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Testimony before the
HOUSE COMMITTEE ON NATURAL RESOURCES
Oversight Hearing on "ANWR: Jobs, Energy and Deficit Reduction"
18 November 2011

Mr. Chairman and Members of the Committee:

My name is Sarah James.

I am Neetsa'ii Gwich'in from Arctic Village, Alaska, and I serve as Chairperson of the Gwich'in Steering Committee. Arctic is the northernmost Indian community anywhere. Only the Inuit live north of us – along the Arctic coast.

The Gwich'in are caribou people. Caribou is our main food, it is in our tools and clothes and songs and stories and beadwork. We have lived right here with the caribou for hundreds of generations and will stay right far into the future. There are maybe 7,000 of us, mostly living in 15 small communities and villages scattered across northeast Alaska and the northwest corner of Canada. We are among the most remote and most traditional people in America.

The Gwich'in Steering Committee was created by resolution of our Chiefs in 1988 at the first gathering of all our people in more than 100 years – the Gwich'in Niintsyaa. Our job is to speak with one voice for all our Gwich'in people on the caribou issue. The Chiefs gave us two directions:

- to tell the world about the caribou and the Gwich'in way of life, and what oil development would mean for the Gwich'in; and
- to do it in a good way.

So, Mr. Chairman, I am especially honored to be here today to carry out this important task for my Chiefs and my people.

We respect the difficult job you have. We know about the problems of jobs and energy. In Arctic Village we only have jobs in the summer, and there are not enough to go around, so we know what it is like to be unemployed and to worry about how to pay our bills. We also know about energy problems. In Arctic Village everything is flown in. If you have a 4-wheeler or snow-machine, you will pay about \$15/gallon for gas. Fuel for electric generators is flown in too, so electricity is really expensive. I'm not complaining, I love my life, but we do know what it means to have a "deficit" when life is expensive. But in the winter you can't just turn out the lights. You have to get the money to pay the bills. Go to town to get a job, or raise taxes. You have to keep the lights on at home.

The idea of waiting to pay the bills for 10 or 15 years while you hope to find oil in the Arctic Wildlife