

This isn't conservation being white angels tossing breadcrumbs to seagulls; this is about taking direction from Black, Brown and Indigenous leadership to better care for the land and changing conservation to be about everyone's wellbeing through learning from those who we have ignored and dismissed the longest.

There's abundant evidence confirmed by my culture that biodiversity, fire management, climate adaptation and basic land-use all can be done better with traditional ecological wisdom. These practices have had significantly longer success than ours. That longevity in results may be the difference between knowledge and wisdom.

The Nature Conservancy, who manages over 100 million acres worldwide, has announced its own commitment to sharing power and knowledge with Indigenous people, the benefits of which are seen vividly here in this photograph of the different results in land health around fire when done with and without the ancient knowledge of the Klamath Tribe in Oregon. For almost 100 years, my culture thought it was absolutely right about fire suppression and wouldn't hear anything or anybody else.



There are many Americans who love this landscape, care well for it, but would never call themselves environmentalists. Conservation needs to join them. Doing so requires fundamental change through relearning, recentering, returning—if we are to join others in protecting our planet. For organizations doing the relearning, recentering and returning, this is not mission drift but mission maturity. This is the work of bringing our country's best minds to solve problems together.

These changes are real, and while heartening, this is certainly not a time to be congratulated. It's a time to work harder to be trustworthy to the many people who have been left out and denied. It's time for white-led conservation groups to build a practice of listening, to not take any bows but, instead, to bow our heads and to keep working.

Problems persist. Many white-led environmental institutions still put themselves first: being around for 100 years is more important than creating the change that's needed in the next five years. This has led to a hoarding of resources that can be seen in 10-figure endowments. Who really benefits from these endowments and resources? What will we do with that privilege? Will our actions be bold or soon enough?

Justice, equity, diversity, inclusion between people has always been essential to caring for the land, long before this moment, but ever more important right now. The path forward requires my culture relearning history, recentering BIPOC leadership, returning resources; the hope is better care for this land we share and to replace that doctrine of discovery from 500 years ago with a new doctrine of relationship.

Thank you, and I'd be happy to answer any questions.

The CHAIRMAN. Thank you very much, Mr. Forbes, and I thank all of you for your valuable testimony.

I remind the Members that Committee Rule 3(d) also imposes a 5-minute limit on their questions.

The Chair will now recognize Members for any questions they wish to ask. Let me begin by turning to the Ranking Member for his questions or comments.

Mr. WESTERMAN, sir.

Mr. WESTERMAN. Thank you, Chairman Grijalva, and thank you to the witnesses.

I want to start with Delegate Freeland. Thank you so much for sharing your story with the Committee today. It is actually very disheartening to hear how the views of the Navajo Nation were, quite frankly, just disregarded. As I said earlier, talk is cheap, and the Biden administration, they have a Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships. And in part it reads, "My Administration is committed to honoring

Tribal sovereignty and including Tribal voices in policy deliberation that affects Tribal communities.”

Delegate Freeland, in your opinion, did the Biden administration follow through on this commitment?

Mr. FREELAND. Mr. Chair, Ranking Member Westerman, thank you for that question.

To date, we have not received a response, as I said in my testimony. So, today would be no.

Mr. WESTERMAN. Can you detail the efforts that the Navajo Nation made to be included in the policy deliberation process?

It wasn't like you all weren't trying to be included in the process, was it?

Mr. FREELAND. Thank you for that question. Chairman Grijalva, Ranking Member Westerman, we have made several attempts to work through our Congressional Delegation, and we have done this through the prior administration, as well as this Administration, to have these voices heard. To date, we have not had a response to a letter we did send out, like I mentioned, in December to the White House and to the Department of the Interior.

Mr. WESTERMAN. But why do you think the Biden administration refused to engage you in this decision-making process?

I mean, we have read their memorandum. We see the focus of this hearing today. Yet, you have experienced something different. Do you have any idea why they would act different than they speak?

Mr. FREELAND. Chairman Grijalva, Ranking Member Westerman, it all stems from the withdrawal of the acreage of the BLM lands, and that is going to make a severe impact on our Navajo Nation allottees.

And I don't know if the Administration or the Department of the Interior completely understood or understands the potential impact this is going to cause to our Navajo people. And mind you that we do have about 20,000 to 25,000 of our Navajo people that will be impacted by this Federal withdrawal of BLM lands.

Mr. WESTERMAN. Yes. Hopefully, it is a misunderstanding. And I know you proposed having a field hearing. I don't think anything tells the story any better than actually going to the field and seeing and hearing from the people who are actually being affected. Maybe the Administration can reverse course and actually go out and talk to the people who this is affecting. That would be great, I think, if we could do a field hearing.

It seems to me that the Biden administration has made just a unilateral decision without your input. However, Navajo families are the ones that are suffering from the consequences of this decision. Can you describe in more detail the adverse impacts of a ban on oil and gas development?

What will be the day-to-day, on-the-ground impacts to Navajo families?

Mr. FREELAND. Thank you for that question, Mr. Chair and Ranking Member Westerman.

Right now, like I mentioned before, we have 53 individual Indian allotments out there within that 10-mile buffer. To date, that is going to impact about 20,000 to 25,000 of our Navajo Nation allottees out there. Now, they have that individual right to this

process of energy and mineral extraction because that is their land through inheritance.

Now, what is going to happen, of course, is that this impact will severely—they rely on these royalties for everyday needs, for food, for firewood, for propane, just for living. And that is going to make about a \$6 million impact to them right now.

In Navajo, we believe in customs, but there are always two sides to every story. And one side has been heard now, but our side has yet to be heard. And the Secretary did make a trip out there in November, and we were not consulted nor were we even invited. And we felt that was an insult to the Nation and to the Nation's leadership. So, that was hard to take.

And as a representative of that area, it falls to my chapter boundaries. So, it is going to make a severe impact, locally. These are people that rely heavily on this income, and these royalties that they receive, and they do have good relationships with the energy company. And I have seen this for myself. The oil companies do work with them directly. And it is going to make a severe impact on them.

So, we ask that the Committee please come out to Eastern Navajo Agency and hear from the people directly. Thank you, Mr. Ranking Member.

Mr. WESTERMAN. Thank you, Delegate. I couldn't help but think about—when we look around the world today, and we see what Putin is doing in Ukraine, with amassing troops basically on three sides of the country, and I am disheartened to know that over \$60 million a day of U.S. money is going to Russia to buy energy. And it seems like if we produce that energy domestically, maybe part of it off of the Navajo Nation, that that would benefit families there on your reservation more than it is benefiting a ruthless person who is trying to do harm in the world. It just doesn't make sense to me why your voices weren't heard.

And it is not just a temporary thing. My understanding is the Biden administration is pursuing a 20-year ban on oil and gas development around Chaco Canyon. I mean, that is part of your resources. What will you do? How will you generate income and jobs and allow communities to be built and families to grow without extracting these resources?

Mr. FREELAND. Mr. Chairman, Ranking Member Westerman, thank you for that question.

Let me start by saying that the Navajo people have always been very patriotic to this country, and we have always called during the time of need, whether it is in the armed forces or across this country. We are very patriotic, and we still are to this day. Some of our young men and women were actually headed toward Eastern Europe and had the call of duty. We are very proud of them, and we are very acknowledgeable to our warriors out there serving this country in the military. So, we are thankful for them.

As far as the energy extraction situation is concerned, right now this 20-year moratorium for a 10-mile buffer is going to severely impact—I mentioned the individual allotments. Energy companies are not going to want to go out there and just do one or two. They are going to want to do multiple allotments, or multiple areas—it is more cost effective that way. And they don't want to go out there

and just do one allotment. They want to do three or four at one time. It is going to make a severe impact, financially, on our Navajo people.

And all we are saying is, hear our people out. Give them some consideration. Give them some time to be heard. And I, as a representative, I feel really—

The CHAIRMAN. Thank you very much, and I am sure the other Members will, Mr. Freeland, be able to finish the thoughts. The time has gone over by a minute. We will extend that courtesy to other witnesses, as well, once.

Let me now turn to the Chairman of the Subcommittee, Mr. Huffman, if you have any questions, sir, for the witness.

Mr. HUFFMAN. Yes, thank you, Mr. Chairman. And it is good to see that our colleagues across the aisle have suddenly found interest in tribal consultation—certainly something that was missing whenever we considered any number of fossil fuel and mining projects in recent years: Keystone Pipeline, Dakota Access Pipeline. I mean, tribal concerns were nowhere on the map for our colleagues. But let us hope that this newfound concern is sincere and not just a pretext to advance the usual agenda of the fossil fuel and mining industries. I certainly hope that it is sincere.

But Mr. Chairman, thank you for calling this hearing. Let me also say how proud I am of the way that you and Mr. McEachin, in particular, have worked so steadfastly to elevate the consideration of under-served and disadvantaged groups and communities of color in all of the work we do. This hearing is important, and it has far-reaching implications.

I have the pleasure of representing California's 2nd District. And, of course, it has many affluent, predominantly White communities, but it is rapidly diversifying, and it is rich with Indigenous culture. In fact, my district is home to more federally recognized Tribal Nations than any other congressional district in the Lower 48. It is also home, as many of you know, to record-setting wildfires that are increasing in frequency and severity because of the climate crisis.

And last August, I had the honor of hosting Secretary Deb Haaland on a tour of California's north coast. She did something that no Secretary of the Interior has ever done for the tribes in my district. She sat down with them. She listened to their concerns and ideas, and she also toured some areas where Federal investments in tribal communities are creating and advancing both conservation and resiliency goals.

Not surprisingly, many of the tribal leaders that we spoke with highlighted the importance of forming partnerships with tribes and local stakeholders on environmental issues. I hear this a lot in my district and beyond. And we are starting to have some actual success stories on this front.

Mr. Forbes, you mentioned toward the end of your testimony how the Nature Conservancy has partnered with the Klamath Tribe in Oregon and helped improve forest health and fire resiliency. I wonder if you could elaborate a bit on how incorporating Indigenous leadership and traditional ecological knowledge in mainstream environmental institutions actually leads to better outcomes for

everyone, and I am particularly interested in hearing more about that wildfire example.

Mr. FORBES. Thank you, Congressman Huffman.

I mean, yes, despite our best intentions, there have been harmful practices like fire suppression, right? The knowledge that fire is essential to healthy land has always been there. We have simply ignored it. Decades of Western science fire suppression led to the build up of fuel. I think you know the story.

Alternatively, there have been practices, from traditional ecological knowledge around small-scale cultural burns done annually, reducing fuel loads, releasing seeds. But there are lots and lots of other examples of it. The U.N. came out with a report last year that said there is more biodiversity on Indigenous-managed land across the globe than on lands managed by Western science. Indigenous-stewarded lands tend to produce more pollinators, more birds, more mammals.

Those of us in agriculture, myself a farmer, there is so much that we can learn from Pueblo dryland farmers about how to produce healthy crops without diverting watersheds. There are as many examples, I think, of traditional ecological knowledge as there are diverse Tribal Nations themselves.

Mr. HUFFMAN. I appreciate that. So, in your view, why is it so important that White environmentalists and policymakers show up on these issues?

And what role do you think mainstream environmental NGOs should be playing in elevating and re-centering Indigenous perspectives?

Mr. FORBES. Well, I guess I want to say the future doesn't necessarily mean White-led, right?

I mean, White organization, White leaders who really care most about protecting the land need to care about that, not necessarily their role in it. I think White-led conservation groups need to re-examine their own origin stories to better understand what the myths are of those, what parts require repair with other people. I think that is really a very, very significant issue. Once you know the story of Indigenous land loss, it is not hard to understand, for example, how the concepts of wilderness, "untrammled by man," can come close to being erasure of a people's experience.

When there have been betrayals, we need to speak openly of them. We need to understand the treaties and really read them, and understand what is still owed and never been fulfilled in those agreements. We need to contemplate what we can do through private ownership of land to restore what public treaties haven't done. That is what is happening in Maine, and we hope in Oregon, as well.

The CHAIRMAN. We are almost done.

Mr. FORBES. I think we need to vigorously support efforts to move toward the co-management of land, those efforts grounded in our Department of the Interior and in Indigenous Nations.

Finally, I think we, in the conservation environmental movement—

The CHAIRMAN. You reached that minute threshold extension for your—

Mr. FORBES [continuing]. To build Indigenous capacity to step into those roles.

The CHAIRMAN. Sir——

Mr. FORBES. And I am talking here about transferring some of our endowments directly to tribes to enable them to step into those roles.

Mr. HUFFMAN. Thank you, Mr. Chairman. I yield.

The CHAIRMAN. Thank you, and we have extended the 1-minute courtesy, Mr. Forbes, that we extended to the other gentleman. So, thank you. That will be the end of those.

Let me now recognize Mr. McClintock for 5 minutes, sir.

Mr. MCCLINTOCK. Thank you, Mr. Chairman. I didn't do a mic check. Can you hear me?

The CHAIRMAN. I can hear you well.

Mr. MCCLINTOCK. Great, thank you very much. Well, I guess I would begin by raising the question, while we are making any grants to any groups, that these funds are often used as gigantic slush funds. They have little oversight, little followup, and little results, except enriching the groups that receive them.

If the Federal Government needs a particular good or service, it ought to send out a request for proposals, specify what it needs, and then award a contract to the lowest responsible bidder to provide that good or service, and then hold them contractually accountable for delivering that good or service, period.

This entire discussion reminds me of the scene in Ghostbusters when a typical grant recipient says he might have to go work for the private sector. "The private sector," he responds in horror, "Oh no, no, no. I have worked with the private sector. They expect results."

The entire discussion today underscores the principal purpose of these grants: to enrich the recipients. The Majority doesn't argue this point. They just think it is enriching the wrong recipients, based on their race. I think the American people have had enough of this nonsense.

Let's stop throwing money at whatever group happens to be in political favor and start being as frugal with it as the families that actually earn that money are with what they have left after they have paid their taxes.

Since the Biden administration took office and shut down energy exploration on Federal lands, canceled the Keystone Pipeline, and began a war on affordable energy, Americans' energy costs have skyrocketed. Anybody who has visited a gas station this year knows that. Anybody who has paid a utility bill knows that.

The Democrats in Congress that they elected couldn't care less. And you have just proven that, I think, remarkably in this hearing. What they care about is that the taxes paid by American workers go to people based on their race, ethnicity, gender, political views, and sexual preferences. That is what the Democrats care about. This is absolutely insane, and it is going to continue as long as the people responsible for it remain in office. It is that simple.

I yield back.

The CHAIRMAN. Mr. Lowenthal, you are recognized, sir.

[Pause.]

The CHAIRMAN. Let me now turn to, if he is available, Mr. Gallego.

You are recognized, sir.

Mr. GALLEGO. Thank you, Chairman, I appreciate it, and I apologize if I took Mr. Lowenthal's spot. I am sure I will make it up to him later.

I want to thank all the witnesses for sharing your time and perspectives with the Committee today.

As a Representative for the hottest district in the hottest city in the country, where the population is 62 percent Hispanic and 23 percent below the poverty line, the stakes of this conversation are sky-high for the people I represent. The effects of climate change and pollution are already being felt disproportionately by communities like mine. That means, in order to effectively fight climate change and prevent the worst of its effects, we have to put these frontline communities front and center.

That is why what we are doing here is very important. The perspectives and experiences of the groups that have the most to lose from climate change and environmental justice have been left out of policymaking for too long. I am glad to work with you and the Biden administration to change that. And I just have a couple of questions.

Ms. Chatterjee, your testimony says that the mainstream environmental movement's history of exclusion has resulted in failed attempts at durable climate policy because policymakers have ignored the very people that have an organized community behind them. Why do you think it is critical for environmental NGOs to include affected communities in the decision-making process?

Ms. CHATTERJEE. Thank you so much for your question.

Back in 2009, the last time we had a large effort to pass climate legislation, it failed. One of the critical lessons that has been learned from many historians who have studied that effort is that the conversation on equity was not sufficient so that communities were bought into that effort.

So, from my perspective, it is imperative that we make sure that communities are included in the conversation so that that policy cannot only pass, but that it can be durable because it has the backing of communities like the ones you represent.

Mr. GALLEGO. OK. And then in your testimony, you also mention that complex jargon and terminology is often used to hide real environmental dangers.

I see this all the time in my community, as well. Folks just may not understand the effects of certain chemicals or compounds, but they know dirty air leads to asthma in our kids, even particulate—I think I remember seeing different permits for different types of particulates, and the notification will go out. And, of course, usually the hearings are during the day, where many working-class people, especially people of color, can't take time off of work.

Can you also give some examples of how we can use plain language to combat this phenomenon?

Ms. CHATTERJEE. Sure, thank you. I think that the way that we organize in our communities is with language that people understand, language that you were just using.

We know that our kids have asthma. We know that kids are missing school when they have asthma attacks. We know who is causing this. We know who the culprits are. We know that it comes from pollution. We know that that pollution has been perpetuated by billionaires in the oil and gas industry, insisting that their polluting profits be in our communities. So, billionaires are making sure that our kids have asthma.

I think that making sure that people understand these very, very simple real-life effects, like not only of the immediate health effects, but also the effects of climate change. Why do we have more large wildfires? We have more large wildfires because of the same polluting billionaires who have kept this country addicted to a fuel that is literally poisoning our children.

And I think using that plain language of “we are poisoning our children,” “this is pollution,” just helps people understand what is going on a lot better than using number and letter sequences.

Mr. GALLEGO. Thank you. A question for Mr. Forbes.

Mr. Forbes, you mentioned the Grand Canyon Trust as a strong example of Indigenous leadership. Can you please expand how you believe that Indigenous leadership has influenced and improved the group’s work, and why incorporating the advice of affected communities is so important?

Mr. FORBES. Thank you, Congressman. By having Indigenous board members, it changes the conversations that happen in those meetings. It brings the opportunity for new conversations, new policies, new ways of thinking into the most senior aspects of the organization, and that changes programs. It changes everything. And it is going to ultimately lead to decisions that are better for the Grand Canyon, better for that organization. I think also better for the Navajo people.

Mr. GALLEGO. Thank you, Mr. Forbes.

Mr. Chair, I yield back.

The CHAIRMAN. Mr. Gallego, the gentleman, yields. Let me now recognize and invite for his 5 minutes Mr. Graves.

Sir.

[No response.]

The CHAIRMAN. If not, let me turn to and recognize Mr. Moore for his 5 minutes to question or comment with the witnesses.

Sir, you are recognized.

Mr. MOORE. Thank you, Mr. Chairman.

Delegate Freeland, I appreciate your comments and do share your frustration with the lack of consultation from this Administration on management decisions. In Utah, we have experienced this many times with Federal unilateral land grabs and designations. It is frustrating to be in. It is frustrating to be a part of this whole entire conversation.

I know my time in Congress has been short, but some of the things that I have valued the most—like I said, I am from Utah. The Ute Tribe is incredibly important to the entire heritage of our state. As I have spent a year in Congress, a little time leading up to my election in 2020, some of the things I look back on is my time meeting with the Ute Committee, their governing body of individuals. I ran against a Chairman of the Shoshone Nation in my general election, and you can go back and look at—I am sure you are

not all following Utah media, but the amount of collaboration and decency and civility that exists in Utah, it is frustrating to see a narrative get shifted into saying that my party doesn't care about this.

These are very complex issues and we dig into it deeply. And the time and the amount of effort that I have spent working with the Ute Tribe are some of the biggest highlights that I have had this year.

One of the most exciting infrastructure projects in recent memory is currently actually unfolding in Utah. For the first time in decades, a new private rail line is being constructed to carry energy, agricultural, and manufacturing products across my district and into the larger rail network. We have spent countless hours on this, and it has been a huge success for this area. This development, funded entirely by private dollars, will create many high-paying jobs. It enjoys unanimous support from leaders in Utah, the Federal Delegation, the Legislature, the Governor's Office, county leaders, the Senate Minority Leader and members of her leadership team, and more.

But most importantly and crucially, this project has the full and strong support—and they are equity players—in the Ute business, in the Ute Indian Tribe. They rely on this part of the energy industry. And it is frustrating to watch environmental groups that I feel are being—with a complete tunnel vision, with an outsized influence on some of the policy decisions that get made here, that don't take this reality into consideration.

I am going to try to yield a little bit of time back here. But Delegate Freeland, just a quick question I would love your response to: Why is it so important to include local voices, like those of the Navajo Nation, into decision making, and why can't we rely on bureaucrats in Washington, DC, or those that have outsized influence over policy to make decisions for us?

Mr. FREELAND. Mr. Chair and Congressman, thank you for that question.

Collectively, the Navajo Nation leadership is equally concerned that environmental organizations have pointed a target on Chaco Canyon, for instance, whether it is for political or financial gain—without listening or taking into account the people that are from that very region.

Now, the Chaco area is located on Navajo lands. And as leaders, we have to come to an understanding that this is a part of the discussion that came from the National Parks Conservation Association. They have been one of the primary environmental advocacy groups for national parks and for years have launched campaigns calling for buffers around 12 national parks that are most threatened by oil and gas, and Chaco was one of them.

And the last 6 years have been considerably—there have been multiple proposals and considerations. But that is a concern, without taking any consideration of the potential impacts to our people, as well. No consideration was given to our people at any level. Thank you.

Mr. MOORE. Thank you, Delegate.

Chairman, I would like to yield 1 minute of my time to Ranking Member Westerman.

Mr. WESTERMAN. Thank you, Representative Moore.

Mr. Forbes, you brought up a point that I think we have a lot of agreement on when you talk about how tribes manage forests. I had the great pleasure last summer to be out in south central New Mexico and visit the Mescalero Apache Tribe. I met Thora Padilla, who is a forester there. I studied forestry myself. I am telling you they were managing this Ponderosa pine forest textbook-style. It was almost perfect. We went up to the Lincoln National Forest where the Little Bear Fire burned 44,000 acres 12 years ago. It looked like a moonscape.

I think that the tribes manage because they can. The Forest Service doesn't manage because they are prevented. Do you have an opinion on that?

The CHAIRMAN. If you could make your response pretty quick, because the 5 minutes have already expired. Thank you.

Mr. FORBES. I would simply say I agree with you, Congressman, and I think every opportunity we have to integrate the Indigenous voice into management and follow that lead is really important.

And to Delegate Freeland, I agree with much that you have said, and all the environmental organizations I know and work with have a great deal of respect for the Navajo Nation. And—

The CHAIRMAN. The gentleman yields.

And on that topic, if I may, Mr. Westerman and Mr. Freeland and Mr. Forbes, I will just comment on that topic. This Committee will have in the near future, in the very near future, the opportunity to talk about codifying consultation as a process for Indian Country. We will have an opportunity to do that and to talk about this general consensus that we seem to be arriving at.

And then the other thing we will have, we will also have an opportunity to codify some of the protections for all communities, particularly impacted and marginalized communities, relative to the issue of environmental justice and participation in that decision making under NEPA. So, we will have an opportunity to deal with co-management initiatives legislatively going forward with regard to Indigenous people and tribes. We will have that opportunity to begin to look at it legislatively and codify it. Those are being expedited now and should be before us and for your input in the very, very near future.

With that, let me now turn to the Chair of the Subcommittee, Ms. Leger Fernández.

Representative, you are recognized.

Ms. LEGER FERNÁNDEZ. Thank you so much, Chair Grijalva, and thank you for leading the effort to have this conversation about the importance of consultation that, together with preservation and recognition of the many stories and ties to the land that people have, the Indigenous wisdom that must be brought to fore as we talk about all these issues, the voices that must be heard, but also the voices from around the country, from different people's ties, whether it is Latinos who have also been living on the land for a long time, who must also respect the Indigenous place, that is part and parcel of who we are and the work that I am so glad we are able to do in the Subcommittee on Indigenous Peoples. So, I really appreciate all the witnesses' testimony adding to that narrative.

And thank you so much, Delegate Freeland, for your tireless advocacy. I really appreciated the meeting that we had here in my office last week. As you know, we spoke about it last week, when we were planning the meeting that we had with the allottees, where you brought allottees in, and the Navajo Speaker's office, and you and other delegates together—I guess last spring is when we did that, so last spring. I really appreciated that.

And as you know and as we talked about last week, about the importance of listening as an ongoing act, as an ongoing process, and listening with both an open mind and an open heart. So, I join you, the Navajo and the Pueblo leaders, in striving to find the important balance, the important harmony that we must always look for in protecting the priceless cultural resources of Chaco Canyon, of the mineral rights of the allottees, of so many of these other places.

I really enjoyed when I was able to work in New Mexico a bit on that protection of Mt. Taylor, which is also one of those places that is sacred and protected for so many different tribes, the Navajo, the Pueblos, and the Zunis. And that collaboration that existed there in that discussion, I think, is really important.

But we also know that protecting cultural properties requires significant investment of tribal resources, resources that you don't always have. It takes money to hire the staff. You have an amazing staff there, in your tribal—your THPO. That is why I led the inclusion of additional funding in the House-passed appropriations bill for cultural studies.

I also introduced a bill just last week that would dedicate increased resources to the Historic Preservation Fund, which will help fund your THPO office and all other THPO offices and state offices.

So, a common theme that I think we have heard today that Chair Grijalva recognized is the need for Latino, Native American, and the under-represented voices to access funding opportunities. I know what that is like because I have spent my lifetime representing tribes, representing northern New Mexico, and I know how hard it is to access that Federal funding, and that there are these additional challenges that rural communities face from the lack of broadband to be able to get that funding. We are going to be trying to work on a lot of that through the infrastructure bill.

But I want to take it down to sort of what could we do better. Ms. Chatterjee, in your testimony, you discuss the need to lower the barriers for under-represented organizations to apply for grants. What are the changes you think could make it easier for organizations and communities to apply and manage those grants, while still maintaining—you know, people are worried about maintaining oversight. What would you recommend to us, both for foundations and for Federal Governments?

Ms. CHATTERJEE. Thank you so much, Congresswoman Fernández. I think that one of the big things is making the application process less complex. We know that for small, grassroots organizations, spending hours and hours and hours is impossible to do and is really burdensome.

I also think that giving multi-year support becomes really important so that groups have the flexibility to assess and determine

how to achieve justice within their own communities, repair past harms, and prevent future harms. If you want to, for example, hire somebody to do the work, you really have to understand that you have resources for a few years.

And then, of course, just seeking out conversations to understand what has happened in those grants, as opposed to having, like, very, very onerous reporting requirements. I think that changing these requirements will actually increase the standard and the work that is getting done.

Ms. LEGER FERNANDEZ. Thank you, and I see my time is expired. I yield back, Mr. Chairman.

The CHAIRMAN. Let me return to Mr. Graves.

Sir, you are recognized for 5 minutes.

Mr. GRAVES. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Mr. GRAVES. I hope you all are having a great day today. I want to thank the witnesses for coming and testifying.

Ms. Chatterjee, I could certainly point out a number of things in your testimony I don't agree with. But one thing I perhaps want to highlight that I think I do agree with is that you made comments about the lengthy process and bureaucracy associated with grantmaking. And to some degree I think you covered kind of the black box process, the lack of transparency. And I do want to make note that I do think that there are improvements that we can make there, in terms of improving transparency and decisions in terms of ensuring that the right criteria is being used to award grants for the best outcomes.

And in many cases, from what we have seen, I think that the grants are focused more so on, and Federal decision making is based more so on, protecting themselves from litigation versus doing what the actual grants or the regulatory decisions are supposed to be achieving. Is that a fair assessment and maybe an area where we can agree?

Ms. CHATTERJEE. Thank you so much for the question. Absolutely. I think that the grant process is onerous. I think there are examples, even within the Federal Government, of it working well. I think there are examples within the Federal Government of using peer review processes. And then there are examples where—sometimes we have members who have told us that they had to write a 100-page proposal, for example, for a body of work that they were clearly very well suited to do. But writing 100 pages is practically a novel.

That can't be the expectation. And if that is the expectation, what will happen is that legacy recipients are the only ones who will be able to receive the contracts and grants from the Federal Government, because they have full-time staff who are there to write those proposals. So, I think it is a point of agreement, and hopefully we could find others, as well.

Mr. GRAVES. Great, thank you.

Yes, I know the Chairman has told me that he used to just copy CliffsNotes and encyclopedias in school, rather than writing 100 pages worth of reports and documents, right, Mr. Chairman?

Mr. Freeland, I want to flip over to you for just a minute. I am a believer that all people, regardless of race, color, or origin, should be treated fairly. And I think it is important.

I am concerned that some of the layering of decision making and non-statutory criteria—meaning public policy that is brought into decisions that may not be in the law or, in some cases, I think are inconsistent with the law—can result in distorting or manipulating outcomes that may not be in taxpayers' interests. And I think that, in some cases, these criteria are preventing the best decisions, are preventing appropriate fairness or treatment of individuals that may be of diverse backgrounds.

And I think, in many cases, the environmental review process has been expanded beyond its intent of actually focusing on the environment, environmental impacts, and protecting the environment. And I think it has been weaponized as a tool to, in some cases, justify policy outcomes. The series of decisions for whether to designate a buffer zone around Chaco Canyon National Park, I think, is a good example of just that, and how the Administration, in my opinion, fundamentally misunderstands, or maybe even disregards the impact of resource development, particularly on economically disadvantaged communities.

Although allottee lands are not officially prevented from resource development, can you expand on how the buffer designation impacts the interests for developers and hinders economic operations, and how this is impacting tribal allottees?

Mr. FREELAND. Thank you, Mr. Chair and Congressman. Thank you for that question.

First and foremost, this is an issue for our Navajo people. This is not a Democrat or Republican issue. This is a Navajo people allottee right issue, first and foremost. Let's make that very clear.

We are here to ask for tribal consultation on our side. Tribal consultation has been conducted to other tribes, yes. We do have strong cultural ties to the area. A lot of our people live in that area. And to create a 10-mile buffer zone would severely impact financially the allottees that live within that area, that have those mineral rights, that do have the individual Indian allotment. Financially, they do rely on that.

Recently it was published in the Federal Register, the BLM land to be withdrawn. There is going to be a public hearing that is going to be held. It is not even going to be held on the Navajo Nation. It is going to be held in Farmington. These communities are going to be severely impacted by this withdrawal. And it is so important that we just ask for a consultation adequately to have our people be heard.

Our people cannot travel to Washington, DC to visit the congressmen and the senators. They cannot. So, we are their only voice. And like I told one of our Congresswomen, we are here to share our stories. We are here to share their thoughts and their concerns with you all. So, thank you.

Mr. GRAVES. Thank you, Mr. Freeland, I appreciate it.

Mr. Chairman, I yield back.

The CHAIRMAN. The gentleman yields.

Let me now turn to Ms. Stansbury for your 5 minutes. You are recognized, Representative.

Ms. STANSBURY. Thank you, Chairman Grijalva, and I want to take this opportunity to thank all of our witnesses this morning for participating in this important hearing. I think it is really crucial that we acknowledge the history of the United States and its policies, and how that has disproportionately impacted our communities of color and, in particular, our Indigenous, Black, Brown, and other communities that have been affected by the historical policies of this country, and economic development and, in particular, our Indigenous communities.

And the ways in which that history has impacted and led to the loss of lands and waters has had disproportionate impacts, from resource extraction and pollution in our Indigenous, Hispanic, Black, and AAPI communities, and impacted the ability of these communities to not only have their voices heard, but to have a meaningful seat at the table in developing the policies that affect our communities and their ability to change the course of their own futures.

In New Mexico, our Indigenous communities have managed lands and waters for generations since time immemorial. In fact, the land, water, and agricultural stewardship practices of our Tribes and Pueblos have been in existence for thousands of years, and our Tribes and Pueblos continue to be at the forefront of land and water stewardship. Pueblos in the middle of Rio Grande, such as Sandia, Isleta, and Santa Ana are working to restore the bosque and ensure water is available for generations to come. Pueblos such as Kewa, Cochiti, Jemez, and Santa Clara have been at the forefront of restoring our forests, managing for fires, and working to improve the hydrology and resilience of our lands and waters.

Our Tribes and Pueblos are working to address the impacts of climate change, to maintain and revitalize our traditional agricultural practices, to restore and to repatriate sacred lands and traditional lands, and to continue those traditional stewardship practices that are central to the cultures and traditions and ways of life of our communities.

And New Mexico is also home to other models of land and water stewardship that have sustained our communities for generations. Our land grant and acequia communities have sustainably managed land and water for generations. My hermana from the north, Representative Leger Fernández, knows the importance of these land grants and acequias, which are steeped in our Hispano-Latino heritage in New Mexico, and which carry traditions that are key to the future resilience of our state and our communities.

So, as the Federal Government is intersecting with and working with our communities to promote conservation and resource stewardship, we have to make sure that our communities are centered in that work, and that there is adequate funding and support for co-management—for working together and ensuring that our communities' histories, cultures, and languages are really centered in the work that we are trying to advance.

So, that means providing funding, resources, supporting co-management of lands and waters, meaningful consultation and, of course, recognizing the tribal sovereignty of our Pueblos and Tribes, and, most importantly, ensuring that the knowledge, the wisdom, the governance, and the institutions of our communities

and communities of color are really at the center of our conservation and environmental protection work.

I want to thank the Chair for convening today's hearing, and I would like to ask a question of Ms. Chatterjee.

I think one of the reasons why we are having this hearing is to really understand how our communities can meaningfully be at the table in this work. So, I wonder if you could take a few moments to talk about what you see as the primary barriers to advancing true justice, equity, diversity, and belonging in our mainstream environmental and conservation work. And how do we bring all of these voices to the table in our work in a meaningful way?

Ms. CHATTERJEE. Thank you so much, Congresswoman Stansbury.

I think I spoke about one of the barriers, which is jargon, but I think that one thing I just want to make sure to be clear here is that part of the issue here is that we don't have any time on the climate crisis, and we have spent so much time prioritizing voices of people who are not impacted, that the core of this is that we are out of time to waste. So, we have to fix that core problem, which is bringing in the voices of the people who are most affected.

Ms. STANSBURY. Thank you.

Mr. Chairman, I see I am out of time here. So, with that, I will yield back, and thank you so much for holding this important hearing today.

The CHAIRMAN. Thank you for your comments. Let me recognize Representative Stauber.

You are recognized, sir, 5 minutes.

Mr. STAUBER. Thank you very much, Mr. Chair.

Mr. Freeland, I agree with you that Interior Secretary Haaland has been a disappointment, to say the least. The Interior Secretary pulled two Federal leases from a mining operation before it was even allowed to go through the review process, the process that we have in place. It was purely political. So, your disappointment in the Secretary is felt by many, including those union miners in northern Minnesota.

Ms. Chatterjee, thank you for being here. The Climate Action Network, that is a non-profit, is that correct?

Ms. CHATTERJEE. That is correct, Congressman.

Mr. STAUBER. And what is your salary?

Ms. CHATTERJEE. I do not know my salary, off the top of my head, but it is fully disclosed in our 990 tax forms.

Mr. STAUBER. Would \$164,000 be correct?

Ms. CHATTERJEE. That sounds approximately correct.

Mr. STAUBER. And you are out of Washington, DC?

Ms. CHATTERJEE. That is correct.

Mr. STAUBER. What is the median income in Washington, DC?

Ms. CHATTERJEE. I also do not know the median income in Washington, DC off the top of my head.

Mr. STAUBER. OK. It is \$92,000. So, Ms. Chatterjee, I noticed that the Climate Action Network has a Chinese branch called the China Youth Climate Action Network. Does the China Youth Climate Action Network support the justice of Uyghur minorities that are tortured and killed by the Chinese Communist Party?

Ms. CHATTERJEE. The U.S. Climate Action Network is a node of an international network of climate activists called Climate Action Network International. So, we are the U.S. node. We have about 200 member organizations in the United States, and there are—

Mr. STAUBER. Are you doing anything about the Uyghurs being tortured and killed by the Chinese Communist Party via your Chinese Youth Climate Action Network?

Are you engaged with them at all?

Ms. CHATTERJEE. Thank you for the question. The U.S. Climate Action Network is a node of the International Climate Action Network, which has 20 nodes around the world. Each of the nodes operates independently, and we are all committed to justice at the core of our work, and equity—

Mr. STAUBER. And have you done anything about the Uyghurs being tortured and killed by the Chinese Communist Party, since you have a connection with the Chinese Youth Climate Action Network, have you done anything?

Ms. CHATTERJEE. Our work in the United States is focused specifically on the U.S. Federal Government and the need to pay attention to the climate crisis, and—

Mr. STAUBER. OK, so what I am hearing you saying—

Ms. CHATTERJEE [continuing]. Took the nodes of Climate Action Network—

Mr. STAUBER. Ms. Chatterjee, what I am hearing you saying is your Climate Action Network in the United States has not done anything with the Youth Climate Action Network in China reference the Uyghurs.

Ms. CHATTERJEE. Our work is focused on the U.S. Federal Government and U.S. policies that are put forward by the U.S. Federal Government, as well as organizing in our own communities around the United States.

We do engage in ensuring that just policies are put forward, both—

Mr. STAUBER. Yes, I just want to make it clear you haven't engaged in the Uyghur issue, being tortured and killed. Is that correct? With the Climate Action Network, the Youth Climate Action Network, you haven't done anything with that.

Is the Climate Action Network aware of child slave labor in Chinese-owned cobalt mines in the Congo?

Ms. CHATTERJEE. Thank you for the question. Our work is explicitly to make sure that we have a just transition off of fossil fuels, so that we can address the climate crisis. As part of that—

Mr. STAUBER. OK, so what I am hearing you saying is that your Climate—

Ms. CHATTERJEE [continuing]. We look at labor standards and—

Mr. STAUBER. Excuse me, it is my time. It is short time, so I just want to be brief here. Your Climate Action Network has done nothing about the Chinese cobalt mines in the Congo, where they are forcing child slave labor to mine cobalt. Is that correct?

Ms. CHATTERJEE. The work that we have done within the United States, for example, is to put forward really strong labor standards within Federal policy, which we think is critically important for us

to achieve a just transition off of fossil fuels, but also secure thriving communities where people have decent work.

Mr. STAUBER. So, it doesn't appear that you are doing anything for the justice of those children forced in the Congo to mine cobalt for a green economy. Is that correct?

Ms. CHATTERJEE. Well, for example, there are pieces of legislation like the Thrive Agreement that has in place labor standards that we have fought very hard for. Labor bills such as the PRO Act are core to what we put forward, as a climate network, to make sure that we are promoting policies where people can work with dignity, but we are also solving the climate crisis.

Mr. STAUBER. Time is brief. So, Ms. Chatterjee, you do not support the United States of America purchasing cobalt that was mined with child slave labor, do you?

Ms. CHATTERJEE. Thank you for the question. Our views around labor are very clear, that we believe that everyone should be paid for their work, that everybody should have a decent living, and that everyone—

Mr. STAUBER. What is your answer to my question?

Do you believe the United States should purchase copper from foreign countries that use child slave labor to mine?

The CHAIRMAN. You are 1 minute over, and—

Ms. HERRELL. Mr. Chairman, I would like to yield 2 minutes of my time to Congressman Stauber.

Mr. STAUBER. Thank you very much.

The CHAIRMAN. When your time arrives, Ms. Herrell, you can do exactly that. We are going back and forth, so I would be sequencing Ms. Velázquez next. You will be after that, and I will be glad to respect that yield.

With that, let me now ask Representative Velázquez—she is recognized for 5 minutes for any comments and questions she may have.

Ms. Velázquez.

Ms. VELÁZQUEZ. Thank you, Mr. Chairman, for this important hearing. I would like to address my first question to Mr. Forbes.

In your testimony, you cited a report card that found 99 percent of NGOs have resources set aside to finance JEDI efforts. Yet, the majority do not have substantial ways of elevating the voices of Black, Indigenous, and Brown communities. Can you identify one strategy you believe, if implemented, will help NGOs do a better job of ensuring marginalized voices at all levels are heard?

Mr. FORBES. Thank you, Congresswoman. It is a really, really important question.

And while that report card is true, it doesn't speak to all the other organizations that are trying really hard to make a difference. I think the way to do that is to create space for BIPOC leadership in senior staff and on boards, and that takes nothing more than the commitment to do that.

And then, creating the pathways for those individuals to succeed and to share their vision—

Ms. VELÁZQUEZ. I think it is a very important issue, because, after all, when it comes to Indigenous, Black, Brown communities, they bear the brunt of environmental injustice in this country. So, it is important that when we look at solutions on how to address

climate change, that they must be at the table and in positions that will help shape public policy.

Mr. Forbes, can you discuss the dangers of not having a powerful voice from these communities in environmental organization?

How would that affect conservation efforts and sustainabilities of those communities?

Mr. FORBES. Thank you. The No. 1 answer is irrelevance. Without bringing in BIPOC leadership and voice, environmental conservation organizations risk becoming irrelevant. They are not able to understand the issues that our country is experiencing today and to move forward in a way that represents those issues and connects people to the land in a much more holistic way. So, this is really an existential question for the environmental movement.

Ms. VELÁZQUEZ. Thank you.

Mr. Dosunmu, BIPOC-led groups are an essential part of the fight to combat climate change because they disproportionately bear the burden of environmental racism. Your organization's Climate Funders Justice Pledge is a step in the right direction.

Besides having climate funders take the pledge, are there other ways the Donors of Color Network plans to hold funders accountable, long-term?

Mr. DOSUNMU. Absolutely. Thank you so much for the question, Congresswoman.

We start from the proposition that the communities that are closest to the crisis are closest to the solutions. That is really the animating idea behind the work that we do at the campaign.

As you have already mentioned, one of the core tenets of the campaign is this commitment to get to 30 percent resourcing of BIPOC-led organizations over the course of 2 years. So, the funders that sign on to the campaign make that pledge and that commitment. We are working to create a baseline, a floor of, eventually, tens of millions of dollars going to BIPOC-led organizations.

But the other way that we are contributing to the solution here is really through transparency, on the idea that sunlight is the best disinfectant, that if funders are publicly accountable for where their dollars are going, that creates an opportunity for communities to hold those funders accountable to the pledges that many of them have already made.

One of the motivating ideas behind the campaign, which is about a year old, is that the public statements around justice, equity, diversity, and inclusion were not actually being reflected in the funding.

Ms. VELÁZQUEZ. Thank you.

Mr. DOSUNMU. So, it has really created transparency opportunities—

Ms. VELÁZQUEZ. Thank you.

Ms. Chatterjee, can you please discuss what success looks like for your organization, and how you are internally measuring the success of your grant program?

Ms. CHATTERJEE. Thank you so much. We are internally measuring the success of our grant program by talking to our grantees and our communities and understanding whether they are

able to use the resources in order to advance climate action that puts racial justice and economic justice at the heart of their work.

Ms. VELÁZQUEZ. Do you, for example, request input from those communities about how to improve your grant program?

Ms. CHATTERJEE. We do. Yes, we have an adaptive process, and the people who are giving the grants out are the recipients. So, if there is a recipient group that is not up for renewal in 1 year, they become part of the decision-making process on a regular basis. And this has been iterative over the course of 7 years, and we have consistently adapted so that we are making sure that we are having the most impact on the communities in the ground, where people need immediate help.

The CHAIRMAN. Thank you very much.

Ms. VELÁZQUEZ. Thank you. I yield back.

The CHAIRMAN. The gentlelady yields. Let me now turn to the gentlelady from New Mexico, Ms. Herrell.

You are recognized for 5 minutes and thank you for your patience.

Ms. HERRELL. Thank you, Mr. Chair, and thank you, witnesses. Great, great information.

I want to be brief, because I would like to yield a couple of minutes back over to my colleague, Congressman Stauber.

But Delegate Freeland, thank you so much for your time last week when we met and had these discussions. And I just want clarity on something.

In your opening statement, you mentioned—I thought you said ethnic graphic studies. I might have gotten that just a little bit wrong. But I also know there is a congressional commission, a cultural resource investigation. Are those one and the same, or is that two separate? I am just looking for clarity.

Mr. FREELAND. Those are the same idea, or the same investigation. Thank you, Congresswoman, good morning.

Ms. HERRELL. You are welcome. And I agree, until we have all the information necessary to make these decisions, and certainly input from everybody who is going to be impacted, I think we are somewhat putting the cart before the horse with making these decisions. And I absolutely support the idea of a tribal consultation. And I really support the idea of having a field hearing, where we can really sit down and discuss what is happening with the allottees, and how this impacts development in terms of economic development, personal prosperity, and other things.

I do have a question, very quickly, for Mr.—and I hope I say your name correctly—Mr. Dosunmu. Do I say it right?

Mr. DOSUNMU. Yes, you do.

Ms. HERRELL. Great. I am just curious. Before this 20-mile barrier, buffer, was put into play, was there any conversation between your organization and the Navajo Nation?

And if not, is that something that your organization would be willing to do, facilitate a meeting so that we can ensure that we are having the correct conversation with all of the interested stakeholders?

Mr. DOSUNMU. Well, I am actually not familiar with our engagement on that particular issue, but I will say that consultation is a core tenet of the work that we do. It is essentially the animating

idea, and we work very, very closely with movement allies and movement partners across the country to make sure their voices are amplified in the Federal policymaking process.

So, I can't speak directly to the issue that you have raised, but I can tell you that we are committed, in the main, to consultation and engagement as a core tenet of our work.

Ms. HERRELL. OK, thank you. And just a quick comment for Mr. Forbes.

I appreciate your comment about forest management on tribal lands and reservations, as opposed to some of our public spaces, because there is a night and day difference.

And Mr. Chair, with that, I would like to yield the balance of my time to Congressman Stauber and thank you so much.

The CHAIRMAN. The gentlelady yields. Mr. Stauber, you are recognized for about 2 minutes.

Mr. STAUBER. Thank you, Mr. Chair. Back to Ms. Chatterjee.

Ms. Chatterjee, as the Executive Director of U.S. Climate Action Network, and by your previous admission, why aren't you supporting labor protections for the Uyghurs?

Ms. CHATTERJEE. We do support labor protections within U.S. law. Our focus is on U.S. policy, as the U.S. Climate Action Network. An example of that are labor provisions that we put forward in the Thrive Act, which—

Mr. STAUBER. OK, but I specifically asked about the Uyghurs. Can you tell me something concrete with reference to labor protections for the Uyghurs?

Ms. CHATTERJEE. Our work—

Mr. STAUBER. Yes or no?

Ms. CHATTERJEE [continuing]. Is for the U.S. Federal Government. And our work on making sure that there are strong labor standards in place that protect the right of workers to unionize and the rights of workers more broadly are within the context of U.S. Federal Government—

Mr. STAUBER. OK, so it sounds like you, as the Executive Director—

Ms. CHATTERJEE [continuing]. And U.S. state government—

Mr. STAUBER. Excuse me, this is my time. We have to be brief here. It sounds like you have done no labor protections for the Uyghurs.

And then my last question, should the U.S. Government purchase cobalt and other critical minerals that have been mined in foreign countries by child slave labor?

Ms. CHATTERJEE. It is horrific to enslave a human being, and that is a completely unacceptable practice and, sadly, is also the history of this very nation.

Mr. STAUBER. Should we—

Ms. CHATTERJEE. The history here, we started enslaving human beings—

Mr. STAUBER. As a nation, Ms. Chatterjee, I have just a brief amount of time. Yes or no, should the United States purchase critical minerals or rare Earth minerals, cobalt, et cetera, from Chinese-owned mines that are forcing children to mine these using slave labor? That is a yes or a no. It is not—

Ms. CHATTERJEE. No. There are no circumstances where enslaving other human beings is at all acceptable.

Mr. STAUBER. So, your answer is no, is that correct, that we should not purchase these minerals?

Ms. CHATTERJEE. Well—

Mr. STAUBER. OK, is that anywhere on your Climate Action Network resume, that we should not be purchasing?

The CHAIRMAN. The gentleman's time has expired—

Mr. STAUBER. Because we have the ability to mine these minerals here—

The CHAIRMAN. The gentleman's time has expired.

Mr. STAUBER [continuing]. And best labor standards.

And I yield back. Thank you.

The CHAIRMAN. The gentleman's time has expired, despite the yield. Let me now turn to Representative Levin for his 5 minutes.

You are recognized, sir.

Mr. LEVIN. Thank you, Mr. Chairman, for holding today's hearing. I think it is an important one, as we evaluate ongoing efforts to improve justice, equity, diversity, and inclusion initiatives at NGOs and grant-making organizations.

Promoting JEDI is not only the right thing to do, but we also know it leads to better outcomes. Last year, the National Academies released a report arguing that advancing JEDI is central to Federal efforts seeking to create better environmental, economic, and public health outcomes for everyone.

It is also clear we need to address JEDI priorities, especially as we seek to meet the moment and rapidly decarbonize our society.

So, as we make Federal investments to address climate change, it is also clear we need to center our efforts in the principles of justice, equity, diversity, and inclusion if we truly want to create durable policies that will lead to better outcomes.

Ms. Chatterjee, I appreciated in your testimony the discussion of how improving diversity within the workplace and Federal policy-making isn't enough to build equity in furthering environmentally just policies. Providing greater access to members of historically marginalized communities doesn't automatically lead to greater influence, or the advancement of equitable and just environmental policies.

So, based on your personal experience working at a mainstream environmental organization, and in aiding other organizations in addressing JEDI, do you believe that efforts to address JEDI at environmental NGOs result in better outcomes in Federal policy-making?

Ms. CHATTERJEE. Thank you so much for your question. I do believe it results in better outcomes. And we know that the converse has resulted in incredibly harmful outcomes. So, if you just look at the state of, where there are communities that have more asthma, we know that Black people are three times more likely to die from asthma. I could continue to give examples about lead, about cancer, et cetera.

But the reality is that communities that are currently vulnerable to the impacts of climate change and to the impacts of pollution were made vulnerable through policy. It is not a coincidence. So, it is only policy that can undo it.

We know what happens when we don't include people in decisions. When we do include people in decisions, we can actually repair those harms. It is an incredible opportunity at a time when we are out of time to address the climate crisis. We have to make these massive investments in our infrastructure anyway, so we should do so in a way that repairs the harms that have come from policy.

Mr. LEVIN. Following on what you just said, can you share how Federal policy conversations can be structured to maximize equity and inclusivity among all stakeholders and, specifically, how we can ensure that those whose communities are most impacted by policies aren't just offered a seat at the table, but are able to actually have influence over that policy?

Ms. CHATTERJEE. Thank you. I think that there are a number of ways for this to happen. I think some of it starts with the work that we have been talking about of making sure that different groups are around the table. That, in and of itself, isn't enough. I think we actually need to prioritize those voices in a different way.

Some of the practices we do every day are—like, we use something called progressive stack. So, you are in a room full of stakeholders. Some of them come from large environmental organizations. Some of them come from grassroots organizations that are directly affected on the ground by a facility. In a progressive stack, no matter who raises their hand first, you would always go to the person who is directly affected at the beginning.

And there are a few other practices like this, but these practices we found, over time, we iterate them, we adapt them, we find that they give voice to the people who are most impacted over time, which is the ultimate goal.

So, it is not that we have the immediate solution, it is that what we can tell you is that, if you continue to adapt and then ask questions, find out—“Were you listened to in that experience? Did the policy turn out in a way that improved your community's outcomes?”

And if not, why not? Why were there still harmful polluting facilities at the end, if you were truly listened to?

Continuing to adapt and making sure policy is responsive is critically important.

Mr. LEVIN. Thank you.

With the time I have I will turn to you, Mr. Dosunmu. You noted a New School study that found only 1.3 percent of the \$1.34 billion awarded by 12 national environmental funders goes to people of color-led, justice-focused groups, and you called it a moral failing and an ineffective and losing strategy.

Why do you think we need to improve—obviously, we need to improve that number, but why do you think that is so important, as we consider tackling climate change?

Mr. DOSUNMU. Thank you so much, Congressman. And in the time you have, I will just very quickly say that we are not currently resourcing the best, most transformative solutions. And we are losing the opportunity to put some of our most thoughtful thinkers and advocates and players on the field.

So, if you look at what BIPOC-led organizations and BIPOC leaders are doing, is they are radically imagining a new world, they

are radically imagining just transitions. They are thinking about the intersection of the environment with other policy issues, and they are bringing new solutions to the table. Resourcing those groups will only further empower that critical work.

Mr. LEVIN. I am over time, but I appreciate the thoughtful discussion. Mr. Chairman, I will yield back.

The CHAIRMAN. The gentleman yields, thank you very much.

And now, seeing that there are no Republican colleagues to turn to, Mr. Ranking Member, I am going to proceed with the Members that are on the list.

Representative Tonko, you are recognized for 5 minutes, sir.

[No response.]

The CHAIRMAN. Let me now move to Representative Brownley. The gentlelady is recognized for any questions she might have.

Ms. BROWNLEY. Thank you, Mr. Chairman. And really, thank you for holding this hearing.

I wanted to ask a question of Ms. Chatterjee. And first, I would just say that cultural change is really hard within an organization. And I know you know this, but it must be intentional, razor focused, and it must persist and build every year, year after year. And cultural change in the Federal Government, I think, is probably the hardest one of all.

I mean, just think about the simple example we have used today about jargon. I mean, we are using it in this hearing. If somebody just tuned in and we were talking about JEDI, are we talking about Star Wars or are we talking about justice, equity, diversity, or inclusion?

So, it is a simple example, but cultural change is really, really hard, and you can't change culture without measuring progress and where you are going to go. I think you have hit upon this somewhat, but I wanted to ask the question: How do we measure justice, equity, diversity, and inclusion when we are talking about philanthropy, Federal Government, state government?

I know we have mentioned sunshine and transparency. Are there other variables for measurement?

Ms. CHATTERJEE. Thank you so much for the question. Of these issues we are talking about, diversity is the relatively easy one to measure, right? Like, either you have diversity, or you don't have diversity, and I think that is important to measure.

I think that then there are metrics you can start to look at around inclusion, around justice, around equity. We obviously ask those questions around race, gender, and ability, to make sure we have people in the room. But then we are also constantly asking questions about—Are we giving voice to the right people? Is the outcome of our work viewed favorably by those who have previously been excluded?

I think a lot of it, again, as I said earlier, is iterative. But a lot of it is systematizing that learning. So, making sure that in every meeting you have that checklist of questions you are asking. In every meeting you are asking an evaluative question at the end. Like, how did we do in this meeting? And how did we do in this process? How did we do in this project? And continuing to change over time.

I think, really, the beginning of it is making clear what your goals are and then measuring yourself against it, and making sure that it is really, as you say, incorporated into the leadership and the culture of the organization.

Ms. BROWNLEY. Thank you for that. And this question is really to any of the witnesses.

We have briefly mentioned just transition, and just transition certainly comes up in a lot of our conversations and is a critically important piece of environmental policy. So, we know we need to do it.

But so far, we are not able to cite that many examples of just transition. And I am just curious, from any of the witnesses, if you can point me to a couple of good examples around just transition.

Mr. DOSUNMU. Well, one thing I will say is that we work very, very closely with a number of movement leaders and movement allies across the country that are very active on that very question.

In particular, the Gulf Coast Center for Law and Policy, which has been doing a lot of really innovative thinking in the Gulf South around a Green New Deal for the Gulf South, thinking about how jobs and housing and transportation and health care intersect with the environment and the climate crisis, and how we can leverage kind of a movement around justice to address all of those issues.

So, I think, again, it goes to this idea that those who are closest to the challenges are closest to the solutions and lifting up the folks who are doing the really innovative work to light the path forward for us.

Ms. BROWNLEY. Thank you. I see my time is up.

Mr. Chairman, I yield back.

The CHAIRMAN. Thank you very much and thank you for your questions.

Mr. Westerman, is there a Member on your side of the aisle that would keep this alternating rotation going? Is there a Member that wishes to be recognized that has not been recognized?

[No response.]

The CHAIRMAN. If not, let me now turn to Representative Tonko. Sir, you are recognized.

[No response.]

The CHAIRMAN. Mr. Tonko, you are recognized for 5 minutes. I know you were having some difficulties with the connection.

[No response.]

The CHAIRMAN. Until we get that figured out, let me recognize Representative Dingell for 5 minutes.

You are recognized, Representative.

Mrs. DINGELL. Thank you, Mr. Chairman, and thank you for convening today's hearing. This is such an important topic across our country.

The loss of nature and environmental destruction has disproportionately affected low-income communities of color. In fact, communities of color are three times more likely to live in nature-deprived areas, and more than 76 percent of low-income communities of color are located in nature-deprived areas.

We also know that inequitable access to nature's benefits has casual and correlated relationships to disparities in public health,

economic prosperity, and vulnerability to the effects of climate change.

My colleague, Rashida Tlaib, and I—who is on this Committee, as well—have some areas that abut each other that we work very hard together on this issue.

Ms. Chatterjee and Mr. Forbes, I am going to ask you, what advice do you have for environmental NGOs for accountability measures to ensure that communities of color, Indigenous peoples, and low-income communities are receiving an equitable share of Federal and philanthropic conservation investments?

And how can NGOs use accountability to increase equitable access to nature's benefits?

Whichever one of you wants to go first.

[Pause.]

Mrs. DINGELL. Mr. Forbes?

Mr. FORBES. Thank you, Congresswoman. Well said. I think there are many steps to accountability, right?

One is stating publicly why these organizations are doing the work, so that the rest of the community can hold them accountable to that.

I think another measure of accountability is how they are actually using their money. Is it going into under-served communities? Who is actually benefiting from the work that they are doing?

I think how they use their endowments matters at this critical moment. Is it more important to be around for 100 years, or to use the next 5 years to move the needle?

Another critical part of accountability, I think, is representation. Are sufficient people of color—50 percent, 60 percent—on staffs and boards?

Mrs. DINGELL. Ms. Chatterjee?

Ms. CHATTERJEE. Yes, I will just add to that, agree with all of that, and say that I think there has to be a genuine willingness to share power and, therefore, to give up power and make sure that other voices get to be heard within conversations.

I think that Mr. Forbes raised previously that a lot of the origin stories of large environmental organizations come from royalty, colonialists, people who actually stole land. And I think that there needs to be a willingness to address the history of the organization, but also a willingness to give up power, whether that comes in the form of time, money, or access.

If we want to win, it is in service of justice—it is in service of equity that we ask our fellow leaders to bring others into the conversation and bring others into the room where decisions are being made.

Mrs. DINGELL. Thank you for that. Over the past year, we have seen an increase in financial and human resource commitments toward justice, equity, diversity, and inclusion. But there is a lack of data indicating progress.

For non-profit fundraisers, the lack of diversity in donor bases, fundraising teams, and leadership at the top often leaves organizations without a clear path to achieve equity. I actually—this is a personal—before I came to the Congress, I was president of a foundation and was on many boards. And this accountability and this lack of data is a real issue as we measure this, going forward.

And we are going to run out of time—and maybe you can do this for the record—but what guidance do you have for environmental non-profits and funders to better identify and measure the kinds of investments that would improve the ability of communities of color and historically marginalized communities to advance public policy?

Mr. Chatterjee and Mr. Dosunmu, maybe quickly you both could answer that. But you have 12 seconds, so maybe we have Mr. Dosunmu do it, because he didn't speak before.

Mr. DOSUNMU. I will do it very quickly and just say that one of the ways that we do this is actually by prompting them to do the data analysis.

One of the things that we found when we started our work is that a number of funders really had not thought to do that kind of analysis. So, we have actually been working in partnership with funders and with the data community to innovate solutions around the data capture, the data collection, and the data analysis, so that funders can actually do it. But it started with us actually asking them for the data and the information, and that is something that you all can help with in a big way.

Mrs. DINGELL. I want to continue to work with all of you. I am out of time.

Mr. Chairman, I yield back, but I would like to stay close to this. Thank you.

The CHAIRMAN. Thank you very much. The gentlelady yields. Let me recognize Commissioner González-Colón for 5 minutes.

Commissioner, you are recognized.

Miss GONZÁLEZ-COLÓN. Thank you, Mr. Chairman. I want to say thank you to the witnesses for joining us today. My question will be to Delegate Freeland.

Can you elaborate on some of your concerns with the Administration decision regarding the buffer zone around the Chaco Canyon, particularly with respect to the formal tribal consultation?

And my second question will be, do you understand how that decision to withdraw these areas around the Canyon may impact the Navajo Nation's economic well-being?

[No response.]

Miss GONZÁLEZ-COLÓN. I don't know if the Delegate is speaking.

Mr. FREELAND. I am sorry, I muted myself. Good morning, Congresswoman, thank you for the question. From New Mexico, good morning.

Related to the impacts, or the potential impacts, that this could cause related to the buffer zone, the proposed buffer zone was started, I understand, at a 20-mile discussion. It was later reduced down to 10. The Navajo Nation did seek a compromise just to have our people to be heard. There was no consultation at that time and continues to be no consultation with the Navajo Nation related to the buffer zone.

Consultation did occur with other tribes, but the medium was to meet the 10-mile buffer zone as a compromise to 5. That is why we reduced it. We did pass a resolution through our Council, our Navajo Nation Council, to make it a 5-mile buffer zone.

So, that is the gist of where we sought to seek this mediation, was to meet that halfway. And the Navajo Nation is—just for the

record—working on a lot of climate change efforts, as well. We do have a climate change adaptation plan, so we are working on several issues related to climate change here on the Navajo Nation. Thank you.

Miss GONZÁLEZ-COLÓN. My question will be then how important is it that we do have a formal process of tribal consultation occur prior to making the decision, not after the fact?

And how would this have helped raise awareness about the decision's potential adverse implications for your communities?

Mr. FREELAND. Thank you for that question, Congresswoman.

This decision was put forth, I think, without any, really, understanding to the severity of the impacts that this could make to our people, who are those individual landowners. I think they were overlooked.

And, with all due respect to the NGOs and other tribes, no consideration was given to them at hand. So, this decision was put forth at—whether it was influential or political, but this decision was severe enough to make a huge impact to our Navajo people there, at the local level.

Miss GONZÁLEZ-COLÓN. Thank you, Delegate.

Mr. Chairman, I yield back.

The CHAIRMAN. The gentlelady yields. Let me now turn to Representative Tonko.

You are recognized, sir.

Mr. TONKO. Can you hear me, Mr. Chair?

The CHAIRMAN. Yes, thank you.

Mr. TONKO. OK, I apologize. We have had some problem with our audio this morning. Thank you for your patience, and I thank all of our witnesses for joining us and for the work that you do.

Ms. Chatterjee, in your testimony you discuss the lengthy and time-consuming nature of applying to many Federal grant programs that are designed to increase access to critical services such as clean energy, drinking water, workforce training, and infrastructure. What are some of the greatest challenges that small or new organizations face throughout this process?

Ms. CHATTERJEE. Thank you so much. It is a capacity issue, predominantly. Organizations that are set up to have full-time staff to keep on top of where there are requests for proposals are able to access these resources. But organizations that are actually doing the work in their communities have many fewer people who are spending their time looking through the Federal Register for grant opportunities, probably zero people, and many fewer people who are able to read through dozens of pages of instructional text, much less the incredibly detailed requirements.

So, I think, to open this up to our communities, we actually have to change some of these requirements, which is what we have learned to do iteratively through our own very small grant-making process.

Mr. TONKO. Thank you. And you also mentioned the importance of multi-year grants in your testimony. Last year, environmental foundations awarded more than 99 percent more funding to White-led organizations for multi-year grants, while BIPOC-led organizations received less than 1 percent of multi-year operational budget grants.

So, Ms. Chatterjee, why are multi-year and capacity-building grants so important, particularly for BIPOC-led or grassroots organizations?

Ms. CHATTERJEE. They are incredibly important for stability. A lot of our organizations that are working on the ground in communities actually don't have the same care infrastructure or physical infrastructure of larger organizations. The same kind of—like, even public transit, just the same infrastructure. So, there is an inherent unpredictability of having been made vulnerable through policy over decades and even centuries.

And the stability of multi-year grant-giving makes it so people can make decisions about maybe we can hire a staff member to do this really important clean water project, to do this really important climate resilience project. It is really hard to hire somebody if you, literally, have 12 months in which to make a hiring decision, hire them, train them, get them doing the work, and then suddenly the time is up.

I think part of it is just the inherent instability in which we are working means even longer multi-year grants would be helpful. And then you get shorter grants, and you find that it is untenable, from an implementation and planning perspective.

Mr. TONKO. I hear you. So, it fundamentally focuses on the fairness of it all, and the resources you need to compete and compete effectively.

From your perspective, how does increased funding through multi-year grants increase an NGO's competitiveness in the Federal grants process?

Ms. CHATTERJEE. Again, I think it is the same kind of capacity constraints. Like, there are organizations that are able to have—I mean, even to have a development director who has even 2 percent of their time to look at opportunities for funding.

I think that the other side of this is that there should be, actually, probably fewer openings for funding, but more time on outreach, so that, actually, you don't have to, as an organization, have somebody full-time looking for these opportunities, but there is actually staff whose job it is to go look at who is actually working in these communities, who could actually deliver these outcomes that we need in terms of climate resilience, clean water, transit equity, whatever it is, make sure that the Federal Government is actually doing that outreach so it is not just on the organization.

With multi-year funding, the organization can put some capacity to it, but it is still going to be limited, and it needs to come from both directions.

Mr. TONKO. All right, thank you for that. And it is clear to me that communities facing environmental injustice, as well as rural, disadvantaged, and impoverished communities in all of our districts, bear the brunt of the effects of climate change, and yet lack adequate access to critical Federal programs.

Ensuring that grant-making organizations reflect our nation's diverse tapestry and supporting the communities that have historically been left behind will be the way that we right the wrongs from decades of disinvestment and help us unlock America's full potential.

With that, Mr. Chair, I yield back. And, again, sorry for the technical problems this morning.

The CHAIRMAN. I am glad you got out. Thank you very much. The gentleman yields.

The whole issue about how agencies react strikes me—I recall, during the previous administration, when Secretary Zinke was in charge of Interior, he hired an old football buddy to manage grants and cooperative agreements for the Department of the Interior. We raised the issue.

[Audio malfunction.]

The CHAIRMAN [continuing]. A disruption of work that had been ongoing on issues such as climate change and effect. That was the authority within DOI to do exactly that, and I think that is what Mr. Graves was complaining about. And I hope, going forward, that there is some understanding that that kind of authority should not be all encompassing, as it was previously.

I am glad that my colleagues on the other side of the aisle are coming to that recognition that we came to a while back. But having said that, let me now ask Mr. McEachin.

You are recognized, sir, for 5 minutes.

Mr. MCEACHIN. Thank you, Mr. Chairman, and thank you for starting this very important conversation, or continuing this very important conversation. I would like to start off by asking Mr. Dosunmu, whose name I have just butchered, and I apologize.

Mr. Levin asked you a question that you gave a very thoughtful answer to concerning, really, the importance of people of color and Indigenous people being able to get involved in the environmental justice process. Can you explain some of the challenges you had faced with getting funders to recognize that importance that you speak of, of racial and economic justice as a part of funding?

Mr. DOSUNMU. Thank you so much, Congressman, for the question.

The biggest challenges are that there is this set of unfortunate implicit biases that have shaped the funding community for a very long time, rooted in the lack of diversity, which we have already talked quite a bit about here today. So, part of the work is actually getting those funders to move beyond the inflexibility of their funding practices to see the work that is happening in our communities.

It is a misnomer to suggest that communities of color are not involved in the environmental movement. They are just not resourced. In many ways, they are leading the movement. But funders can't see that, because they are wed to traditional funding practices, they are wed to a set of implicit biases.

So, part of what we do is really highlight the work that is happening on the ground, highlight how it is shifting the power dynamics, and really driving the movement forward, and really put that in front of funders and force them to reckon with that.

And as I said, we wrote to all of the major funders and we asked them, "Do you think, given the work that is happening on the ground, that 1.3 percent is a workable number, is a good number?" And none of them said yes. Well, if you agree that it is not, then you have to take action to change your practices.

Mr. MCEACHIN. Thank you for that. And this next question might be a little bit of a curve ball, so if you need to think about it and send us an answer, that is fine.

But my office, along with other Members, have written to some of these funders, asking them to reconsider their practices and include Indigenous people, people of color in terms of their funding, even put folks within their own organizations who look like you and I do in charge of some of the money as they dole it out to these groups.

What else can we do, not necessarily through legislation, but through moral persuasion or our bully pulpit as Congresspersons to help in this cause?

Mr. DOSUNMU. I think you hit the nail right on the head, Congressman, that it is the use of your bully pulpit and of the moral persuasion power of this body to push the field in a positive direction. And many of you, including yourself, Congressman, have been allies to our work in that regard, and we would encourage others who have voices, particularly those who have voices with major funders in their communities, to start asking the questions.

And, again, I come back to that piece around some of what is able to persist in terms of these practices is able to persist because we don't ask the questions, we don't prompt the answers. So, really, part of the work is asking the questions, asking funders to be transparent, asking them where their funding is going currently. And that has a way of forcing them to think internally and make changes. So, that bully pulpit piece is, really, critically important.

Mr. MCEACHIN. Thank you.

Ms. Chatterjee, can you share with us some concrete ways that U.S. Climate Action Network has elevated the voices of Black and Indigenous people of color within the organization?

Ms. CHATTERJEE. Yes, thank you. USCAN has been on quite a transformation process, and I don't want to pretend that our journey is done. We are constantly learning. But we have been able to pull our organization to putting justice at the heart of the work.

And part of that is through giving explicit stipends for collaborative work to members who are organizing in communities of color and are people of color themselves. Part of that is making sure that, when we send representatives, whether it is to Federal Government processes, or to United Nations processes, that we prioritize being represented by people of color. Our full membership votes, it is democratic, but we ask them to prioritize putting people of color into positions of access and influence.

So, those are just a few of the examples of what we have done, and we continue to be learning and on the journey.

Mr. MCEACHIN. Thank you for your hard work.

Mr. Chairman, I yield back.

The CHAIRMAN. Thank you, Mr. McEachin. The gentleman yields. Let me now turn to the Chair of the Subcommittee.

Representative Porter, you are recognized.

Ms. PORTER. Thank you very much, Mr. Chair. Funders and Big Green organizations, and Black, Indigenous, and community leaders of color all seem to agree with the need to get more money

to rural and minority-led non-profits. But somewhere along the way things are breaking down.

Mr. Dosunmu, why is that happening?

Mr. DOSUNMU. Thank you so much, Congresswoman. The main thing, again, it goes to those implicit biases. It goes to those ingrained practices. It goes to, in fact, who the funders are talking to and hearing from.

I think part of the work of shifting the field in a different direction is actually creating tables and spaces for funders to see the work that is happening on the ground in communities and be able to fund that work. And they have blind spots currently that don't allow them to see it.

So, part of what we have to do is really push them to get beyond those blind spots and see the impactful work that is happening.

Ms. PORTER. I know there is a big size difference, in some cases, between sort of the largest foundations and those organizations and non-profits that are often led by and focusing on involving and engaging Black, Indigenous, and people of color communities.

Do you ever hear the argument that funders don't want to take on the sort of responsibility of these smaller organizations, and sort of the smaller the organization, even though it is less donor dollars, somehow the donor feels that they would be taking on too much, they don't want to be the sole funder?

And how can we deal with that argument, if you have heard that?

Mr. DOSUNMU. We have absolutely heard that. And the reality is that it is a false concept. And it creates a vicious cycle, because they say, "Well, we don't want to fund the smallest organizations." The smallest organizations don't get funding, and they don't get the opportunity to grow and build capacity.

So, part of what we have really driven home is that funding these organizations is not a liability. Funding these organizations is funding the most impactful work that is happening on the ground in communities across the country. They are the organizations that are moving the needle. So, by not funding them, you are missing out on the opportunity to really change the game.

It is driving home that message and really making the moral case for it. But also making the strategic case for it is that it is not a liability, it is an asset to the movement to fund these organizations.

Ms. PORTER. Yes, because for many of those smaller organizations, I would think the choice is going to be between having maybe a sole donor or no donor at all—

Mr. DOSUNMU. Right.

Ms. PORTER [continuing]. And ceasing to exist. So, I think that is really important.

You mentioned about getting the right people at the table, and I wanted to follow up about that. Do these larger donors, funders, and bigger green organizations, do they have the right staff to be able to improve, in terms of seeing and recognizing the groups that are closest to the communities who have been hurt by environmental damage and are in need of environmental justice?

Mr. DOSUNMU. The short answer is no, Congresswoman, they don't. But that is a critical question, because it highlights the ways in which each leg of the JEDI stool is connected to the other.

You can't get to real and meaningful equity until you get to real and meaningful diversity. But the lack of diversity is what drives the inequity in the system. So, part of the conversations that we are having is not only about pushing those funders to see BIPOC organizations that are doing the work, but also pushing those funders to build the internal infrastructure and the internal commitments that will get them to a place where they can affirm that work.

So, it is not just on them to say we are making a commitment to transparency, we are making a commitment to the 30 percent, it is also on them to say we are going to make a commitment to do the culture change work that is required of us in order to get to those numbers.

Ms. PORTER. In your testimony, you mentioned California's environmental justice legislation as a success story. Can you just say a little bit more in your final few seconds here about the coalition that helped make that a reality, and what lessons we might learn?

Mr. DOSUNMU. Absolutely. We emphasize the work of the CEGA, and their work in really convening a table of community organizations to advance a number of initiatives in California.

And the important thing to note about that is that what California has done really has been the model for President Biden's Justice40 Initiative. So, that is another way in which BIPOC leadership is actually lighting the way for Federal advancement on this very important issue. If you don't have the California laws, you don't have the New Jersey laws, you don't have the current Federal commitment at all.

So, we are losing out on an opportunity to support that work when we don't fund the BIPOC organizations like CEGA and others that have been critical to the work in California.

Ms. PORTER. Thank you very much. Mr. Chairman, I yield back.

The CHAIRMAN. Thank you very much, Madam Chair, and let me now invite and recognize Representative Soto for 5 minutes.

Mr. SOTO. Thank you, Chairman. Back in 2014, in Florida, when I was in the State Legislature, we had an amendment that got on the ballot, known popularly as Amendment 1, and it was a public land acquisition amendment. And I had the opportunity to work with some major conservation organizations in the district, Florida Conservation Voters, Audubon Society, Sierra Club.

And it was toward the end, around September, that we had conversations about how to outreach with the Hispanic community. And we did this at a local area in Kissimmee, as we were talking about how important the environment was to communities of color, to our rural communities. So, they put in money in the last month-and-a-half for Hispanic, Spanish language outreach. What did we see? The amendment passed by 70 percent of the vote. But among the Hispanic community, we voted for it by 75 percent. We outpaced the rest of the state.

And after bringing folks out to the Kissimmee—first of all, it was funded by the Land and Water Conservation Fund. So, we are already seeing Federal programs make a big difference. But they

saw folks are very committed to being outdoors, as Floridians, very into recreation, hiking, kayaking, fishing, hunting, doing all these different things outdoors. Even a lot of our celebrations are outdoors in these areas—or Moss Park, another area that benefited from the Land and Water Conservation Fund.

Our communities are also affected through utilities, where they are sited, the air and water quality that relates to that. And we see this also in our territories like Puerto Rico, as well as tribes like the Seminole Tribe in Florida, which is why we are excited that we passed a few of these key issues out of Committee.

The Kissimmee River Wild and Scenic River bill, which I appreciate the Chairman helping pass that out, that will help clean water and recreation in a very Hispanic area of our district, and a very rural area, as well.

Restoring Resilient Reefs passed out of the House just recently, which is key for our state's clean water, habitat, tourism, you name it. Again, lots of communities of color living in the Miami-Dade, Broward, and Palm Beach County areas.

And then a billion just recently by President Biden for the Everglades, biggest award by far ever to help with clean water, habitat, recreation. We are seeing these themes over and over. And that also affects the Seminole Tribe, which for years has had to endure terrible water quality because of pollution.

Locally, we just had OUC agree to close their coal plant over the next few years. And local Latinos with Moms Clean Air Force were a big part of that. I was proud to work with them, and now we are working on solar. Why? Because that coal plant was in their community in East Orange County. And they stood up, and I was proud to join them.

But those are some examples of folks maybe not always early on, but eventually realizing, wow, this is not only morally right—which is the most important thing—but it is also a smart, long-term strategy to build lasting coalitions to enact change.

Ms. Chatterjee, in your testimony, you briefly had mentioned how addressing only diversity or inclusion alone is insufficient to move the needle in any meaningful way. Can you elaborate on why it is critical for mainstream environmental organizations to advance all the principles of JEDI: justice, equity, diversity, and inclusion?

Ms. CHATTERJEE. Thank you for the question and for sharing those examples from Florida.

Diversity is an important basis and first step, but it is not the whole journey. People don't know what they don't know. You can hire a group of people of color, but if they are not familiar with the situation at hand, it takes time to develop expertise and understand what the equity and justice interventions needed are made. And there is nothing necessarily about being a person of color that inherently makes you understand these issues, right?

So, even though it is a critically important first step, it is totally insufficient to actually achieving justice and equity. There have to be additional steps made both for inclusiveness, so people stay once you have hired a diverse workforce, but then also to make sure that that next step is made to putting racial justice and economic justice at the heart of the initiatives and work.

Mr. SOTO. I am glad you mentioned that, Ms. Chatterjee. I think if we all focus on hiring local, hiring early as we are working on initiatives across the United States, that is at least incremental change we could do that—we have seen work in Florida—as we work on the greater wealth consolidation issues that affect not only the environmental community, but, let's face it, all of America.

Thank you for the time and your focus on this today, everyone.

The CHAIRMAN. Thank you, Mr. Soto. The gentleman yields. Let me now invite the Vice Chair of the Committee.

Mr. GARCÍA, you are recognized for 5 minutes.

Mr. GARCÍA. Thank you, Mr. Chairman and, of course, all the witnesses that have joined us today.

The work this Committee has done to dismantle environmental racism, restore and preserve our nation's lands, and uplift the importance of clean air and a healthy environment has had a significant impact on the life of people in Chicagoland.

However, it is well known that we, as lawmakers, don't do this work alone. As elected representatives, we have a responsibility to carry with us the voices of our constituents, and with that comes great responsibility.

That said, we reach out to the brightest minds across the world, many of which I would argue reside in my district, to craft the most impactful policies. And it is important that the partners that we work closely with understand the practical and tangible benefits of justice, equity, diversity, and inclusion, and why, historically, that has not always been the case.

Some questions for our panelists.

Mr. Forbes, it is well documented that the early American conservation movement was exclusionary and often disparaging of communities of color. You have already pointed to some instances. In fact, writings from an early leader of the conservation movement described Indigenous and Black people as dirty, lazy, and uncivilized.

In your view, how has that troubled foundation determined which environmental policies tend to be prioritized, and are certain communities and their priorities still being left out?

Mr. FORBES. Thank you so much, Congressman. Of course, they are, is the short answer.

The origin stories that you speak about, we in the environmental movement, we have to speak about them. We have to acknowledge them. And that is the only way—it is not about shaming us or punishing us, it is the only way to liberate us to actually do the work that we need to do.

A key tenet of this conversation has been about prioritizing the most affected. I think the only path to getting there is by acknowledging how we have failed to do that in the past. Every time I have seen that happen, sir, I think the organizations have come out of that process stronger and more capable than of making space and standing beside others to allow them to lead and carry the work.

Mr. GARCÍA. Thank you, Mr. Forbes.

A question for Mr. Dosunmu. In my community, organizers on the ground are often driving most of our impactful climate wins. In Chicago's Southeast and Southwest sides, communities are fighting

to reject plants that are proposed that would increase pollution levels in an already burdened community.

Mr. Dosunmu, from your perspective, why is it important that these stories and locally driven environmental movements are being shared and supported by mainstream environmental organizations and foundations?

Mr. DOSUNMU. Thank you so much, Congressman, and I will just say that the work happening in your district is very close to my heart. I lived on the South Side of Chicago during college, so I know that work and that area very well, and the organizations that are lifting up that work.

And what I will say is that many funders are operating under a false notion that you can do environmental work without power-building work. And I think part of what the examples that you have laid out in your district highlight is that communities of color understand that that work cannot be disconnected from power-building work. So, they are actually working not just to tackle kind of traditional environmental notions, but they are also working to build meaningful political power among those residents, so that they are able to really shift the center of gravity, environmentally.

The reason it is important to lift up those examples is that it really highlights the intersectionality of environmentalism and meaningful power-building in communities of color.

Mr. GARCÍA. Thank you, and I will just end with this. Black and Brown leaders and organizations and individuals must be engaged, uplifted, and supported if we are to truly tackle the climate crisis.

Thank you. I yield back, Mr. Chairman.

The CHAIRMAN. Thank you very much, Mr. García. Let me now recognize Representative Cohen.

Sir, you are recognized.

[Pause.]

The CHAIRMAN. Mr. Cohen, you are recognized.

[Pause.]

The CHAIRMAN. Representative Trahan, you are recognized for 5 minutes.

Mrs. TRAHAN. Thank you, Mr. Chairman. And thank you to the witnesses here today. I am so glad we are having this hearing today. If future generations are going to care for and support the protection of public lands and waters, then public land agencies will have to work to ensure that these places are accessible and relevant to the day-to-day lives of residents.

The city that I am from, Lowell, Massachusetts, is incredibly diverse. More than 60 languages are spoken throughout the city. And immigrants have come from all over to make Lowell home. My Brazilian grandmother, who immigrated to Lowell, used to work in the very mill that is now my congressional office, and this is the American Dream at its absolute best.

Not only is a former mill my congressional office, but it is also part of the Lowell National Historic Park. The Park is a treasure in our community and includes a museum that educates visitors about Lowell's rich history as an industrial mill town that immigrants like my grandparents helped build. Right now, the Park is working with the local community to co-create a new exhibit called

“One City, Many Cultures,” and this exhibit will update the existing immigrant exhibit that opened back in 1988.

Over the last 30 years, Lowell’s demographics, like many other cities, continue to change, making an update necessary. And this new exhibit will tell the stories of diverse cultures, as well as the cultural changes that Lowell has witnessed. When it is completed, it will feature panels written in English and Spanish. Viewers will be able to listen to Kami being spoken, and there will even be a section dedicated to a storybook in which guests can record their own stories.

This initiative demonstrates the potential that urban parks have to educate, connect, and strengthen our local communities. However, uneven access to parks, especially urban parks, and funding systems that have historically steered their investments toward richer locales, have ignored a vital group of stakeholders and change leaders for far too long.

One way to increase access is for agencies, as well as non-profits, to adopt and implement policies so that public lands and conservation workforce reflects the growing diversity in our nation, both in rank-and-file positions and throughout the leadership ranks.

Ms. Chatterjee, thank you for being here. I am wondering if you can speak to the importance of access to urban parks for communities like Lowell.

Ms. CHATTERJEE. Sure, thank you so much for your question. I actually went to Lowell for a big Bengali conference once, just a testament to immigrant communities being attracted to Lowell, Massachusetts.

But yes, it is incredibly important in terms of making sure that young people have access to supportive infrastructure, care and physical infrastructure and parks within their communities in terms of the future we want.

I spend my time working to fight the climate crisis so that we can have communities where our kids can thrive, learn about our history, and have jobs. And I think that, historically, there have been big efforts to push these things.

Right now, one of the things we have been talking about is the Civilian Climate Corps. One of the things we could do with the Civilian Climate Corps is make sure that we do have urban parks being put together, but also rural parks being put together. There is no reason why we shouldn’t be putting every single person to work putting together the things that we need as communities, the core things we need in order to thrive.

So, I think it is critically important as just a piece of what makes our communities beautiful and what we are all fighting for.

Mrs. TRAHAN. Well, thank you for visiting Lowell, and, hopefully, we can welcome you back there soon.

I grew up in Lowell, and Urban Park had an incredible impact on my childhood and my upbringing. I am wondering what you see as the greatest challenge to creating more urban parks across our country like the one in Lowell.

Ms. CHATTERJEE. I think the greatest challenge is lack of funding, and the greatest challenge to lack of funding is the lack of our ability to get policies through, which comes back to what we

are all here to talk about, which is why can't we get these policies done that we need?

It is because we are not being inclusive and bringing in the communities that actually have the power of the community behind them to get things passed—not just talked about, but actually passed. So, having the money means that we can have the parks.

Mrs. TRAHAN. Right. Well, I appreciate all of that, and certainly I believe that all politics is local. But I also think that all activism, all history, and certainly our action on the climate, is also local, too.

I appreciate your answers and your being here today. Thank you. I yield back, Mr. Chairman.

The CHAIRMAN. The gentlelady yields. Let me recognize Representative Tlaib for 5 minutes.

Your questions, comments?

Ms. TLAIB. Thank you, Chairman. Thank you so much for our panelists. I really appreciate, Chairman, you being such a champion on environmental justice issues. You know how personal that issue is to me.

Some of you might know already, I represent some of the most polluted neighborhoods in Michigan. And for us, environmental justice isn't a choice. It is a daily fight for survival. Many of my residents have steel mills and oil refineries for neighbors, literally feet away from their front steps. They have auto factories and power plants in their backyards.

The cumulative impact of all these pollution sources combining together is a toxic cocktail that my residents ingest every single day, and so do their children. These communities have high rates of asthma, cancer, and respiratory disease. Our environmental decision making is literally killing communities of color.

And these communities have been shut out, always, in policy-making and advocacy spaces for far too long.

You all know the fossil fuel industry, the lobbyists. I left another Committee hearing, and just hearing of the gaslighting and the misleading information by the industry, changing their names, talking about it in a way when, at the end, we are still breathing dirty air.

So, I would like to emphasize the sense of urgency we need at this moment. If you have 20 major source air polluters within a couple of miles of your home, you are going to act with a lot more urgency than someone living in a safer, cleaner community. Look where shutting our frontline environmental justice communities out of the halls of power has gotten us. I mean, look at it. No meaningful climate action as we continue hurtling toward planetary doom. Corporate polluters continue to make record profits. The more even subsidy—we give them everything. They keep, again, profiting off of our public health disaster and our environmental disaster.

So, I am proud that in my district we have so many environmental justice groups that have the JEDI values ingrained into the fabric of their organizations. Groups like Michigan Environmental Justice Coalition, Solardarity, We Want Green, Too are walking the walk, and it is part of what makes me very much an effective partner here in bringing their voices to the halls of Congress.

Ms. Chatterjee, just even hearing you talk about this, I don't know, it just reminds me how exhausting it is, how incredibly exhausting it is that we are giving these platforms, talking about it over and over again. Like, I am tired of the public hearings. I go, Chairman. I go, I submit comments, I get my residents to submit comments, and nothing changes. It is exhausting.

Ms. Chatterjee, how would empowering frontline Black, Brown, and Indigenous environmental justice leaders actually impact Federal environmental policymaking change for U.S. climate action? What does empowerment really look like?

Tell my colleagues on this Committee what to do.

Ms. CHATTERJEE. Thank you so much. I think what to do is know the names of the environmental justice communities in your district. Talk to them. Bring them in. Make sure they are the first folks that you ask when a decision is coming up.

Make sure that when we are getting closer and closer, and negotiations are happening, what continually feels like it happens is that the most important issues for Black and Brown communities get negotiated away by people who don't speak for that community. So, making sure that doesn't happen is an incredibly powerful position to be in.

And I am just grateful that we have all of you in that position, because we are out of time. Lives are at stake, and we have to make this change in who we listen to and who we believe has the solutions. And I think you are doing it, a lot of you are doing it, and it is nice to see, but we just have to go faster and harder.

Ms. TLAIB. Yes, the Chairman needs more help from our Committee, and we are going to work hard in getting that done.

Mr. DOSUNMU—I hope I said it right, because people mess up my name—your testimony mentioned, of course, the \$1.34 billion awarded to 12 national environmental funders, and only 1.3 percent went to communities of color-led, justice-focused groups. What would directing hundreds of millions—I mean, I already know this answer, but I want colleagues to understand, and I think it was something that Ms. Chatterjee kind of talked about. But how can it really—because I know it will accelerate that kind of urgency I have been talking about. But give us some examples of how injecting and investing in the communities impacted the most would look like in policymaking.

Mr. DOSUNMU. Absolutely. Thank you so much for your question. I grew up in a community very similar to the one you represent, that you have described, around these issues. And what I know, again, is that the most transformative solutions are happening at the community level.

So, injecting hundreds of millions of dollars into BIPOC-led organizations will get you imaginative thinking like the thinking that the Gulf Coast Center for Law and Policy is doing around just transition, or the work that Green Latinos is doing around closing toxic landfills, or the work that the California Environmental Justice Alliance is doing to pull Black, Brown, and Indigenous communities together to really push for transformative legislation at the state level.

There are tangible benefits to injecting money into BIPOC-led organizations, and the most tangible benefit is that we actually

resource the best solutions, which is not what we are doing right now.

Ms. TLAIB. No. Thank you, and I yield. Thank you, Chairman.

The CHAIRMAN. The gentlelady yields. Thank you very much. Let me recognize Mr. Cohen.

Sir, you are recognized for 5 minutes.

[Pause.]

The CHAIRMAN. Mr. Cohen?

[Pause.]

The CHAIRMAN. Recognizing myself, there seems to be a—Mr. Westerman, is there anyone on your side of the aisle that wishes to be recognized that has not at this point?

Miss GONZÁLEZ-COLÓN. Not at this point, Mr. Chairman.

The CHAIRMAN. Thank you.

Mr. Cohen, are you available at this point?

[No response.]

The CHAIRMAN. There is some technical difficulty with Mr. Cohen's connection. Let me recognize myself. Otherwise, we will be here in limbo for a while.

I mentioned in the opening remarks—and I have some questions that are pertinent to this hearing, but I mentioned the remarks that the issue of JEDI and what we are dealing with here in terms of integrating justice, equity, diversity, and inclusion not only into mainstream environmental institutions, but the discussion has been more expansive than that—it is not just a moral necessity, it is a very, very practical necessity. And as you exclude voices from diverse and impacted communities in decision-making processes, all those policies that are made around those issues fall short of the goals.

In fact, the National Academy of Sciences, Engineering, and Medicine released a report just last year that underscores how advancing JEDI in environmental institutions is necessary to ensure that the Federal environmental policies are designed to work for all Americans.

They also said in that report that environmental foundations, and I quote, “need to prioritize addressing both the severe racial justice and equity disparities in their funding of climate NGOs and the diversity of their board and staff advisors.”

I mentioned that, but let me just talk about two issues that came up from the witnesses and also from the questions that my colleagues asked, and one has to do with the issue of capacity building and power. And both to Ms. Chatterjee and Mr. Dosunmu, if you could answer and respond to this question and also respond what you saw with what the National Academy said, capacity building.

Let me just take one example, cumulative impact, and the frustration that many impacted communities have of a single source analysis versus a cumulative analysis that it is impacting the whole community, the public health of that community, and the general environment of that community with capacity in terms of resources, the ability for communities to be able to deal with this question much more effectively.

Your response to that? I use that as one example of where capacity building, I think, is critical to impacted communities to be able to make their point—

[Audio malfunction.]

The CHAIRMAN. Ms. Chatterjee?

Ms. CHATTERJEE. Yes, thank you. I absolutely agree with the findings of the National Academy of Sciences that you are raising here—that it actually is more impactful to bring communities to the table.

And in terms of capacity building, my view is that often that capacity is best brought through just unrestricted grant dollars. I think oftentimes what we see is that foundations feel that they know what capacity an organization might need, and they sometimes are right, and they sometimes are wrong.

So, our inclination is to argue for unrestricted grants to communities of color-led organizations organizing in communities of color, doing that work, so they can decide for themselves if what they need most is media training or is what they need most a scientific analysis?

I think that it really depends on the time and the community. Our inclination is to encourage unrestricted grants for capacity building.

The CHAIRMAN. Yes, and Mr. Dosunmu, let me just kind of rephrase another question.

I said it was practical, and that these are practical things that need to be done in order to be effective for environmental institutions and NGOs, mainstream ones. But it applies as well to the policymakers in government, because there is a relationship to that policy development and the NGOs outside.

And I asked a question about the practicality. As this country continues to become more diverse, the need for inclusivity also applies to the issue that we are talking about here today, the environment in general, not only the climate issue that we must do something about, but also the long-term conservation that also must be part of this nation's policy, and how these new constituencies are—the role that they are going to play in the future in the protection of our public lands, waters, and dealing with climate, why there is a practical policy importance to recognizing that inclusion is necessary for the long term.

Mr. DOSUNMU. Absolutely, thank you so much, Congressman, for the question.

I think part of it is recognizing that the earlier you bring communities in and the more substantively you engage those communities, the better off your policymaking is going to be.

So, currently, what community engagement looks like and community outreach looks like is that it is almost a box that funders check or, in some cases, that elected officials check, and it is really not substantive. It is not driven by a desire to have deep connectivity with the communities and the organizations that are doing the most important work.

One of the things that I can say from the vast experience that I have in this space is that often decisions are imposed on our communities. They happen to our communities. They don't emanate up from our communities. And we have to shift that dynamic if we really want to meaningfully address the crisis that is at hand. We have to make sure that the most thoughtful and most innovative

ideas and policies actually are able to influence the public discourse and the ultimate policy outcomes.

The CHAIRMAN. Thank you very much. And let me now go back to and recognize Mr. Cohen for 5 minutes.

Sir.

Mr. COHEN. Thank you, Mr. Chair. I don't know that I need that time, particularly, but I appreciate your coming back. I have had technical problems in getting back to the Committee.

But at the beginning of the Committee, my friend, the Ranking Member, made a lot of comments about inflation, and how that has harmed so many poor people with the cost of energy.

I just realized that inflation—and I am sure my friend knows this, as well—is a worldwide problem, and that inflation is in Brazil, and it is in Germany, and it is everywhere, in Europe, and all around the world. It is not a problem that President Biden is not aware of and attacking, but it is not something he has done, because it is a worldwide problem. And a lot of it relates to the pandemic.

And President Biden has done so much to try to encourage people who are resistant to doing it, including people in our Congress on the other side of the aisle, on the Floor to wear masks, to be concerned about others, to not spread the virus, and to get vaccinated and boosted. And too many people in red states, predominantly, have not cooperated. They have not gotten vaccinated, they have not worn masks, and they spread the virus.

And it has been shown. Tennessee, my home state, is generally first in the country in the number of people infected, because we have almost no policies from our governor concerning wearing masks. This avoidance of science is hurting our country and hurting poor people more than it is wealthier people.

And when you have the problems we have with climate change, which is one of the deals we have with fossil fuels, it is poor people that don't have the money in summer when it gets so hot to go to Colorado, or Wyoming, or one of their little resorts, or when it gets cold in the winter and miserable, they can't go to Naples, Florida, because they can't afford it, where the wealthy can go. So, climate change has a disproportionate effect on poor people, and that is why we need to be concerned about it.

I was looking at Plan B yesterday. Plan B was published about, I think, 15, 20 years ago, and we are still not getting around to Plan B, and we are out-using Mother Earth, and we are taking too many resources out of it and putting too many pressures on it, and it only has a limited capacity, and we are over that capacity, and we are not going to be around when it runs out of steam, runs out of ability to absorb and to provide water and necessary resources, and to work as it should.

But it is just a problem, and that is one of the questions I was going to ask earlier, Mr. Chair. And I know you are aware of them, but I get tired of hearing Republicans talk about inflation and about the supply chain, which are worldwide problems, much of which has to do with China, and the pandemic, and closing down, and not getting goods out to market.

And ships have been averaging 4 days sitting off of ports on the supply chain. It is worse now, but it has always been somewhat bad.

Anyway, that is one thing that I wanted to get off my chest, which I guess I have done.

Delegate Freeland is no longer with us, is he?

[No response.]

Mr. COHEN. Does anybody that is with us on the panel represent particularly Native American Indians?

Mr. FREELAND. I am here, Representative Cohen.

Mr. COHEN. OK, thank you, Delegate. I just wanted to get your perspective on how Deb Haaland, our former colleague and my friend, is doing as the Secretary of the Interior concerning Native American Indian issues.

Mr. FREELAND. That is a very good question. That has yet to be determined, Congressman. We haven't had an opportunity to speak with her. I say that, that is why. We don't know what she is or what her intentions are. We don't know what her thoughts are. We don't know. So, that is yet to be determined, Congressman, thank you.

Mr. COHEN. Have you made an attempt to talk with her?

Mr. FREELAND. Yes, we did, Congressman. We were actually out there last week, and we did request to meet with her directly related to the issue of Chaco Canyon, but we never got a response.

Mr. COHEN. Well, I appreciate that.

I am very concerned about the horses and the burros out in the West. And, of course, they get in a fight with the cattle farmers, and who has the right to the land, and I am concerned that we ought to be doing more with the scientific efforts to reduce their population, and by herding them up, and then having them end up in pens, and herding them in the roundups without helicopters, and all that. And I am just concerned—

VOICE. It confirms that—

Mr. COHEN. Excuse me.

VOICE [continuing]. They have been trying.

Mr. COHEN. I didn't hear whatever somebody was saying. Maybe somebody was not muted.

But the bottom line is—and it may be kind of simplistic—but I was thinking Native American Indians—horses were their friends and the cattle farmers weren't, and I don't know if things have changed that much. And I wish that we had better results from the Department of the Interior on taking care of our four-legged friends and their opportunities to graze and not be treated inhumanely.

With that, I yield back the balance of my time.

The CHAIRMAN. The gentleman yields. Let me just thank the witnesses for their very valuable testimony, the Members for their questions, and for the questions that some of those questions brought up, and those are important, as well.

The members of the Committee may have additional questions for the witnesses, and we will ask them to respond to those in writing.

Under Committee Rule 3(o), members of the Committee will submit witness questions within 3 business days following that

hearing, and the record will be open for 10 business days for the responses.

Before closing and thanking everybody once again, let me say that I think this has been a very good hearing. The effort to rewrite history or erase it is—well, some people, some attempt is being done at that. The fact is that it can't happen. It is about correcting past practices and redirecting history so we don't repeat those mistakes again.

And I think that the discussion today goes to that issue, and it is about capacity, it is about inclusion, but it is also about beginning to develop the kinds of policies and integrate them fully, and the legislative initiatives that are going to give marginalized communities, diverse communities, those that are most impacted, least attended to, not just the opportunity, but the empowerment to be able to have some significant say over the quality of their particular lives and their communities' lives. And I think it is important.

The nexus for Chaco was always, Mr. Freeland, the protection in perpetuity of the Chaco landscape, its facilities, its cultural, religious, and spiritual significance. And the buffer and withdrawal, whether 5, 10, discussion going on, was with that intent, and that intent was driven by a variety of advocacy on the part of many tribes across this country in New Mexico, and the then-administration and Navajo Nation. So, those discussions are ongoing, but the nexus that I believe we all agree with is, in perpetuity, the conservation and protection of that landscape.

The other issue is the one that came up about the question of using slave labor in order to acquire our precious or rare minerals for import into this country. Nobody supports that concept.

And I think that we are going to be consistent. I would extend to my colleagues the invitation to join with some of us in the prohibition of this Federal Government—of our doing business with multi-national and conglomerates and corporations that are doing business on public land and water, but have a track record of environmental labor abuse, and now a cultural resource abuse, and the exploitation and abuse of women, that we not do business with them, i.e. Rio Tinto mining company.

So, if we are going to be consistent on one end and prohibit the import, we should also prohibit them having access to our public lands to be able to do business, not pay any royalties, and continue the practices outside our country. If we are going to be consistent, let's apply the rule to all.

But we are going to go forward with this.

I want to thank the staff for this meeting.

With no further business for the Committee, we are adjourned.

[Whereupon, at 1:07 p.m., the Committee was adjourned.]

[ADDITIONAL MATERIALS SUBMITTED FOR THE RECORD]

Statement for the Record

**Written Testimony of Mark Mitchell, Chairman
All Pueblo Council of Governors
Testimony Submitted February 22, 2022**

Greetings House Natural Resources Chairman Raul Grijalva and committee members, my name is Mark Mitchell, former Governor of the Pueblo of Tesuque and Chairman of the All Pueblo Council of Governors (APCG). The APCG represents the 20 Pueblo Nations of New Mexico and Texas. Each Pueblo exercises its own Sovereign authority to govern its affairs.

The mission of the All Pueblo Council of Governors is: “To advocate, foster, protect and encourage the social, cultural, and traditional well-being of our Pueblo Nations. Through our inherent and sovereign rights, we will promote language, health, economic and educational advancement of all Pueblo people.”

The first recorded convening of this council dates back to 1598. At that time, many more Pueblos were thriving throughout the American Southwest but through generations of colonialism from Spain, Mexico, and the United States, we only have 20-member Pueblos today.

Through generations of colonialism and direct policy decisions to eradicate our Pueblos and cultural survival, we retain and maintain the languages of Keres, Tewa, Tiwa, Towa, and Zuni. The Pueblos’ footprint across the American Southwest is evident in the world renown structures of Chaco Culture National Historical Park (“CCNHP”) Bears Ears National Monument, Mesa Verde National Park, Aztec Ancestral Ruins, Hovenweep, and Bandelier National Monument, and many others.

I want to thank you, Chairman Grijalva and the entire House Natural Resources Committee, for holding this oversight hearing titled, “Justice, Equity, Diversity, and Inclusion in Environmental Policymaking, Role of Environmental Organizations and Grantmaking Foundations.” As you know, our member Pueblos do not currently enjoy permanent occupancy of many of our sacred landscapes described above; however, each Pueblo retains our ongoing cultural practices and commitment to these sites through song, story, pilgrimage, and customs. We continuously reaffirm our commitment to steward sacred landscapes beyond our existing landholdings in our daily prayers and traditions.

Our cultural resources are quintessential to our survival, and they are precious, nonrenewable, and irreplaceable. Each and every one of our cultural resources, sacred sites, and historic properties is intricately connected and plays a vital role in the spiritual and ecological web of relationships that comprise a traditional cultural landscape.

As Chairman of the All Pueblo Council of Governors, I would like to share the critical urgency to protect two landscapes facing direct threats in New Mexico: 1) the Greater Chaco Region; and 2) the Caja Del Rio Landscape.

Preservation of the Greater Chaco Region

As members of the House Natural Resources Committee know, the protection and preservation of the Greater Chaco Region from unfettered oil and gas mineral development has been a priority for the All Pueblo Council of Governors for many years. In fact, APCG has adopted numerous resolutions calling on the federal government, including the Department of the Interior and Congress, to remediate the impacts of oil and gas mineral development that has encroached upon and continues to threaten the CCNHP and its interrelated outlier cultural resources. These resources are situated within the larger sacred landscape known as the Greater Chaco Region.

The APCG has consistently advocated a two-part approach for the protection of the Greater Chaco Region by seeking: 1) withdrawal of federal lands and minerals from future mineral development surrounding the CCNHP in a critical 10-mile withdrawal area; and 2) tribally led cultural resource studies and tribal consultation that inform federal undertakings in the Greater Chaco Region, to ensure the protection of cultural resources.

The APCG developed the critical 10-mile withdraw protection position in close partnership with the President and Vice-President’s office of the Navajo Nation. Beginning in 2015, Chapters within the Navajo Nation expressed their concerns about the negative impacts of oil and gas development in the area, including on culturally and historically sacred areas, individuals’ health, and the environment,

citing the Navajo Nation's critical cultural and historical ties to the area and the harms caused to the Navajo people living in the area.

After numerous meetings between the APCG leadership and the President and Vice President of the Navajo Nation, the Chaco Cultural Heritage Area Protection Act ("Act") was introduced by Senator Tom Udall that would withdraw federal lands and minerals within a critical 10-mile withdraw surrounding the CCNHP from future mineral development. As carefully constructed by APCG and Navajo Nation, the Act included provisions protecting the Navajo Nation's and its allottees' to rights to development on their land, even within the withdrawal area.

Over the last few years, the Congress has recognized the need to protect the cultural resources within the critical 10-mile withdrawal area and has enacted spending legislation to prevent the Department of the Interior from making available any federal lands and minerals available for leasing or development.

Despite the historic and united effort from the Pueblos, Navajo Nation, and the State of New Mexico to protect the Greater Chaco Region, some within the Navajo Nation no longer support the 10-mile withdrawal area. APCG has made multiple attempts to reach the Office of the President and the Speaker of the 24th Navajo Nation Council to renew our historic partnership to protect the cultural resources while carefully balancing the interests of their Nation's and allottees' mineral development rights. To date, no responses have been provided.

As announced during the White House Tribal Nations Summit, the Department of the Interior ("Department") has initiated the consideration of administratively withdrawing federal lands and minerals within the critical 10-mile withdrawal area surrounding the CCNHP from oil and gas development, using existing statutory authority under the Federal Lands Policy and Management Act for a maximum period of 20 years.

The Department's administrative withdrawal effort advances the APCG's two-part position and carefully aligns with the protection efforts the Pueblos and the Navajo Nation developed to ensure maximum protections for cultural resources are maintained while allowing for development on Navajo and allottee land. The Department will continue its robust public commenting opportunities, tribal consultation requirements, and submission of a report on all considerations to the Congress prior to the Secretary's completion of the administrative withdrawal.

The Pueblos through APCG maintain that we continue to look to renew our partnership with all stakeholders to protect the Greater Chaco Region and its significant cultural resources.

Preservation and Protection of the Caja Del Rio Landscape

Since time immemorial, our people have occupied and ecologically stewarded extensive areas of New Mexico including the 107,068-acre plateau now known as the Caja Del Rio, located near Santa Fe, New Mexico. Our ancestors' migration and our continuous occupation and religious use of the Caja Del Rio have resulted in a dense concentration of Pueblo cultural resources and a vast, multi-layered living cultural landscape consisting of separate overlapping cultural landscapes for individual Pueblos and Tribes.

This landscape holds thousands of sacred sites, housing structures, ceremonial kivas, petroglyphs, ancient irrigation systems, and other sites potentially eligible for designation as a Traditional Cultural Property in the National Register of Historic Places. APCG and member Pueblos also advocate for the protection of important cultural resources in this area including those that are not archaeological in nature like shrines, springs, plant and mineral gathering places, viewsheds, sound sheds, and other important natural features and sacred sites.

As continually demonstrated by Pueblos and reaffirmed by archaeological and ethnographic record, many Pueblos maintain a historic, ongoing, and significant cultural connection to the Caja Del Rio cultural landscape, including through story, song, prayer, hunting, medicine gathering and pilgrimage. Protection of this area's natural resources, traditional cultural properties, and sacred sites is necessary to our member Pueblos' cultural preservation now and into the future and has formally been established as a priority in APCG's legacy protection efforts. Maintenance and protection of the ecological and spiritual relationships between our member Pueblos and the resources this cultural landscape holds are central to the longevity, maintenance and revitalization of our cultural knowledge, histories, practices, and identity as Pueblo people. These resources contribute to the present and future well-being of our communities, to New Mexico and to the entire world. APCG also recognizes the importance of cultural resources in this region as delineating historic land grant boundaries, some of which may be used to resolve current jurisdictional concerns and disputes.

Despite the Caja Del Rio's recognition as a sacred landscape for the Pueblos and its richness in cultural resources, it continues to suffer mismanagement resulting in ongoing, cumulative adverse impacts including the desecration of sacred sites, illegal dumping, poaching, unregulated shooting, and off-road misuse.

On January 17th or 18th, at least 10 petroglyphs were defaced with graffiti of swastikas and human anatomy. This marks the third known incident at the petroglyph site in the last year. As you can imagine, many of our secular and traditional Pueblo leadership, community members, and youth continue to heartfully express outrage, sadness, and grief for the disturbance and desecration of the beloved cultural resources left by our ancestors. Pueblo leadership attests the desecration to years of mismanagement of the Caja Del Rio, where the jurisdictional makeup includes management by United States Forest Service ("USFS"), Bureau of Land Management, New Mexico State Land Office, and private ownership.

In addition to legacy mismanagement of the region causing persistent cultural desecration, theft of cultural artifacts, illegal dumping and poaching, this already vulnerable cultural landscape is further endangered by the Department of Energy's ("DOE") proposed Electrical Power Capacity Upgrade project. In absence of adequate tribal consultation by DOE and USFS, APCG via resolution and letter has formally called upon the project's joint lead agencies, to fully assess environmental and cultural resource impacts of the proposed project by initiating a Section 106 Review Process and to carry out a full Environmental Impact Statement in compliance with legal obligations under the National Environmental Policy Act ("NEPA"), the National Historic Preservation Act's Section 106 Review Process, and in consideration of the United Nations Declaration of the Rights of Indigenous People's principle on Free, Prior, and Informed Consent.

As Pueblo people, we take desecrations to our sacred places as reminders that we must continually and strategically act through all available mechanisms to achieve justice so that we can preserve the sacred cultural resources that have sustained each Pueblo since time immemorial. At the forefront of our efforts with Congress and the Administration should precede the recognition and maintenance of the United States' solemn federal trust responsibility to Tribes, and commitment to advance the government-to-government relationship through meaningful and effective communication, collaboration, and tribal decision-making authority on the preservation of tribal cultural resources.

In conclusion, we look forward to continuing our relationship with the federal government, including the Congress, to address urgent issues impacting the Pueblos cultural resources, including those beyond each member's existing reservation boundaries.

Statement for the Record

Written Testimony of Governor Randall Vicente Pueblo of Acoma Testimony Submitted February 22, 2022

On behalf of the Pueblo of Acoma, please accept this written testimony for the House Committee on Natural Resources' (Committee) oversight hearing titled "Justice, Equity, Diversity, and Inclusion in Environmental Policymaking: The Role of Environmental Organizations and Grantmaking Foundations." Our testimony addresses issues raised regarding protection of the sacred landscape of the Greater Chaco Region.

I. Sacred Landscape of Greater Chaco Region Under Threat

The Greater Chaco Region is a sacred landscape important to the cultural identity of Pueblos and other Tribal Nations. It is a truly special place unlike any other. Before the Pueblos transitioned to our existing landholdings, spreading out over the landscape like spokes of a wheel, we occupied Chaco Canyon. Our occupancy and, thereafter, our ongoing interactions with Chaco Canyon resulted in a dense concentration of cultural resources—including vast ancestral Puebloan structures, shrines, sacred sites, and natural formations with culturally relevant modifications and understandings—and an interconnected sacred landscape important to the maintenance of our governance systems, languages, cultures, and traditions. This landscape is known as the Greater Chaco Region, and it spreads throughout the San Juan Basin.

Chaco Canyon and the Greater Chaco Region play an integral role in Acoma's living history, culture, and identity. Our discussion of Chaco cannot be separated from our discussion of our present-day home and community of *Haakú*, Acoma. As Acoma people, Chaco Canyon and the Greater Chaco Region are deeply rooted in our collective memory, and the experiences of our ancestors. It is an extension of our ancestral homeland, where our ancestors lived for generations to form the foundations of our cultural practices, traditions, and beliefs that help define our identity as Acoma people today. Chaco Canyon, and its vast landscape, are not abandoned—but instead they contain the cultural resources that tie Acoma to Chaco, and from Chaco to the place of our emergence. The Greater Chaco Region is therefore a living landscape, depended on by living indigenous communities, like Acoma. Within the Greater Chaco Region are archaeological and significant cultural resources, left by our creator, utilized by our ancestors, and accessible to us for the continuance of our cultural practices.

Over many decades, mineral development has encroached on the Greater Chaco Region, creeping closer and closer to its center point within the Chaco Culture National Historical Park. By many estimates, over 90% of available federal land in the San Juan Basin has already been leased for oil and gas development. As a result, tens of thousands of oil and gas wells have been developed in the Greater Chaco Region. These development decisions have been made without sufficient tribal consultation and without sufficient identification and assessment of impacts on irreplaceable tribal cultural resources and the sacred landscape.

Compounding these issues is a serious lack of cultural resource data identifying cultural resources in the Greater Chaco Region important to the Pueblos and other Tribal Nations.¹ While archaeologists are adept at recognizing many types of archaeological resources (potsherds, room blocks, pit houses, etc.), many of the cultural resources important to the Pueblo are outside the domain of archaeology. For Acoma, all ancestral pueblo archaeological resources are cultural resources, but not all cultural resources are archaeological in nature, and therein lies a major issue. When we are confronted with unchecked oil and gas development in a region we know to be rich in cultural resources, we are forced to rely upon federal agencies, as our trustee, to safeguard these resources. However, these agencies are often unable or unwilling to take the necessary steps to engage with tribal experts to identify and consider impacts on significant cultural resources—where this necessary first step includes providing us with the opportunity to survey nominated lease parcels and potential drilling sites before federal action is taken.

As Acoma, we have a culturally-embedded and inherent responsibility to protect our cultural resources and sacred landscapes. It is for this reason that Acoma has prioritized protecting the sacred landscape of the Greater Chaco Region.

II. Collaborative Efforts to Protect Sacred Landscape

The Pueblos have always sought to be pragmatic when it comes to the protections we seek for the Greater Chaco Region. For this reason, we have pursued a 2-part approach meant to balance protecting the sacred landscape and recognizing that development is already ongoing, including on sovereign tribal and allotment land. The first part of our 2-part approach is seeking withdrawal of *federal* land from *new* mineral development in the *especially critical* 10-mile withdrawal area surrounding the Chaco Culture National Historical Park and including its outliers.² The second part is seeking sufficient tribally-led cultural resource studies and tribal consultation before all other development, including oil and gas lease sales, in the broader Greater Chaco Region.

This nuanced approach reflects the protections the Navajo Nation, the Pueblos, and other stakeholders³ came together to agree upon. Navajo Nation and Pueblo coordination on protection of the Greater Chaco Region dates back years. Navajo

¹See Uncited Preliminary Brief (Deferred Appendix Appeal) of All Pueblo Council of Governors and National Trust for Historic Preservation as Amici Curiae Supporting Appellants, *Diné Citizens Against Ruining Our Environment v. Zinke*, Civ. No. 18-2089 (10th Cir. 2018) (All Pueblo Council of Governors amicus brief describing violations of National Historic Preservation Act and implementing regulations in failure to consult with Pueblo tribal governments during applications for permits to drill in order to gather required information about potentially affected historic properties, including traditional cultural properties).

²Chacoan Outliers Protection Act of 1995, Pub. L. No. 104-11 (designating certain outlying sites as "Chaco Culture Archaeological Protection Sites"); Act of Dec. 19, 1980, Pub. L. No. 96-550, Title V (creating Park) (codified at 16 U.S.C. §§410i-410i-7).

³As part of this collaborative effort, the State of New Mexico undertook to withdraw New Mexico state trust lands within the withdrawal area. Moratorium on New Oil and Gas and Mineral Leasing in Greater Chaco Area, N.M. Comm'r of Pub. Lands Exec. Order No. 2019-002 (Apr. 27, 2019).

people local to the Chaco area raised to their leadership concerns about the effects of oil and gas development on their health, the environment, and the sacred landscape.⁴ Navajo leadership then took up the issue.⁵ Soon after, Navajo and the Pueblos came together government-to-government to strategize, and the joint withdrawal efforts were born from those discussions.⁶

The Pueblos and the Navajo Nation agreed to advocate for withdrawal of federal land from future mineral leasing and development within the approximately 10-mile withdrawal area, and we further agreed to preserve the rights of Tribal Nations and allottees to develop on their land even within this withdrawal area.⁷ The Pueblos have never strayed beyond these agreed-upon protections. The Pueblos do not and have never advocated for withdrawing other Tribal Nations' land or allotment land from development, and we have supported all efforts to make clear that a withdrawal would not prevent tribal or allottee landowners from developing on their land. Further, we have limited our request to withdraw federal land to only a small, critical area of the Greater Chaco Region. As the entire area is a sacred landscape, we view withdrawal of the 10-mile withdrawal area as a minimum.

Additionally, the withdrawal is but one aspect of the Pueblos' efforts to protect the Greater Chaco Region. Among other measures, the Pueblos advocated to the Department of the Interior (Department) and then to Congress for federal funding to complete a tribally-led cultural resource study of the Greater Chaco Region. We were able to secure sufficient funding for both the Navajo Nation and the Pueblos, in conjunction with the Hopi Tribe, to complete such studies, and the studies are now underway.

In recent years, some within the Navajo Nation have broken with the previously established Navajo position in favor of the Chaco withdrawal. The Pueblos have

⁴The Counselor Chapter, Ojo Encino Chapter, Dilkon Chapter, Torreon/Star Lake Chapter, and Diné Medicine Men's Association, Inc. passed resolutions in 2015; the Tri-Chapters of the Eastern Agency wrote to the Resources and Development Committee in 2016; and the Counselor Chapter in 2016 initiated the Hózhóogó na'adá assessment model and process. Harvard thereafter released data on the effects of oil and gas development on local Navajo residents' health during the COVID-19 pandemic, and representatives from the Counselor Chapter discussed ongoing concerns. See Kendra Chamberlain, *For Greater Chaco Communities, Air Pollution Compounds COVID-19 Threat*, NM Pol. Rep. (Apr. 15, 2020), <https://nmpoliticalreport.com/2020/04/15/for-greater-chaco-communities-air-pollution-compounds-covid-19-threat/>. These same Navajo people and organizations continue to be vocal in support of protecting Chaco, and some Navajo Council Delegates are included in this group.

⁵Once the issue was brought to Navajo leadership, Navajo leadership thereafter informed the Bureau of Land Management of the concerns. Letter from Russell Begaye, President, Navajo Nation, and Jonathan Nez, Vice President, Navajo Nation, to Bureau of Land Mgmt., Dep't of Interior (Feb. 6, 2017) ("Re Concerns Regarding Chaco Canyon Cultural Historic Park").

⁶In a historic collaborative effort, the Navajo Nation and the Pueblos met in February 2017 government-to-government and mutually committed to working together. Press Release, Navajo Nation, OPVP Protect Chaco Canyon Region Through Collaboration with All Pueblo Council of Governors (Feb. 24, 2017), <https://www.navajo-nsn.gov/news%20releases/opvp/2017/feb/opvp%20protect%20chaco%20canyon%20region%20through%20collaboration%20with%20all%20pueblo%20council%20of%20governors.pdf>.

⁷The Navajo Nation's and the Pueblos' staff worked with Senator Udall's Office to create federal legislation to permanently protect the withdrawal area—and this effort became the Chaco Cultural Heritage Area Protection Act. In April 2018, the Navajo Nation and Pueblos again met government-to-government to formally review and approve the language of the legislation. The outcome was a critical compromise to support the withdrawal of federal land from future development but to preserve the rights of the Navajo Nation and Navajo allottees to develop on their own land. The Navajo Nation and the Pueblos together supported the introduction of the Chaco Cultural Heritage Area Protection Act of 2018, S. 2907; its reintroduction as the Chaco Cultural Heritage Area Protection Act of 2019, S. 1079 and H.R. 2181, with additional protections for the Navajo Nation's and Navajo allottees' development rights; and the legislation's movement through Congress toward enactment, including by giving congressional testimony, see, e.g., Written Testimony of Navajo Nation, Vice President Myron Lizer, Legislative Hearing on H.R. 2181, the Chaco Cultural Heritage Area Protection Act of 2019, Before the H. Comm. on Natural Resources Subcomm. on National Parks, Forests, and Public Lands (June 5, 2019), available at <https://naturalresources.house.gov/imo/media/doc/Lizer,%20Myron%20Written%20Testimony.pdf>; Written Testimony of Myron Lizer, Vice President, Navajo Nation, *Oil and Gas Development: Impacts on Air Pollution and Sacred Sites: Field Hearing Before the H. Comm. on Nat. Res.* (Apr. 15, 2019), <https://www.Congress.gov/116/meeting/house/109319/witnesses/HHRG-116-II06-Wstate-LizerM-20190415.pdf>; Written Testimony of Rickie Nez, Delegate and Chair of Navajo Nation Council Res. & Dev. Comm., *Oil and Gas Development: Impacts on Air Pollution and Sacred Sites: Field Hearing Before the H. Comm. on Nat. Res.* (Apr. 15, 2019), <https://naturalresources.house.gov/imo/media/doc/2.4%20Testimony%20-%20Nez%20-%2004.15.19.pdf> (noting cultural importance of Chaco and need to protect air quality for cultural and health purposes); see also Felicia Fonseca, *Tribes Urge U.S. to Ban Drilling Around Sacred New Mexico Site*, Navajo-Hopi Observer (Mar. 26, 2019, 10:29 AM), <https://www.nhnews.com/news/2019/mar/26/tribes-urge-us-ban-drilling-around-sacred-new-mexi/>.

sought a government-to-government meeting with the Navajo Nation to address these issues, but our requests have not been answered.⁸ However, we were able to submit testimony to the Navajo Council describing the long-standing partnership between the Navajo Nation and the Pueblos with regard to Chaco protections and how the withdrawal is designed to protect tribal and allottee development rights.⁹ We would warmly welcome a meeting with the Navajo Nation to discuss our collaborative efforts to protect the Greater Chaco Region.

III. Effects of Administrative Withdrawal on Tribal and Allotment Land

As a consequence of advocacy by the Pueblos and others, and in line with the protections agreed upon with the Navajo Nation, the Department has announced that it is considering withdrawing for a 20-year term 351,479.97 acres of public land and interests located in an approximately 10-mile withdrawal area surrounding the Chaco Culture National Historical Park and including its outliers.¹⁰ Such public land would be withdrawn from location and entry under the United States mining laws and from leasing under the mineral leasing laws but not from disposal under the mineral materials laws, and the withdrawal would be subject to valid existing rights. According to the Department's notice, the purpose of the withdrawal is to protect the landscape rich in tribal cultural legacy from the impacts of oil and gas development.

The administrative withdrawal contemplated by the Department goes no further than the protections agreed upon between the Pueblos and the Navajo Nation. It would be limited to the 10-mile withdrawal area and would withdraw only public land; it would not apply to tribal or allotment land.¹¹ Further, even on federal land otherwise withdrawn, ongoing development would be permitted to continue, as withdrawal is subject to valid existing rights.¹²

Additionally, completion of the Department's administrative withdrawal would only make more permanent the current status quo. Dating back to at least the Obama administration, an informal pause was put in place to prevent new oil and gas leasing and development on federal land in the withdrawal area. After a brief but worrisome period of reversal that required significant advocacy by the Pueblos and others, the Trump Administration also put in place a similar pause.¹³ And, since December 2019, Congress through appropriations legislation has maintained a moratorium preventing new oil and gas leasing and development on federal land in the withdrawal area.¹⁴

⁸ See, e.g., Letter from Mark Mitchell, Chairman, All Pueblo Council of Governors, to Jonathan Nez, President, Navajo Nation (Feb. 10, 2022) (requesting meeting and access to Navajo land for tribally led cultural resource study); Letter from Wilfred Herrera Jr., Chairman, All Pueblo Council of Governors, to Jonathan Nez, President, Navajo Nation, and Seth Damon, Speaker, Navajo Nation (Apr. 15, 2021) (requesting meeting to discuss continued partnership to protect Chaco); Letter from J. Michael Chavarria, Chairman, All Pueblo Council of Governors, to Jonathan Nez, President, Navajo Nation, and Seth Damon, Speaker, Navajo Nation (Jan. 30, 2020) (same).

⁹ Letter from E. Paul Torres, Chairman, All Pueblo Council of Governors, to Exec. Dir., Off. of Legis. Servs., Navajo Nation, and Seth Damon, Speaker, Navajo Nation (Dec. 11, 2019) (providing testimony on Navajo Legislation No. 0366-19).

¹⁰ Notice of Proposed Withdrawal and Public Meetings; San Juan County, NM, 87 Fed. Reg. 785 (Jan. 6, 2022).

¹¹ Federal Land Policy and Management Act of 1976, 43 U.S.C. §§ 1702(j), 1714 (only providing authority for withdrawal of federal land); Press Release, Bureau of Land Mgmt., Bureau of Land Management Takes Next Steps to Protect Chaco Canyon (Jan. 5, 2022), <https://www.blm.gov/press-release/bureau-land-management-takes-next-steps-protect-chaco-canyon> ("The two-year segregation and potential withdrawal . . . would not apply to minerals owned by private, state, or Tribal entities.").

¹² Federal Land Policy and Management Act of 1976, 43 U.S.C. § 1701 note (stating withdrawal is subject to valid existing rights); Press Release, Bureau of Land Mgmt., Bureau of Land Management Takes Next Steps to Protect Chaco Canyon (Jan. 5, 2022), <https://www.blm.gov/press-release/bureau-land-management-takes-next-steps-protect-chaco-canyon> ("The two-year segregation and potential withdrawal would not affect existing valid leases . . .").

¹³ Press Release, Sen. Martin Heinrich, Heinrich Secures Commitments from Interior Secretary to Protect Chaco Canyon (May 28, 2019), <https://www.heinrich.senate.gov/press-releases/heinrich-secures-commitments-from-interior-secretary-to-protect-chaco-canyon>.

¹⁴ Consolidated Appropriations Act, 2021, Pub. L. No. 116-260 § 430 (2020) (containing following language for Fiscal Year 2021: "None of the funds made available by this Act may be used to accept a nomination for oil and gas leasing under 43 CFR 3120.3 et seq, or to offer for oil and gas leasing, any federal lands within the withdrawal area identified on the map of the Chaco Culture National Historical Park prepared by the Bureau of Land Management and dated April 2, 2019, prior to the completion of the cultural resources investigation identified in the explanatory statement described in section 4 (in the matter preceding division A of this

Last, examining the landownership map of the withdrawal area,¹⁵ it is clear that almost all allotments abut non-federal land that would not be withdrawn. Further, when allotments do touch federal land, often there is already ongoing development on that federal land that would not be prevented by the withdrawal.¹⁶ Thus, there will be very few allotments isolated by surrounding withdrawn federal land.

IV. Additional Tribal Consultation and Commenting Opportunities Preceding Completion of Administrative Withdrawal

Inherent in the Department's administrative withdrawal process will be opportunities for further consideration of the voices of the Pueblos, Navajo Nation, allottees, and others.

The Federal Land Policy and Management Act (FLPMA) administrative withdrawal process under which the Department is considering the Chaco administrative withdrawal involves significant public comment and consideration.¹⁷ For withdrawals the size contemplated by the Department for Chaco, the Department must provide public comment opportunities and conduct environmental review, and it must provide a detailed report to Congress regarding analysis of the impacts of withdrawal.¹⁸ Indeed, when President Biden in November 2021 announced that the Department would begin the administrative withdrawal process, the Department said it would be conducting an environmental analysis, seeking public comment, and conducting tribal consultation on the proposed administrative withdrawal.¹⁹ Thereafter, on January 6, 2022, the Bureau of Land Management published notice of the proposed withdrawal in the Federal Register, formally beginning the withdrawal process and opening a 90-day comment period.²⁰

Additionally, it is important to note that the withdrawal contemplated by the Department has been the subject of multiple congressional hearings, including a field hearing,²¹ through consideration of the Cultural Heritage Area Protection Act.²² We also understand that members of the New Mexico Congressional Delegation and officials within the Department of the Interior have met with the Navajo Nation, the Pueblos, and others on the withdrawal and other Chaco protection efforts.

In closing, we thank this Committee for its attention to appropriate protective measures for the Greater Chaco Region. It is a deeply sacred and irreplaceable landscape to which our identity is tied.

consolidated Act.”); Further Consolidated Appropriations Act, 2020, Pub L. No. 116-94 § 442 (2019) (containing identical language for Fiscal Year 2020).

¹⁵ Bureau of Land Mgmt., Proposed Withdrawal Chaco Culture National Historical Park Surrounding Area (Jan. 6, 2022), https://eplanning.blm.gov/public_projects/2016892/200507919/20052736/250058919/ProposedChacoAreaWithdrawalMap_FFO_1_06_2022.pdf.

¹⁶ Bureau of Land Mgmt., Proposed Withdrawal, Chaco Culture National Historical Park Surrounding Area (Jan. 6, 2022), https://eplanning.blm.gov/public_projects/2016892/200507919/20052736/250058919/ProposedChacoAreaWithdrawalMap_FFO_1_06_2022.pdf.

¹⁷ Federal Land Policy and Management Act of 1976, 43 U.S.C. § 1714(c)(1).

¹⁸ Federal Land Policy and Management Act of 1976, 43 U.S.C. § 1714(c); 43 C.F.R. §§ 2310.1–2310.5.

¹⁹ Press Release, U.S. Dep’t of Interior, Secretary Haaland Announces Steps to Establish Protections for Culturally Significant Chaco Canyon Landscape (Nov. 15, 2021), <https://www.doi.gov/pressreleases/secretary-haaland-announces-steps-establish-protections-culturally-significant-chaco>.

²⁰ Notice of Proposed Withdrawal and Public Meetings; San Juan County, NM, 87 Fed. Reg. 785 (Jan. 6, 2022); *see also* Press Release, Bureau of Land Mgmt., Bureau of Land Management Takes Next Steps to Protect Chaco Canyon (Jan. 5, 2022), <https://www.blm.gov/press-release/bureau-land-management-takes-next-steps-protect-chaco-canyon>; *see also* Bureau of Land Mgmt., Chaco Culture National Historical Park Area Withdrawal (Jan. 25, 2022), <https://eplanning.blm.gov/eplanning-ui/project/2016892/510>.

²¹ Press Release, H. Comm. on Nat. Res., Chair Grijalva Announces April 15 Field Hearing in New Mexico on Air Quality, Sacred Sites Impacts of Oil and Gas Development (Apr. 5, 2019), https://naturalresources.house.gov/media/press-releases/chair-grijalva-announces-april-15-field-hearing-in-new-mexico-on-air-quality-sacred-sites-impacts-of-oil-and-gas-development_gov-lujan-grisham-will-testify.

²² *See* note 7, *supra*.

Statement for the Record
Written Testimony of Governor J. Michael Chavarria
Santa Clara Pueblo
Testimony Submitted February 22, 2022

On behalf of the Santa Clara Pueblo, please accept this written testimony for the House Committee on Natural Resources' (Committee) oversight hearing titled "Justice, Equity, Diversity, and Inclusion in Environmental Policymaking: The Role of Environmental Organizations and Grantmaking Foundations." Our testimony addresses issues raised regarding protection of the sacred landscape of the Greater Chaco Region.

I. Sacred Landscape of Greater Chaco Region Under Threat

The Greater Chaco Region is a sacred landscape important to the cultural identity of Pueblos and other Tribal Nations, including the Navajo Nation and Hopi Tribe. It is a truly special place unlike any other. Before the Pueblos transitioned to our existing landholdings, spreading out over the landscape like spokes of a wheel, we occupied Chaco Canyon. Our occupancy and, thereafter, our ongoing interactions with Chaco Canyon resulted in a dense concentration of cultural resources—including vast ancestral Puebloan structures, shrines, sacred sites, and natural formations with culturally relevant modifications and understandings—and an interconnected sacred landscape important to the maintenance of our governance systems, languages, cultures, and traditions. We call this place the Greater Chaco Region, and it spreads throughout the San Juan Basin.

The protection of the Greater Chaco Region is important to the Pueblo of Santa Clara due to the current influence and profound history it has reflected on the traditions and customs of Santa Clara Pueblo and various Tribal Nations within Utah, New Mexico, and Arizona. Chaco Canyon is still considered a living resource and community that the Pueblo of Santa Clara currently uses as a viable teaching to elders and youth of the Pueblo. Santa Clara Pueblo and various Tribal Nations can trace over 70 villages expanding over 25,000 square miles within the San Juan Basin, all holding significance and connection to the Greater Chaco Region's sacred landscape.

Chaco Canyon has direct traditional connections to the Pueblo of Santa Clara, and many ethnographic studies showcase similarities to the Tewa People and specifically to the Pueblo of Santa Clara. Through our oral history within the Pueblo from elders and traditional leaders, it has been stated that our presence within the Chacoan landscape has been a relative influence to our dynamic customs and traditions within the Pueblo today. From current and past field visits to the area and outlying ancestral sites observed by elders of the community, these findings have been confirmed. Our ancestral village of Puye Cliff Dwellings, and other villages within the Pajarito Plateau, also showcase similarities in pottery, masonry, petroglyphs, and astronomical relics similar to the Chacoan era. Through traditional song, prayer, and dances, these villages and locations to the Northwest and primarily in the Greater Chaco Region are heavily referenced, which showcases our general and spiritual connection to the area.

The Greater Chaco Region must be protected from outside entities that profit from oil and gas leases. We are currently witnessing impacts and desecration to ancestral sites, as many sites have been damaged by development and otherwise left with trash and broken glass and driven upon by vehicles. For example, our staff during a field research survey at the Dalton Pass gazed upon in disbelief a kiva pit with a barbecue grill in the middle, along with tire tread marks going over the site as if no respect to the historical and cultural significance was shown. If this type of treatment and lack of respect and care for these cultural resources continues, then the need and concern for protection is of the utmost importance to the Pueblo of Santa Clara. Furthermore, additional development in this sacred landscape will only worsen climate change issues and eradicate environmental awareness movements that cannot be reversed, which will also open the door for further future exploration.

Over many decades, mineral development has encroached on the Greater Chaco Region, creeping closer and closer to its center point within the Chaco Culture National Historical Park. By many estimates, over 90% of available federal land in the San Juan Basin has already been leased for oil and gas development. As a result, tens of thousands of oil and gas wells have been developed in the Greater Chaco Region. These development decisions have been made without sufficient tribal consultation and without sufficient identification and assessment of impacts on irreplaceable tribal cultural resources and the sacred landscape. In fact, there

is a serious lack of cultural resource data identifying cultural resources in the Greater Chaco Region important to the Pueblos and other Tribal Nations.

As direct descendants of Chaco Canyon, it is important to distinguish our sovereignty from the fossil fuel industry and private stakeholders, and we must exercise our sovereignty to ensure that our history and ancestral landscapes will not be impacted or destroyed. It is personally important to the Santa Clara Pueblo to fulfill our duties in protecting and restoring our ancestral sites.

II. Collaborative Efforts to Protect Sacred Landscape

The Pueblos have always sought to be pragmatic when it comes to the protections we seek for the Greater Chaco Region. For this reason, we have pursued a 2-part approach meant to balance protecting the sacred landscape and recognizing that development is already ongoing, including on sovereign tribal and allotment land. The first part of our 2-part approach is seeking withdrawal of *federal* land from *new* mineral development in the *especially critical* 10-mile withdrawal area surrounding the Chaco Culture National Historical Park and including its outliers.¹ The second part is seeking sufficient tribally-led cultural resource studies and tribal consultation before all other development, including oil and gas lease sales, in the broader Greater Chaco Region.

This nuanced approach reflects the protections the Navajo Nation, the Pueblos, and other stakeholders² came together to agree upon. Navajo Nation and Pueblo coordination on protection of the Greater Chaco Region dates back years. Navajo people local to the Chaco area raised to their leadership concerns about the effects of oil and gas development on their health, the environment, and the sacred landscape.³ Navajo leadership then took up the issue.⁴ Soon after, Navajo and the Pueblos came together government-to-government to strategize, and the joint withdrawal efforts were born from those discussions.⁵

The Pueblos and the Navajo Nation agreed to advocate for withdrawal of federal land from future mineral leasing and development within the approximately 10-mile withdrawal area, and we further agreed to preserve the rights of Tribal Nations and allottees to develop on their land even within this withdrawal area.⁶ The Pueblos

¹Chacoan Outliers Protection Act of 1995, Pub. L. No. 104-11 (designating certain outlying sites as “Chaco Culture Archaeological Protection Sites”); Act of Dec. 19, 1980, Pub. L. No. 96-550, Title V (creating Park) (codified at 16 U.S.C. §§410ii–410ii-7).

²As part of this collaborative effort, the State of New Mexico undertook to withdraw New Mexico state trust lands within the withdrawal area. Moratorium on New Oil and Gas and Mineral Leasing in Greater Chaco Area, N.M. Comm’r of Pub. Lands Exec. Order No. 2019-002 (Apr. 27, 2019).

³The Counselor Chapter, Ojo Encino Chapter, Dilkon Chapter, Torreon/Star Lake Chapter, and Diné Medicine Men’s Association, Inc. passed resolutions in 2015; the Tri-Chapters of the Eastern Agency wrote to the Resources and Development Committee in 2016; and the Counselor Chapter in 2016 initiated the Hózhóogó na’ada assessment model and process. Harvard thereafter released data on the effects of oil and gas development on local Navajo residents’ health during the COVID-19 pandemic, and representatives from the Counselor Chapter discussed ongoing concerns. See Kendra Chamberlain, *For Greater Chaco Communities, Air Pollution Compounds COVID-19 Threat*, NM Pol. Rep. (Apr. 15, 2020), <https://nmpoliticalreport.com/2020/04/15/for-greater-chaco-communities-air-pollution-compounds-covid-19-threat/>. These same Navajo people and organizations continue to be vocal in support of protecting Chaco, and some Navajo Council Delegates are included in this group.

⁴Once the issue was brought to Navajo leadership, Navajo leadership thereafter informed the Bureau of Land Management of the concerns. Letter from Russell Begaye, President, Navajo Nation, and Jonathan Nez, Vice President, Navajo Nation, to Bureau of Land Mgmt., Dep’t of Interior (Feb. 6, 2017) (“Re Concerns Regarding Chaco Canyon Cultural Historic Park”).

⁵In a historic collaborative effort, the Navajo Nation and the Pueblos met in February 2017 government-to-government and mutually committed to working together. Press Release, Navajo Nation, OPVP Protect Chaco Canyon Region Through Collaboration with All Pueblo Council of Governors (Feb. 24, 2017), <https://www.navajo-nsn.gov/news%20releases/opvp/2017/feb/opvp%20protect%20chaco%20canyon%20region%20through%20collaboration%20with%20all%20pueblo%20council%20of%20governors.pdf>.

⁶The Navajo Nation’s and the Pueblos’ staff worked with Senator Udall’s Office to create federal legislation to permanently protect the withdrawal area—and this effort became the Chaco Cultural Heritage Area Protection Act. In April 2018, the Navajo Nation and Pueblos again met government-to-government to formally review and approve the language of the legislation. The outcome was a critical compromise to support the withdrawal of federal land from future development but to preserve the rights of the Navajo Nation and Navajo allottees to develop on their own land. The Navajo Nation and the Pueblos together supported the introduction of the Chaco Cultural Heritage Area Protection Act of 2018, S. 2907; its reintroduction as the Chaco Cultural Heritage Area Protection Act of 2019, S. 1079 and H.R. 2181, with additional protections for the Navajo Nation’s and Navajo allottees’ development rights; and the legislation’s movement through Congress toward enactment, including by giving congressional testi-

Continued

have never strayed beyond these agreed-upon protections. The Pueblos do not and have never advocated for withdrawing other Tribal Nations' land or allotment land from development, and we have supported all efforts to make clear that a withdrawal would not prevent tribal or allottee landowners from developing on their land. Further, we have limited our request to withdraw federal land to only a small, critical area of the Greater Chaco Region. As the entire area is a sacred landscape, we view withdrawal of the 10-mile withdrawal area as a minimum.

Additionally, the withdrawal is but one aspect of the Pueblos' efforts to protect the Greater Chaco Region. Among other measures, the Pueblos advocated to the Department of the Interior (Department) and then to Congress for federal funding to complete a tribally-led cultural resource study of the Greater Chaco Region.

We were able to secure sufficient funding for both the Navajo Nation and the Pueblos, in conjunction with the Hopi Tribe, to complete such studies, and the studies are now underway.

In recent years, some within the Navajo Nation have broken with the previously established Navajo position in favor of the Chaco withdrawal. The Pueblos have sought a government-to-government meeting with the Navajo Nation to address these issues, but our requests have not been answered.⁷ However, we were able to submit testimony to the Navajo Council describing the long-standing partnership between the Navajo Nation and the Pueblos with regard to Chaco protections and how the withdrawal is designed to protect tribal and allottee development rights.⁸ We would warmly welcome a meeting with the Navajo Nation to discuss our collaborative efforts to protect the Greater Chaco Region.

III. Effects of Administrative Withdrawal on Tribal and Allotment Land

As a consequence of advocacy by the Pueblos and others, and in line with the protections agreed upon with the Navajo Nation, the Department has announced that it is considering withdrawing for a 20-year term 351,479.97 acres of public land and interests located in an approximately 10-mile withdrawal area surrounding the Chaco Culture National Historical Park and including its outliers.⁹ Such public land would be withdrawn from location and entry under the United States mining laws and from leasing under the mineral leasing laws but not from disposal under the mineral materials laws, and the withdrawal would be subject to valid existing rights. According to the Department's notice, the purpose of the withdrawal is to protect the landscape rich in tribal cultural legacy from the impacts of oil and gas development.

The administrative withdrawal contemplated by the Department goes no further than the protections agreed upon between the Pueblos and the Navajo Nation. It would be limited to the 10-mile withdrawal area and would withdraw only public land; it would not apply to tribal or allotment land.¹⁰ Further, even on federal land otherwise withdrawn, ongoing development would be permitted to continue, as withdrawal is subject to valid existing rights.¹¹

mony, *see, e.g.*, Written Testimony of Myron Lizer, Vice President, Navajo Nation, *Chaco Cultural Heritage Area Protection Act of 2019: Hearing on H.R. 2181 Before the Subcomm. on Nat'l Parks, Forests, and Pub. Lands* (June 5, 2019), <https://naturalresources.house.gov/imo/media/doc/Lizer,%20Myron%20-%20Written%20Testimony.pdf>.

⁷*See, e.g.*, Letter from Mark Mitchell, Chairman, All Pueblo Council of Governors, to Jonathan Nez, President, Navajo Nation (Feb. 10, 2022) (requesting meeting and access to Navajo land for tribally led cultural resource study); Letter from Wilfred Herrera Jr., Chairman, All Pueblo Council of Governors, to Jonathan Nez, President, Navajo Nation, and Seth Damon, Speaker, Navajo Nation (Apr. 15, 2021) (requesting meeting to discuss continued partnership to protect Chaco); Letter from J. Michael Chavarria, Chairman, All Pueblo Council of Governors, to Jonathan Nez, President, Navajo Nation, and Seth Damon, Speaker, Navajo Nation (Jan. 30, 2020) (same).

⁸Letter from E. Paul Torres, Chairman, All Pueblo Council of Governors, to Exec. Dir., Off. of Legis. Servs., Navajo Nation, and Seth Damon, Speaker, Navajo Nation (Dec. 11, 2019) (providing testimony on Navajo Legislation No. 0366-19).

⁹Notice of Proposed Withdrawal and Public Meetings; San Juan County, NM, 87 Fed. Reg. 785 (Jan. 6, 2022).

¹⁰Federal Land Policy and Management Act of 1976, 43 U.S.C. §§ 1702(j), 1714 (only providing authority for withdrawal of federal land); Press Release, Bureau of Land Mgmt., Bureau of Land Management Takes Next Steps to Protect Chaco Canyon (Jan. 5, 2022), <https://www.blm.gov/press-release/bureau-land-management-takes-next-steps-protect-chaco-canyon> ("The two-year segregation and potential withdrawal . . . would not apply to minerals owned by private, state, or Tribal entities.")

¹¹Federal Land Policy and Management Act of 1976, 43 U.S.C. § 1701 note (stating withdrawal is subject to valid existing rights); Press Release, Bureau of Land Mgmt., Bureau of Land Management Takes Next Steps to Protect Chaco Canyon (Jan. 5, 2022), <https://www.blm.gov/press-release/bureau-land-management-takes-next-steps-protect-chaco-canyon>

Additionally, completion of the Department's administrative withdrawal would only make more permanent the current status quo. Dating back to at least the Obama administration, an informal pause was put in place to prevent new oil and gas leasing and development on federal land in the withdrawal area. After a brief but worrisome period of reversal that required significant advocacy by the Pueblos and others, the Trump Administration also put in place a similar pause.¹² And, since December 2019, Congress through appropriations legislation has maintained a moratorium preventing new oil and gas leasing and development on federal land in the withdrawal area.¹³

Last, examining the landownership map of the withdrawal area,¹⁴ it is clear that almost all allotments abut non-federal land that would not be withdrawn. Further, when allotments do touch federal land, often there is already ongoing development on that federal land that would not be prevented by the withdrawal.¹⁵ Thus, there will be very few allotments isolated by surrounding withdrawn federal land.

IV. Additional Tribal Consultation and Commenting Opportunities Preceding Completion of Administrative Withdrawal

Inherent in the Department's administrative withdrawal process will be opportunities for further consideration of the voices of the Pueblos, Navajo Nation, allottees, and others.

The Federal Land Policy and Management Act (FLPMA) administrative withdrawal process under which the Department is considering the Chaco administrative withdrawal involves significant public comment and consideration.¹⁶ For withdrawals the size contemplated by the Department for Chaco, the Department must provide public comment opportunities and conduct environmental review, and it must provide a detailed report to Congress regarding analysis of the impacts of withdrawal.¹⁷ Indeed, when President Biden in November 2021 announced that the Department would begin the administrative withdrawal process, the Department said it would be conducting an environmental analysis, seeking public comment, and conducting tribal consultation on the proposed administrative withdrawal.¹⁸ Thereafter, on January 6, 2022, the Bureau of Land Management published notice of the proposed withdrawal in the Federal Register, formally beginning the withdrawal process and opening a 90-day comment period.¹⁹

Additionally, it is important to note that the withdrawal contemplated by the Department has been the subject of multiple congressional hearings, including a

¹²“The two-year segregation and potential withdrawal would not affect existing valid leases”).

¹³Press Release, Sen. Martin Heinrich, Heinrich Secures Commitments from Interior Secretary to Protect Chaco Canyon (May 28, 2019), <https://www.heinrich.senate.gov/press-releases/heinrich-secures-commitments-from-interior-secretary-to-protect-chaco-canyon>.

¹⁴Consolidated Appropriations Act, 2021, Pub. L. No. 116-260 § 430 (2020) (containing following language for Fiscal Year 2021: “None of the funds made available by this Act may be used to accept a nomination for oil and gas leasing under 43 CFR 3120.3 et seq, or to offer for oil and gas leasing, any federal lands within the withdrawal area identified on the map of the Chaco Culture National Historical Park prepared by the Bureau of Land Management and dated April 2, 2019, prior to the completion of the cultural resources investigation identified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).”); Further Consolidated Appropriations Act, 2020, Pub. L. No. 116-94 § 442 (2019) (containing identical language for Fiscal Year 2020).

¹⁵Bureau of Land Mgmt., Proposed Withdrawal Chaco Culture National Historical Park Surrounding Area (Jan. 6, 2022), https://eplanning.blm.gov/public/projects/2016892/200507919/20052736/250058919/ProposedChacoAreaWithdrawalMap_FFO_1_06_2022.pdf.

¹⁶Bureau of Land Mgmt., Proposed Withdrawal, Chaco Culture National Historical Park Surrounding Area (Jan. 6, 2022), https://eplanning.blm.gov/public/projects/2016892/200507919/20052736/250058919/ProposedChacoAreaWithdrawalMap_FFO_1_06_2022.pdf.

¹⁷Federal Land Policy and Management Act of 1976, 43 U.S.C. § 1714(c)(1).

¹⁸Federal Land Policy and Management Act of 1976, 43 U.S.C. § 1714(c); 43 C.F.R. §§ 2310.1–2310.5.

¹⁹Press Release, U.S. Dep’t of Interior, Secretary Haaland Announces Steps to Establish Protections for Culturally Significant Chaco Canyon Landscape (Nov. 15, 2021), <https://www.doi.gov/pressreleases/secretary-haaland-announces-steps-establish-protections-culturally-significant-chaco>.

²⁰Notice of Proposed Withdrawal and Public Meetings; San Juan County, NM, 87 Fed. Reg. 785 (Jan. 6, 2022); *see also* Press Release, Bureau of Land Mgmt., Bureau of Land Management Takes Next Steps to Protect Chaco Canyon (Jan. 5, 2022), <https://www.blm.gov/press-release/bureau-land-management-takes-next-steps-protect-chaco-canyon>; *see also* Bureau of Land Mgmt., Chaco Culture National Historical Park Area Withdrawal (Jan. 25, 2022), <https://eplanning.blm.gov/eplanning-ui/project/2016892/510>.

field hearing, through consideration of the Cultural Heritage Area Protection Act.²⁰ We also understand that members of the New Mexico Congressional Delegation and officials within the Department of the Interior have met with the Navajo Nation, the Pueblos, and others on the withdrawal and other Chaco protection efforts.

In closing, we thank this Committee for its attention to appropriate protective measures for the Greater Chaco Region. It is a deeply sacred and irreplaceable landscape to which our identity is tied.

THE WILDERNESS SOCIETY

February 7, 2022

The Honorable Raul Grijalva, Chairman
 The Honorable Bruce Westerman, Ranking Member
 House Committee on Natural Resources
 U.S. House of Representatives
 Washington, DC 20515

Dear Chairman Grijalva, Ranking Member Westerman, and all Members of the House Committee on Natural Resources:

On behalf of our more than one million members and supporters, The Wilderness Society (TWS) writes to express our appreciation and views regarding the oversight hearing titled, *“Justice, Equity, Diversity, and Inclusion in Environmental Policymaking: The Role of Environmental Organizations and Grantmaking Foundations”* on February 8, 2022.

Public lands and waters are often seen as a defining feature of our nation’s shared heritage and character. However, throughout our history, racism, exclusion, oppression, and injustices have traditionally shaped the policies, operations, and funding that have excluded and inequitably distributed the benefits of nature. While America’s national parks, wildlife refuges, cultural heritage sites, and other public lands and waters continue to be popular with many, they are often inaccessible, unwelcoming, and exclusionary particularly for systemically and deliberately overlooked populations such as communities of color, disabled populations, low-income communities, Indigenous peoples, and LGBTQ+ communities.

Dialogue and research consistently shows that people from all backgrounds and communities are interested in the environment and addressing climate change. However, people of color, Indigenous peoples, and low-income communities are most impacted by environmental injustices and climate change all while being the least represented in policy and decision making. Some of the most consequential and ubiquitously valued ideas of conservation and public land policies are rooted in racist origins and concepts. Many of these policies continue to have harmful and inequitable implications for communities of color today. As the environmental movement aims to expand and progress, we have an opportunity to address these inequities and improve policymaking and implementation to ensure the benefits of nature are equitably afforded to all.

Now more than ever, it is imperative to ensure that public lands are delivering on the benefits that were promised to every person, regardless of their income, race, or zip code. From health and wellness to climate mitigation and resilience, public lands offer a myriad of benefits that should be to the advantage of all people and communities, not just a few. That is why TWS has committed to respectfully and authentically engaging and empowering communities that have been historically marginalized in the conservation movement or have not equitably benefited from our public lands. Through policy and programmatic work based in community-led conservation and equitable access to nature that centers diversity, equity, justice, and inclusion, our organization and community will build a more welcoming and inclusive movement for environmental stewardship and public lands protection that is long-lasting and resilient.

We know that our journey toward building a more diverse and inclusive organization and movement is still in the initial stages. Our advancement has not been perfect; however, we understand the importance and urgency of creating a more just, diverse, equitable, and inclusive system for managing and protecting our public

²⁰See note 6, *supra*.

lands. As one of the many conservation and environmental organizations working to ensure diverse representation and decision-making power regarding public lands, it is essential that we remain diligent because our collective determination will have an immense impact on our communities and our planet.

TWS appreciates Chairman Grijalva, Members of the Natural Resources Committee, and staff's leadership for engaging and centering Black, Indigenous, and people of color communities to meaningfully address the climate crises and achieve environmental justice. We look forward to continuing to work with the committee to advance more just, equitable, diverse, and inclusive natural resource and climate policies.

Thank you for considering our views.

Sincerely,

MO DAILEY,
Vice President of Conservation Programs

Submission for the Record by Rep. Grijalva

Dear White Enviros: You can't fight climate change without communities of color

THE HILL, February 8, 2022

By Rep. Raúl M. Grijalva (D-Ariz.) and Andrés Jimenez, Opinion Contributors

The views expressed by contributors are their own and not the view of the Hill



In the summer of 2020, amid America's national reckoning with its white supremacy and systemic racism, lovers of nature and conservation began to ask questions about how our national parks and other public lands fit into this reckoning.

They took a closer look at beautiful, nationally prized landscapes, like the Grand Canyon and Yosemite National Park, that reflect the work of early conservationists who envisioned vast protected swaths of pristine, untouched wilderness for future generations to enjoy.

And then they saw the truth. When conservationists claimed these lands, they were already richly inhabited by Indigenous Peoples who had had been cultivating, conserving, and connecting with them since time immemorial.

But conservationists' vision for these landscapes did not include Indigenous Peoples. Armed with this belief and other racist ideals, white people and government leaders embarked on the violent, forcible removal of Indigenous communities from their ancestral homelands.

Environmental and social justice champions like us can't pretend that our feelings about America's conservation history aren't complicated. How can we appreciate a movement that created places of refuge for both humans and wildlife when that same movement tried to erase the existence of Indigenous Peoples from those very places?

Unfortunately, modern day conservation efforts haven't fully removed this stain on its history; environmental non-governmental organizations (NGOs) continue to be white-dominant spaces, perpetuating—albeit more subtly—the stigma of the past.

A groundbreaking 2014 report by Green 2.0, an independent non-profit organization that aims to increase racial and ethnic diversity in the environmental sphere, showed that only one in eight NGO staff were people of color. More alarmingly, only one in 20 board members were of color.

Green 2.0 and the U.S. House Committee on Natural Resources know we need a change. On Feb. 8, the committee is holding a congressional hearing to talk to some of the country's foremost experts about the environmental movement's diversity problem and its impacts on federal environmental policymaking.

The committee will have new data on hand from Green 2.0's most recent 2021 Transparency Report Card showing that, while NGOs have made some progress in diversifying staff over the past several years, NGO leadership is still nearly 75 percent white. This lopsided scenario isn't an unfamiliar pattern. When organizations work to increase diversity simply for diversity's sake, but don't make transformational changes that bring more inclusivity, justice, and equity to the workplace, their efforts fall short.

For the first time this year, the report also examined where environmental grantmaking foundations are sending their money. The results were disappointing, but not surprising. The foundations that were willing to respond reported funding white-led environmental NGOs at nearly double the rate of NGOs led by people of color.

Witnesses at the hearing will talk about how environmental NGOs and foundations can do better—not just because it's the right thing to do, but because the climate crisis requires it. Those most impacted by an issue must be at the table when finding solutions to address it.

Communities of color and Indigenous Peoples are overwhelmingly on the frontlines of climate change; they're the ones bearing the brunt of higher temperatures, sea level rise, and stronger and more frequent severe weather events, including hurricanes and heatwaves. They're the ones whose communities have been infiltrated by polluting petrochemical plants and fossil fuel production facilities. Yet, they're also the ones who are being left out when environmental organizations are deciding how they'll address climate change.

Excluding Indigenous voices from the conservation conversation is especially misguided. Indigenous Peoples maintain an invaluable wealth of Indigenous Traditional Ecological Knowledge (ITEK) that has been accumulated through their relationship with the natural world and passed down through oral and written histories. ITEK should be at the forefront of solutions for more sustainable and responsible stewardship of our environment. The White House recently issued an executive order to formally recognize ITEK as a body of knowledge that should inform federal decision-making; environmental NGOs should follow a similar course.

We can't change the American environmental movement's dark history of white supremacy. But if we want to light a sustainable and equitable path through the climate crisis, the environmental movement must close shop on the ivory tower and open the door to more diverse voices for a more just and inclusive future.

Raúl M. Grijalva chairs the U.S. House Committee on Natural Resources. He has represented Southern Arizona in Congress since 2003. Andrés Jimenez is the executive director of Green 2.0.

Submissions for the Record by Delegate Freeland

**Proposed Navajo Nation Committee Resolution
from the 24th Navajo Nation Council**

LEGISLATIVE SUMMARY SHEET
Tracking No. 0189-19

DATE: July 2, 2019

AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT COMMITTEE AND THE NAABIK'ÍYÁTÍ COMMITTEE; AUTHORIZING AND REQUIRING NAVAJO NATION LEADERSHIP TO MEET WITH THE NEW MEXICO CONGRESSIONAL DELEGATION SPONSORS OF THE "CHACO CULTURAL HERITAGE AREA PROTECTION ACT OF 2019", (FEDERAL LEGISLATIONS S-1079 AND HR-2181) TO EXPRESS NAVAJO NATION CONCERNS WITH THE LEGISLATION AND TO REQUEST THE ENERGY AND NATURAL RESOURCES COMMITTEE OF THE UNITED STATES SENATE TO HOLD HEARINGS IN THE TARGET AREA TO RECEIVE TESTIMONY FROM ALL AFFECTED NAVAJO ALLOTTEES IMPACTED BY THE CHACO CULTURAL HERITAGE PROTECTION ACT OF 2019; SUCH ACTIONS TO TAKE PLACE BEFORE THE NAVAJO NATION ADOPTS AN OFFICIAL POSITION REGARDING THE "CHACO CULTURAL HERITAGE AREA AND PROTECTION ACT OF 2019

PURPOSE: Authorizing and requiring Navajo Nation leadership to meet with the New Mexico Congressional delegation regarding the Chaco Cultural Heritage Area Protection Act of 2019 and to request in addition that the Energy and Natural Resources Committee of the United States Senate hold hearings in the affected areas of Navajo Nation.

This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate review the proposed resolution in detail.

5-DAY BILL HOLD PERIOD: None
Website Posting Time/Date: 7:30pm 7/31/19
Posting End Date: 7/8/19
Eligible for Action: 7/9/19

Resources & Development Committee
Thence
Naabik'iyáti' Committee

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PROPOSED NAVAJO NATION COMMITTEE RESOLUTION
24th NAVAJO NATION COUNCIL - First Year, 2019

Thomas Walker, Jr.
INTRODUCED BY

William D. [Signature]
(Prime Sponsor)

Hammer or Davis
Ken Allen [Signature]

TRACKING NO. 0189-19

AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT COMMITTEE
AND THE NAABIK'ÍYÁTÍ COMMITTEE;

AUTHORIZING AND REQUIRING NAVAJO NATION LEADERSHIP TO MEET
WITH THE NEW MEXICO CONGRESSIONAL DELEGATION SPONSORS OF THE
"CHACO CULTURAL HERITAGE AREA PROTECTION ACT OF 2019", (FEDERAL
LEGISLATIONS S-1079 AND HR-2181) TO EXPRESS NAVAJO NATION CONCERNS
WITH THE LEGISLATION AND TO REQUEST THE ENERGY AND NATURAL
RESOURCES COMMITTEE OF THE UNITED STATES SENATE TO HOLD
HEARINGS IN THE TARGET AREA TO RECEIVE TESTIMONY FROM ALL
AFFECTED NAVAJO ALLOTTEES IMPACTED BY THE CHACO CULTURAL
HERITAGE PROTECTION ACT OF 2019; SUCH ACTIONS TO TAKE PLACE
BEFORE THE NAVAJO NATION ADOPTS AN OFFICIAL POSITION REGARDING
THE "CHACO CULTURAL HERITAGE AREA AND PROTECTION ACT OF 2019

WHEREAS:

- A. The Resources and Development Committee of the Navajo Nation Council exercises oversight authority over water, land, grazing, environment, economic and community development. 2 N.N.C. §500 (C).

- 1 B. The Naabik'iyáti Committee of the Navajo Nation Council is the standing committee
- 2 empowered to coordinate and pronounce the official position of the Navajo Nation
- 3 before non-Navajo government federal, state or other entities. 2 N.N.C. § 700 (A).
- 4 C. This legislation is a necessary response to current developments involving actions of
- 5 the New Mexico Congressional Delegation and the "Chaco Cultural Heritage Area
- 6 Protection Act of 2019"(Act); Legislation S. 1079 and H.R. 2181. See Exhibit A.
- 7 D. These bills, S.1079 and its companion bill H.R. 2181, both sharing the common title
- 8 "Chaco Cultural Heritage Area Protection Act of 2019", have been sponsored by the
- 9 New Mexico Congressional delegation.
- 10 E. The "Chaco Cultural Heritage Area Protection Act of 2019" in an effort to protect the
- 11 archeological, sacred and historic resources located throughout the Greater Chaco
- 12 region severely restricts, prohibits in effect, any extraction operations from occurring
- 13 on lands within the Act's expansive impact area. See Exhibit A.
- 14 F. The Act will have a major and severe impact on the lands rightly owned by the
- 15 numerous Navajo Nation allottees in that affected area. See Exhibit B.
- 16 G. The Navajo Nation finds it is in the best interest of the Diné that the Navajo Nation,
- 17 through its leadership, including the Speaker of the Navajo Nation or his designee,
- 18 the President of the Navajo Nation or his designee and other selected members of
- 19 leadership as they may choose to meet with and communicate to the New Mexico
- 20 Congressional delegation, the concerns of the Navajo Nation regarding "Chaco
- 21 Cultural Heritage Area Protection Act of 2019".
- 22 H. The Navajo Nation finds it is in the best interest of the Diné that the Navajo Nation
- 23 leadership formally request and make best efforts to ensure that the Energy and
- 24 Natural Resources Committee of the United States Senate hold on-site hearings on the
- 25 impact of the "Chaco Cultural Heritage Protection Act of 2019" on the Navajo
- 26 Nation.

27
28 **THEREFORE, BE IT RESOLVED:**

- 29 A. The Navajo Nation hereby requires and so authorizes the Navajo Nation leadership,
- 30 including the Speaker of the Navajo Nation or his designee, and the President of the

1 Navajo Nation or his designee and other selected members of leadership as they may
2 choose, to meet with and communicate to the New Mexico Congressional delegation,
3 the concerns of the Navajo Nation regarding “Chaco Cultural Heritage Area
4 Protection Act of 2019”.

5 B. The Navajo Nation hereby directs the Speaker of the Navajo Nation Council or his
6 designee and the President of the Navajo Nation or his designee to formally request
7 and make their best efforts to ensure, that the Energy and Natural Resources
8 Committee of the United States Senate hold on-site hearings on the impact of the
9 “Chaco Cultural Heritage Protection Act of 2019” on the Navajo Nation.

10 C. It is the intent of this legislation that no official position of the Navajo Nation
11 regarding the “Chaco Cultural Heritage Protection Act of 2019” be adopted until the
12 meetings and hearings directed by this legislation have occurred.
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11

116TH CONGRESS
1ST SESSION

S. 1079

To provide for the withdrawal and protection of certain Federal land in the State of New Mexico.

IN THE SENATE OF THE UNITED STATES

APRIL 9, 2019

Mr. UDALL (for himself and Mr. HEINRICH) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To provide for the withdrawal and protection of certain Federal land in the State of New Mexico.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Chaco Cultural Herit-
5 age Area Protection Act of 2019”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) there are archeological, sacred, and historic
9 resources located throughout the Greater Chaco re-

1 gion, which spans the States of New Mexico, Ari-
2 zona, Utah, and Colorado;

3 (2) the Chaco Culture National Historical Park,
4 a unit of the National Park System and a United
5 Nations Educational, Scientific and Cultural Organi-
6 zation World Heritage Site, is known around the
7 world—

8 (A) for multi-story buildings constructed
9 by the Chacoan people that are still standing;
10 and

11 (B) as the nerve center of a culture that
12 spread throughout and dominated the Four
13 Corners area during the 9th, 10th, and 11th
14 centuries;

15 (3) the Chacoan people built hundreds of miles
16 of roads and a network of villages, shrines, and com-
17 munications sites, many of which are still visible;

18 (4) many Pueblos and Indian Tribes in the
19 Four Corners area claim cultural affiliation with,
20 and are descended from, the Chacoan people;

21 (5) the landscape around the Chaco Culture
22 National Historical Park includes hundreds of inter-
23 nationally and nationally significant cultural re-
24 sources, including prehistoric roads, communities,
25 and shrines—

1 (A) many of which are related to the re-
2 sources found in the Chaco Culture National
3 Historical Park, including the resources recog-
4 nized by the amendment made by section 3 of
5 the Chacoan Outliers Protection Act of 1995
6 (16 U.S.C. 410ii note; Public Law 104–11)
7 providing for additional Chaco Culture Archeo-
8 logical Protection Sites;

9 (B) a significant number of which are con-
10 centrated within the immediate area sur-
11 rounding the Chaco Culture National Historical
12 Park; and

13 (C) that are commonly recognized by ar-
14 cheologists;

15 (6) long considered one of the best places for
16 stargazing in the world, Chaco Culture National
17 Historical Park—

18 (A) in 1991, established a night skies pro-
19 tection initiative and interpretive program to
20 protect the night sky in the area of the Chaco
21 Culture National Historical Park; and

22 (B) in 2013, was certified as an Inter-
23 national Dark Sky Park;

1 (7) the Greater Chaco landscape in the State of
2 New Mexico extends beyond Chaco Culture National
3 Historical Park and encompasses—

4 (A) local communities, including Pueblos
5 and Indian Tribes; and

6 (B) public land, which includes additional
7 cultural resources and sacred sites;

8 (8) for over 110 years, the Federal Government
9 has recognized the importance of the area in which
10 the Chacoan people lived and has acted to protect
11 historic and sacred sites in the area, including—

12 (A) Chaco Canyon, which was designated
13 as a National Monument in 1907 and as the
14 Chaco Culture National Historical Park in
15 1980;

16 (B) the Aztec Ruins, which was designated
17 as a National Monument in 1923 and expanded
18 in each of 1928, 1930, 1948, and 1988; and

19 (C) the 39 Chaco Culture Archeological
20 Protection Sites designated in 1995;

21 (9) recognizes that the standard for Tribal con-
22 sultation is outlined in Executive Order 13175 (25
23 U.S.C. 5301 note; relating to consultation and co-
24 ordination with Indian Tribal governments);

1 (10) extensive natural gas development has oc-
2 curred in the Greater Chaco region that affect the
3 health, safety, economies, and quality of life of local
4 communities;

5 (11) renewed interest in oil exploration and pro-
6 duction within the Mancos/Gallup Shale play has in-
7 creased the potential for—

8 (A) significant impacts on resources and
9 visitor experiences at the Chaco Culture Na-
10 tional Historical Park; and

11 (B) additional impacts on local commu-
12 nities in the Greater Chaco region, including
13 Pueblos and Indian Tribes;

14 (12) a mineral withdrawal in the landscape
15 around the Chaco Culture National Historical Park
16 would prevent leasing and development in the imme-
17 diate area surrounding the Chaco Culture National
18 Historical Park, which would protect resources and
19 visitor experiences at the Chaco Culture National
20 Historical Park; and

21 (13) additional studies and protective measures
22 should be undertaken to address health, safety, and
23 environmental impacts on communities and interests
24 of Pueblos and Indian Tribes in the Greater Chaco
25 landscape.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) **COVERED LEASE.**—The term “covered
4 lease” means any oil and gas lease for Federal
5 land—6 (A) on which drilling operations have not
7 been commenced before the end of the primary
8 term of the applicable lease;9 (B) that is not producing oil or gas in pay-
10 ing quantities; and11 (C) that is not subject to a valid coopera-
12 tive or unit plan of development or operation
13 certified by the Secretary to be necessary.14 (2) **FEDERAL LAND.**—15 (A) **IN GENERAL.**—The term “Federal
16 land” means—17 (i) any Federal land or interest in
18 Federal land that is within the boundaries
19 of the Chaco Cultural Heritage Withdrawal
20 Area, as depicted on the Map; and21 (ii) any land or interest in land lo-
22 cated within the boundaries of the Chaco
23 Cultural Heritage Withdrawal Area, as de-
24 picted on the Map, that is acquired by the
25 Federal Government after the date of en-
26 actment of this Act.

1 (B) EXCLUSION.—The term “Federal
2 land” does not include trust land (as defined in
3 section 3765 of title 38, United States Code).

4 (3) MAP.—The term “Map” means the map
5 prepared by the Bureau of Land Management enti-
6 tled “Chaco Cultural Heritage Withdrawal Area”
7 and dated April 2, 2019.

8 (4) SECRETARY.—The term “Secretary” means
9 the Secretary of the Interior.

10 **SEC. 4. WITHDRAWAL OF CERTAIN FEDERAL LAND IN THE**
11 **STATE OF NEW MEXICO.**

12 (a) IN GENERAL.—Subject to any valid existing
13 rights, the Federal land is withdrawn from—

14 (1) all forms of entry, appropriation, and dis-
15 posal under the public land laws;

16 (2) location, entry, and patent under mining
17 laws; and

18 (3) operation of the mineral leasing, mineral
19 materials, and geothermal leasing laws.

20 (b) AVAILABILITY OF MAP.—The Map shall be made
21 available for inspection at each appropriate office of the
22 Bureau of Land Management.

23 (c) CONVEYANCE OF FEDERAL LAND TO INDIAN
24 TRIBES.—Notwithstanding subsection (a), the Secretary
25 may convey the Federal land to, or exchange the Federal

1 land with, an Indian Tribe in accordance with a resource
2 management plan that is approved as of the date of enact-
3 ment of this Act, as subsequently developed, amended, or
4 revised in accordance with the Federal Land Policy and
5 Management Act of 1976 (43 U.S.C. 1701 et seq.) and
6 any other applicable law.

7 **SEC. 5. OIL AND GAS LEASE MANAGEMENT.**

8 (a) **TERMINATION OF NON-PRODUCING LEASES.**—A
9 covered lease—

10 (1) shall automatically terminate by operation
11 of law pursuant to section 17(e) of the Mineral
12 Leasing Act (30 U.S.C. 226(e)) and subpart 3108
13 of title 43, Code of Federal Regulations (or suc-
14 cessor regulations); and

15 (2) may not be extended by the Secretary.

16 (b) **WITHDRAWAL OF TERMINATED, RELINQUISHED,**
17 **OR ACQUIRED LEASES.**—Any portion of the Federal land
18 subject to a covered lease terminated under subsection (a)
19 or otherwise or relinquished or acquired by the United
20 States on or after the date of enactment of this Act is
21 withdrawn from—

22 (1) all forms of entry, appropriation, and dis-
23 posal under the public land laws;

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25 laws; and

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2 materials, and geothermal leasing laws.

3 **SEC. 6. EFFECT.**

4 Nothing in this Act—

5 (1) affects the mineral rights of an Indian
6 Tribe or member of an Indian Tribe to trust land
7 or allotment land; or

8 (2) precludes improvements to, or rights-of-way
9 for water, power, or road development on, the Fed-
10 eral land to assist communities adjacent to or in the
11 vicinity of the Federal land.

○



116TH CONGRESS
1ST SESSION

H. R. 2181

To provide for the withdrawal and protection of certain Federal land in the State of New Mexico.

IN THE HOUSE OF REPRESENTATIVES

APRIL 9, 2019

Mr. LUJÁN (for himself, Ms. TORRES SMALL of New Mexico, Ms. HAALAND, and Mr. GRIJALVA) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To provide for the withdrawal and protection of certain Federal land in the State of New Mexico.

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2 *tives of the United States of America in Congress assembled,*

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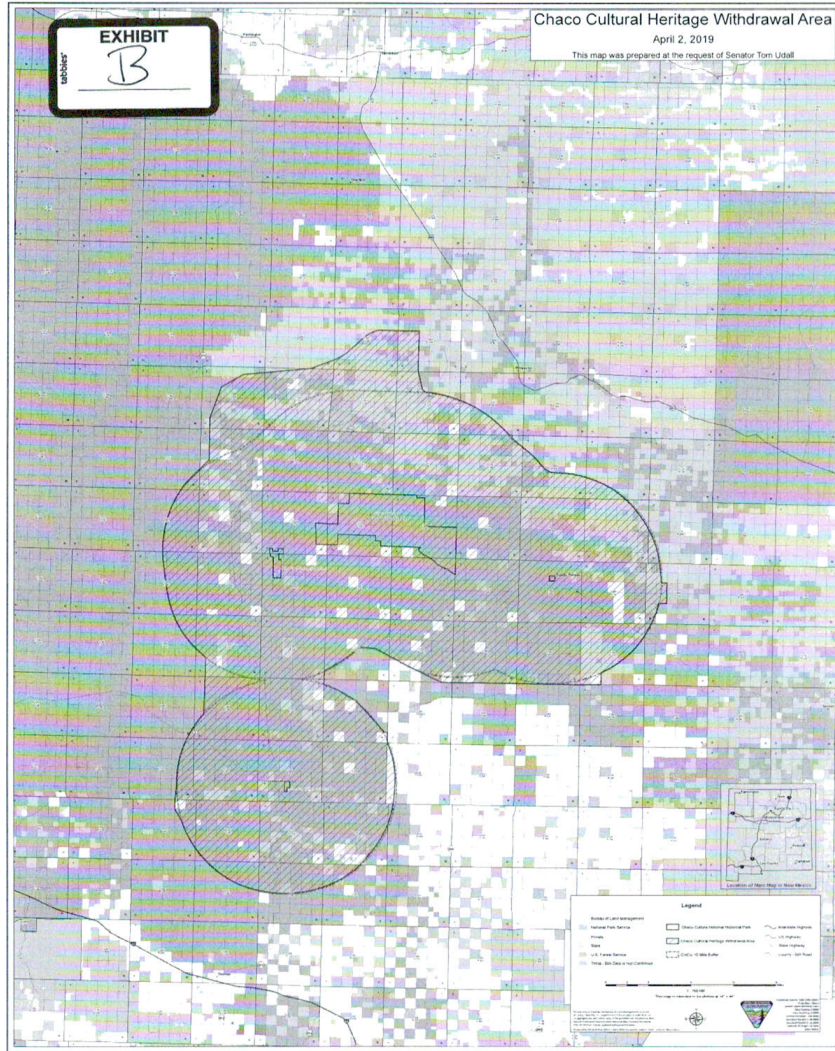
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10 eral land to assist communities adjacent to or in the
11 vicinity of the Federal land.

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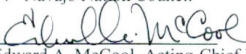
Office of Legislative Counsel
Telephone: (928) 871-7166
Fax #: (928) 871-7576



Honorable Seth Damon
Speaker
24th Navajo Nation Council

MEMORANDUM

TO: Honorable Seth Damon
Honorable Mark Freeland
24th Navajo Nation Council

FROM: 
Edward A. McCool, Acting-Chief Legislative Counsel
Office of Legislative Counsel

DATE: July 2, 2019

AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT COMMITTEE AND THE NAABIK'ÍYÁTI COMMITTEE;
AUTHORIZING AND REQUIRING NAVAJO NATION LEADERSHIP TO MEET WITH THE NEW MEXICO CONGRESSIONAL DELEGATION SPONSORS OF THE "CHACO CULTURAL HERITAGE AREA PROTECTION ACT OF 2019", (FEDERAL LEGISLATIONS S-1079 AND HR-2181) TO EXPRESS NAVAJO NATION CONCERNS WITH THE LEGISLATION AND TO REQUEST THE ENERGY AND NATURAL RESOURCES COMMITTEE OF THE UNITED STATES SENATE TO HOLD HEARINGS IN THE TARGET AREA TO RECEIVE TESTIMONY FROM ALL AFFECTED NAVAJO ALLOTTEES IMPACTED BY THE CHACO CULTURAL HERITAGE PROTECTION ACT OF 2019; SUCH ACTIONS TO TAKE PLACE BEFORE THE NAVAJO NATION ADOPTS AN OFFICIAL POSITION REGARDING THE "CHACO CULTURAL HERITAGE AREA AND PROTECTION ACT OF 2019

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. As with any action of government however, it can be subject to review by the courts in the event of proper challenge. Please ensure that this particular resolution request is precisely what you want. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

The Office of Legislative Counsel confirms the appropriate standing committee(s) based on the standing committees powers outlined in 2 N.N.C. §§500, 501. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration." 2 N.N.C. §164(A)(5).

Office of Legislative Counsel / The Legislative Branch / Post Office Box 3390 / Window Rock, AZ OLC No: 19-341-1

If the proposed resolution is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: 0189-19

SPONSOR: Mark Freeland

TITLE: An Action Relating To The Resources And Development Committee And The NAABIK'YATI' Committee; Authorizing And Requiring Navajo Nation Leadership To Meet With The New Mexico Congressional Delegation Sponsors Of The "Chaco Cultural Heritage Area Protection Act Of 2019", (Federal Legislations S-1079 And HR-2181) To Express Navajo Nation Concerns With The Legislation And To Request The Energy And Natural Resources Committee Of The United States Senate To Hold Hearings In The Target Area To Receive Testimony From All Affected Navajo Allottees Impacted By The Chaco Cultural Heritage Protection Act Of 2019; Such Actions To Take Place Before The Navajo Nation Adopts An Official Position Regarding The "Chaco Cultural Heritage Area And Protection Act Of 2019

Date posted: July 3, 2019 at 7:30 PM

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7586

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY

LEGISLATION NO.: 0189-19

SPONSOR: Honorable Mark A Freeland

TITLE: An Action Relating To The Resources And Development Committee And The Naabik'iyáti' Committee; Authorizing And Requiring Navajo Nation Leadership To Meet With The New Mexico Congressional Delegation Sponsors Of The "Chaco Cultural Heritage Area Protection Act Of 2019", (Federal Legislations S-1079 And HR-2181) To Express Navajo Nation Concerns With The Legislation And To Request The Energy And Natural Resources Committee Of The United States Senate To Hold Hearings In The Target Area To Receive Testimony From All Affected Navajo Allottees Impacted By The Chaco Cultural Heritage Protection Act Of 2019; Such Actions To Take Place Before The Navajo Nation Adopts An Official Position Regarding The "Chaco Cultural Heritage Area And Protection Act Of 2019


Posted: July 3, 2019 at 7:30 PM

5 DAY Comment Period Ended: July 08, 2019

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	<i>None</i>
Inconclusive Comments	<i>None</i>


Legislative Tracking Secretary
Office of Legislative Services


Date/Time

**RESOURCES AND DEVELOPMENT COMMITTEE
24th NAVAJO NATION COUNCIL**

FIRST YEAR 2019

COMMITTEE REPORT

Mr. Speaker,

The **RESOURCES AND DEVELOPMENT COMMITTEE** to whom has been assigned:

Legislation # 0189-19: An Action Relating to the Resources and Development Committee and the Naabik'Iyati Committee; Authorizing and Requiring Navajo Nation Leadership to Meet With The New Mexico Congressional Delegation Sponsors of the "Chaco Cultural Heritage Area Protection Act of 2019", (Federal Legislations S-1079 and HR-2181) To Express Navajo Nation Concerns With The Legislation and to Request the Energy and Natural Resources Committee of the United States Senate to Hold Hearings In the Target Area to Receive Testimony From All Affected Navajo Allottees Impacted By the Chaco Cultural Heritage Protection Act of 2019; Such Actions to Take Place Before the Navajo Nation Adoptions an Official Position Regarding the "Chaco Cultural Heritage Area and Protection Act of 2019". *Sponsor: Mark A. Freeland*

Has had it under consideration and reports a DO PASS with no amendment

and thereafter the legislation was referred to Naabik'Iyati Committee.

Respectfully submitted,



Rickie Nez, Presiding Chairperson
Resources and Development Committee of
the 24th Navajo Nation Council

July 10, 2019 – Regular Meeting

Meeting Location: NDOT Administrative Complex, Tse Bonito, NM

MAIN MOTION:

M: Thomas Walker, Jr. S: Herman M. Daniels Vote: 5-0-1 (CNV)

Yeas: Mark A. Freeland, Wilson C. Stewart, Jr., Kee Allen Begay, Jr., Thomas Walker, Jr., and Herman M. Daniels

Nays: None

Excused: None

**RESOURCES AND DEVELOPMENT COMMITTEE
24th Navajo Nation Council
Regular Meeting**

**ROLL CALL
VOTE TALLY SHEET:**

Legislation # 0189-19: An Action Relating to the Resources and Development Committee and the Naabik'Iyati Committee; Authorizing and Requiring Navajo Nation Leadership to Meet With The New Mexico Congressional Delegation Sponsors of the "Chaco Cultural Heritage Area Protection Act of 2019", (Federal Legislations S-1079 and HR-2181) To Express Navajo Nation Concerns With The Legislation and to Request the Energy and Natural Resources Committee of the United States Senate to Hold Hearings In the Target Area to Receive Testimony From All Affected Navajo Allottees Impacted By the Chaco Cultural Heritage Protection Act of 2019; Such Actions to Take Place Before the Navajo Nation Adoptions an Official Position Regarding the "Chaco Cultural Heritage Area and Protection Act of 2019". *Sponsor: Mark A. Freeland*

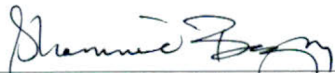
Date: July 10, 2019
Meeting Location: NDOT Administrative Complex, Tse Bonito, NM

MAIN MOTION:

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Yeas: Mark A. Freeland, Wilson C. Stewart, Jr., Kee Allen Begay, Jr., Thomas Walker, Jr., and Herman M. Daniels
Nays: None
Excused: None



Honorable Rickie Nez, Presiding Chairman
Resources and Development Committee



Shammie Begay, Legislative Advisor
Office of Legislative Services

**24th NAVAJO NATION COUNCIL
NAABIK'ÍYÁTI' COMMITTEE REPORT
First Year 2019**

The **NAABIK'ÍYÁTI' COMMITTEE** to whom has been assigned:

NAVAJO LEGISLATIVE BILL #0189-19

An Action Relating to the Resources and Development Committee and the Naabik'iyáti' Committee; Authorizing and Requiring Navajo Nation Leadership to meet with the New Mexico Congressional Delegation Sponsors of the "Chaco Cultural Heritage Area Protection Act Of 2019", (Federal Legislations S-1079 And HR-2181) to Express Navajo Nation Concerns with the Legislation and to Request the Energy and Natural Resources Committee of the United States Senate to Hold Hearings in the Target Area to Receive Testimony from all Affected Navajo Allottees Impacted by the Chaco Cultural Heritage Protection Act of 2019; Such Actions to Take Place Before the Navajo Nation Adopts an Official Position Regarding the "Chaco Cultural Heritage Area And Protection Act Of 2019

*Sponsored by: Honorable Mark A. Freeland
Co-Sponsored by: Honorable Kee Allen Begay, Jr.
Co-Sponsored by: Honorable Herman M. Daniels
Co-Sponsored by: Honorable Rickie Nez
Co-Sponsored by: Honorable Wilson C. Stewart, Jr.
Co-Sponsored by: Honorable Thomas Walker, Jr.*

Has had it under consideration and reports the same that the legislation **WAS TABLED AND SHALL REMAIN WITH THE NAABIK'ÍYÁTI' COMMITTEE.**

Respectfully Submitted,


*Honorable Seth Damon, Chairman
NAABIK'ÍYÁTI' COMMITTEE*

11 July 2019

TABLING MOTION

Motion to table legislation 0189-19 no longer than 45 days to have the Eastern Navajo Land Commission, or Eastern Agency Council Delegate Caucus, come up with a possible course of action and/or recommendations, to be brought back to the Naabik'iyáti' Committee.

112

*Motioned by: Honorable Thomas Walker, Jr.
Seconded by: Honorable Jimmy Yellowhair
Vote: 12 in Favor, 0 Opposed (Chairman Damon Not Voting)*

MAIN MOTION

*Motioned by: Honorable Jamie Henio
Seconded by: Honorable Pernell Halona
Vote: VOTE PENDING*

NAVAJO NATION

242

Naa'bik'iyati Committee

7/11/2019
10:59:08 PM

Amd# to Amd#

Table Legislation 0189-19

PASSED

MOT Walker, T
SEC Yellowhair

no longer than 45 days to Navajo
Eastern Navajo Land Commission
or Eastern Agency Council...

Yea : 12

Nay : 0

Excused : 6

Not Voting : 5

Yea : 12

Begay, E
Begay, K
Charles-Newton

Halona, P
Henio, J
James, V

Smith
Tso, D
Tso, E

Tso, O
Walker, T
Yellowhair

Nay : 0

Excused : 6

Begay, P
BeGaye, N

Brown
Freeland, M

Tso, C

Wauneka, E

Not Voting : 5

Crotty
Daniels

Nez, R

Stewart, W

Yazzie

Presiding Chair: Damon

**24TH NAVAJO NATION COUNCIL
OFFICE OF THE SPEAKER**

May 20, 2021

Senator Catherine Cortez Masto, Chairwoman (D-NV)
Senator Mike Lee (R-UT)
Energy and Natural Resources Committee Office
304 Dirksen Senate Building
Washington, DC 20510

Dear Honorable Senator Cortez, and Honorable Senator Lee:

This letter serves as a humble invitation from the 24th Navajo Nation Council Speaker Seth Damon, and the Resources Development Committee to request a formal meeting in person within the Eastern Agency of the Navajo Nation, to discuss continued partnership in regards to greater Chaco Canyon National Heritage Monument region.

The initial Chaco Cultural Heritage Area Protection Act of 2017 (hereafter, CCHAPA) was a congressional bill that identified and set precedence within the intercultural heritage that all tribal nations share throughout the greater southwest. This particular act also made note and emphasized the potential impacts to our Navajo people in relation to the ongoing development of gas and oil within the Eastern Agency of the Navajo Nation.

Since time immemorial, our sacred ceremonial and clan origin historical connection to Chaco Canyon has, and continues to be the center points of what Chaco Canyon is today. Through our Navajo language, oral histories, as stated in much of the statements within the CCHAPA, speak to our history as mentioned are indeed, "invaluable and irreplaceable cultural resources."

With that stated, there is also the acknowledgement of our current heritage which includes our Navajo allottees who have direct stakeholder ship within and around Chaco Canyon National Heritage Monument. Navajo Nation fully supports the allottees and their rights to develop their land and any leasing they wish to undergo as landowners and as direct stakeholders within the Navajo Nation Eastern Agency.

In the fall of 2019, Legislation 0366-19 was approved by the 24th Navajo Nation Council which affirmed the position of the Navajo Nation through its governing body. This legislation solidified the cultural, spiritual and cosmological connection that the Navajo Nation and the people have to the greater Chaco Canyon region area. Further, it established a collective voice that expounded upon the efforts of not only protecting the landscape of Chaco Canyon, but to also respect and work with Navajo allottees to further advance development, as well as protection of our precious resources. As a result, this legislation passed in support of all of the above, which included a position of setting the boundary of a 5-mile buffer within and around the greater Chaco Canyon National Heritage Monument area.

The 24th Navajo Nation Council's Resources and Development Committee therefore respectfully and rightfully request that the Navajo Nation Legislation 0366-19 be adhered to as the official position and continued efforts to collaboratively manage Navajo Nation lands, and minerals, while also respecting the allottees rights to develop their land.

With collaborative efforts, we would like to extend an invitation to the Energy Natural Resources Subcommittee of jurisdiction and the Subcommittee on Public Lands, Forests and Mining leadership to participate in a field hearing in Navajo Eastern Agency. This hearing would assist in the ongoing collaborations of the Navajo Nation and your subcommittee and leadership in regards to hearing the Navajo Allottees positions and voices on these matters.

Your participation will greatly present to our people that leadership from both the federal and the Navajo Nation, are working together to continue advocacy for the betterment of all our constituents. Please do not hesitate to reach out to the Chief of Staff, Sherylene Yazzie at the Office of the Speaker, sheryneyazzie@navajonnsn.gov or the Resources and Development Committee Chair, Rick Nez at ricknez@navajo-nsn.gov if you should have any questions. We look forward to your response and look forward to an in-person meeting with our Navajo Nation allottees. Ahe hee'

Sincerely,

Seth Damon, Speaker,
24th NAVAJO NATION COUNCIL

Rickie Nez, Chairman,
RESOURCES & DEVELOPMENT
COMMITTEE
24th NAVAJO NATION COUNCIL

Mark Freeland, Vice Chairman,
EASTERN NAVAJO LAND
COMMISSION
24th NAVAJO NATION COUNCIL

**24TH NAVAJO NATION COUNCIL
OFFICE OF THE SPEAKER**

September 17, 2021

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
H-232 Capitol Building
Washington, DC 20515

The Honorable Kevin McCarthy
House Minority Leader
U.S. House of Representatives
H-404 Capitol Building
Washington, DC 20515

Dear Speaker Pelosi and Minority Leader McCarthy:

We applaud Congress for its historic inclusion of tribal program investments in the proposed \$3.5 trillion budget resolution and reconciliation proposals. However, we write to respectfully inform you of our opposition to the managers amendment of the House Natural Resources Committee proposal that includes a section to prohibit new oil and gas development within the Chaco Cultural Heritage Area in northwestern New Mexico and the Navajo Nation.

In the fall of 2019, Legislation 0366-19 (attached) was approved by the 24th Navajo Nation Council, which affirmed the position of the Navajo Nation through its governing body. The legislation solidified the cultural, spiritual and cosmological connection that the Navajo Nation and the people have to the greater Chaco Canyon region area. Further, Legislation 0366-19 established a collective voice that expounded upon the efforts of not only protecting the landscape of Chaco Canyon, but to also respect and work with Navajo allottees to further advance development, as well as protection of our precious resources. As a result, this legislation passed in support of all the above, which included a position of setting the boundary of a 5-mile buffer within and around the greater Chaco Canyon National Heritage Monument area.

In the summer of 2019, Legislation 0189-19 (attached) was also approved by the 24th Navajo Nation Council authorizing and requiring Navajo Nation leadership to meet with Congressional leadership to request Congress to hold hearings in the affected areas of the Navajo Nation, which has not been completed.

The official position of the Navajo Nation reflects the interests of the Navajo allotted land owners ("allottees") in the greater Chaco area and it provides a compromise between the threat to their livelihoods and the bills' calls for increased protections from mineral development.

There are numerous Navajo cultural resources sites across the eastern portion of the Navajo Nation where Navajo allottees will potentially be impacted. The proposed cultural resource investigation (“study”) that is to be performed by cultural experts within the Chaco Canyon and Chaco Culture National Historic Park, should fully fund the Navajo Nation to oversee due to the land status that surrounds the Park is all within the boundaries of the Navajo Nation.

The 24th Navajo Nation Council respectfully submits another request for a Congressional field hearing at Nageezi, N.M. by members of Congress before any language prohibiting new oil and gas development within the Chaco Cultural Heritage Area. The purpose of this field hearing will allow Congressional leaders to hear directly from the Navajo people who face a real threat under the current version of the managers amendment of the House Natural Resources Committee proposal that includes a section to prohibit new oil and gas development within the Chaco Cultural Heritage Area.

Should you have any questions, please do not hesitate to contact Chief of Staff Sherylene Yazzie at sheryleneyazzie@navajo-nsn.gov. The Navajo Nation Office of the Speaker will respectfully follow-up with your offices within two weeks regarding this request. Thank you for your honorable consideration.

Sincerely,

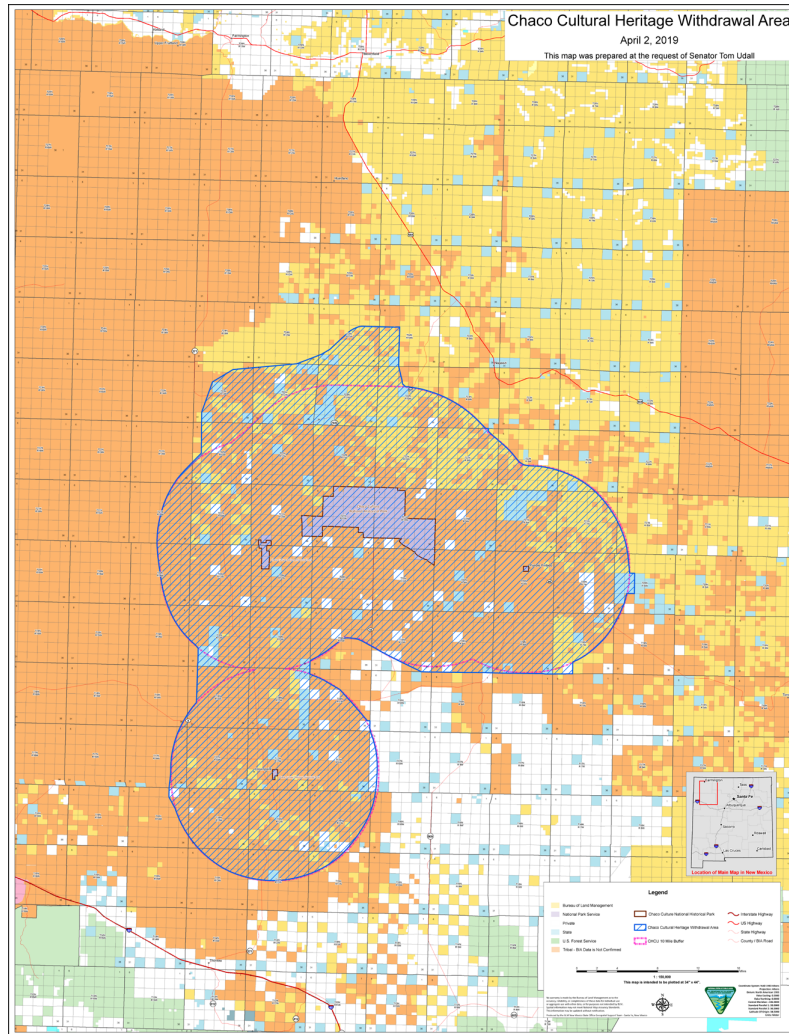
Seth Damon, Speaker,
24th NAVAJO NATION COUNCIL

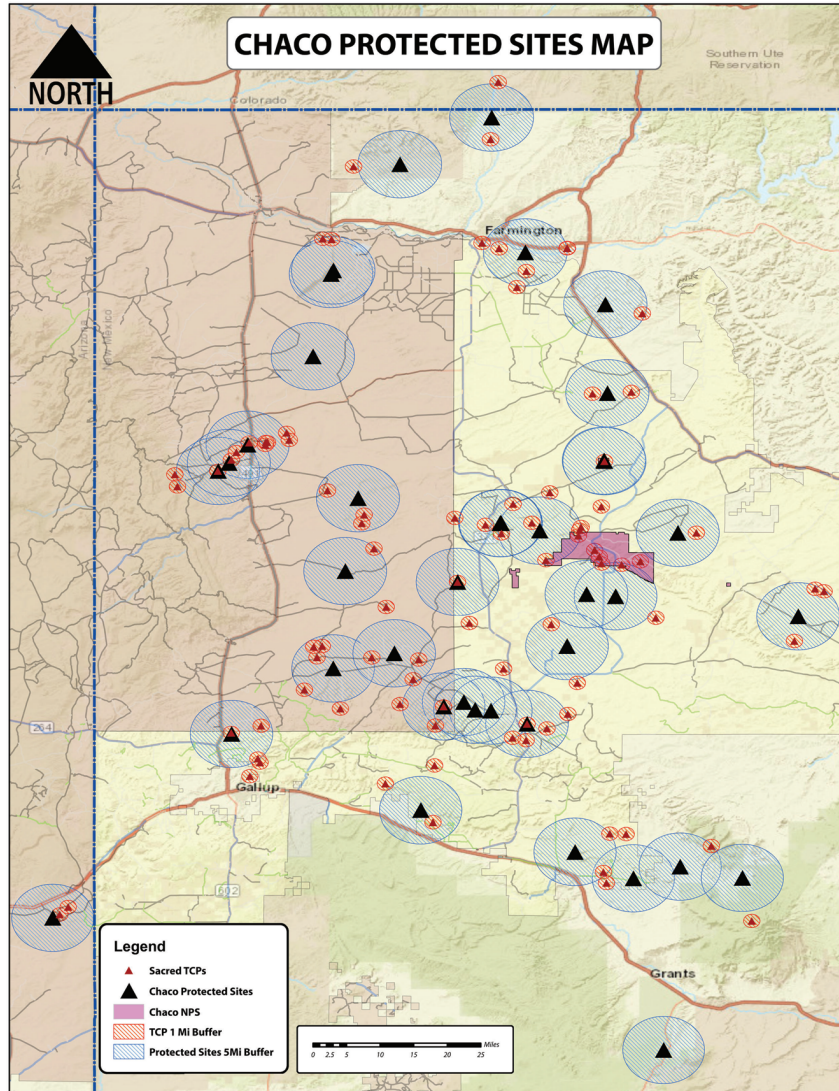
Rickie Nez, Chair,
RESOURCES & DEVELOPMENT
COMMITTEE

Mark Freeland, Council Delegate,
24th NAVAJO NATION COUNCIL

MAP OF CHACO CULTURAL HERITAGE WITHDRAWAL AREA

April 2, 2019





THE NAVAJO NATION

November 24, 2021

The Honorable Joseph R. Biden, Jr.
President of the United States of America
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20515

Dear President Biden:

On behalf of the Navajo Nation, we write to state our position to the proposed withdrawal of federal lands from new oil and gas leasing in the Greater Chaco Area and to request an immediate conference with the Department of the Interior.

Congress has considered multiple proposals to create a buffer zone around the Chaco Culture National Historical Park at the request of the All Pueblo Council of Governors but continues to ignore the desires of the Navajo people whose land would actually be impacted by such a decision. This issue is important to the Navajo Nation; specifically, to our Navajo allotment owners.

There are currently 53 Individual Indian Allotments (allotments) leased in the 10-mile buffer zone around Chaco based on the latest map proposed in the legislation considered by Congress. These allotments generate an average of \$6.2 million a year in royalties for approximately 5,462 allottees. Many allottees, including Navajo elders, rely on this income to meet their daily needs. However, the gravity of this decision is much larger as there are 418 unleased allotments associated with approximately 16,615 allottees. So, this rule could impact over 22,000 allottees.

The White House has stated, as did Congress, that the rule would not apply to Individual Indian Allotments or to minerals within the area owned by private, state, and Tribal entities. However, in reality, the rule would have a devastating impact because the indirect effects would make the allottee land worthless from the standpoint of energy extraction. For example, the Mancos Shale reservoir lies south of Counselor, Huerfano and Nageezi Chapters and north of the Chaco Park. To maximize full extraction of the product, a horizontal lateral crossing of two to four miles of subsurface may be required. Due to the cross jurisdictional land status in Navajo Eastern Agency, a proposed horizontal lateral may need to cross federal land. But the Department of the Interior has already told us that any horizontal drilling that requires access through federal lands would be prohibited under the proposed rules.

In fact, the existing temporary ban on leasing have already impacted our people, as energy companies have told some of our Navajo allottees that they will not pursue exploratory drilling unless they know they can access the sites using horizontal drilling through the federal lands. Because of the ban, something that was once the most valuable marketing of our lands is now in jeopardy of becoming an unproductive piece of property.

In trying to negotiate with our Congressional representatives, the Navajo Nation Council passed legislation that agreed to reduce the size of the 10-mile buffer zone to 5 miles to reduce the impact on Navajo allottees. We are willing to continue discussions with the federal government but announcing this initiative at the White House Tribal Nations Summit, knowing that that Navajo Nation Council and Local Navajo Government entities has passed resolutions in opposition, was an unwarranted affront to the Navajo Nation.

We are also mystified by the fact that only one listening session with 10 allottees was held in July with Assistant Secretary of Indian Affairs Bryan Newland as a way to support tribal engagement in the U.S. Department of the Interior's press release issued November 11, 2021. Even more disturbing is hearing the Department of the Interior commit to "early, robust, interactive, *pre-decisional*, informative, and transparent" tribal consultation when essentially no tribal consultation has been held with critical stakeholders in this case. By simply bypassing true and inclusive tribal consultation with the Navajo Nation and our Individual Indian Allottees, the Biden-Harris Administration is markedly undermining its trust responsibility they owe to the Navajo Nation and the 22,000 Individual Indian Allottees impacted by this decision.

To evince respect to us as a sovereign government and people we insist you not to move forward on this initiative without first reaching an agreement with the duly elected leaders of those affected by it. We ask that you engage in proper tribal consultation before publishing the proposed withdrawal in the *Federal Register* and reconsider the proposed withdrawal.

Respectfully,

Jonathan Nez, President,
THE NAVAJO NATION

Myron Lizer, Vice President,
THE NAVAJO NATION

U.S. Department of the Interior
OFFICE OF THE SECRETARY
Washington, DC 20240

September 24, 2020

Hon. Jonathan Nez
President, Navajo Nation
P.O. Box 7440
Window Rock, AZ 86515

Dear President Nez:

In 2019, Congress made \$1,000,000 available to contract with relevant federally recognized Tribes or Tribal organizations to allow Tribal cultural experts to perform a cultural resources investigation to identify culturally and historically significant areas and sites in areas of high energy development potential within the Chaco Canyon region of the Southwest.¹ Congress expected that such investigation would give special emphasis to areas of high development potential as defined in Figure 10 of the Bureau of Land Management's February 2018 Final Report, "Reasonable Development Scenario of Oil and Gas Activities" for the Mancos-Gallup RMPA Planning Area.

Congress directed that the Assistant Secretary—Indian Affairs (AS-IA) consult with affected Tribes prior to soliciting proposals and award funds within 270 days of Pub. L. 116-94's enactment. Indian Affairs consulted with Tribes on the Chaco Canyon cultural resources investigation on March 5th and 6th of this year. The consultations made clear that the two main Tribal perspectives regarding culturally and historically significant sites in the Chaco Canyon area were represented by the Navajo Nation and the Pueblos.

My letters of July 27, 2020 inviting the Navajo Nation and the Pueblos to submit proposals to conduct the cultural resources investigation by September 8, 2020 strongly encouraged all parties to consider submitting a joint proposal or otherwise ensuring that any study fully represent both perspectives. That has not occurred, and instead two separate proposals for preparing the cultural resources investigation were submitted by the Navajo Nation and by the Chaco Heritage Tribal Association (CHTA), an unincorporated association of representative Pueblos and the Hopi Tribe. In deference to the course chosen by the Navajo Nation and the Pueblos, and to ensure that the views of the relevant federally recognized Tribes or Tribal organizations are represented as Congress intended, each applicant will be awarded a portion of the funding.

¹Public Law No. 116-94; S. Rpt. 116-123 at 17, 56.

Having reviewed the Navajo Nation's submission, I am pleased to notify you that the Nation will be awarded the amount identified below to undertake the cultural resources investigation and prepare a comprehensive report identifying culturally and historically significant areas and sites:

Award Amount: \$434,356.00

This award is contingent upon the Nation providing certain information that the Nation did not include in its submission, including an estimate of overall costs to complete the study broken down by category (e.g., labor, materials), and the identity and credentials of the associated individuals/staff who will be assigned to perform the study.

Nothing in this award is intended to impact the timing of the Mancos-Gallup Resource Management Plan Amendment (RMPA).

The award funds are provided to the Nation under Pub. L. 116-94 and will be administered in accordance with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.² The Nation may contribute additional funding from its own or other sources to the cultural resource investigation study.

A Grant Agreement will be sent to you for your signature. Please return the signed Grant Agreement and the missing information listed above to the Grant Officer, Jo Ann Metcalfe, by four weeks from the date of this letter. The grant agreement authorizes the transfer of funds to the Navajo Nation through the Automated Standard Application for Payments (ASAP). The grant agreement must be fully executed by both parties before project work can begin. We will notify you once the funds have been transferred to ASAP.

Grant Officer:

Jo Ann Metcalfe
Bureau of Indian Affairs
12220 Sunrise Valley Drive
Reston, VA 20191
Email: jo.metcalfe@bia.gov
Phone: (703) 390-6410

Mr. Garry Cantley, Bureau of Indian Affairs Western Regional Office, will serve as the Project Monitor, and will be available to discuss and advise on technical issues relating to the project. All written correspondence concerning the project should be addressed to the Project Monitor.

Project Monitor:

Garry Cantley
Division of Environmental, Safety, and Cultural Resources
BIA Western Regional Office
2600 N. Central Avenue
Phoenix, AZ 85004
T: (602) 379-6750
Email: Garry.Cantley@bia.gov

I am pleased to provide you with the opportunity to undertake this important study. If you have any other questions, please contact Mr. Matthew Kelly, Counselor to the Assistant Secretary—Indian Affairs, by email at matthew.kelly@bia.gov or phone at (202) 208-7163.

Sincerely,

TARA SWEENEY,
Assistant Secretary—Indian Affairs



¹² C.F.R. Part 200.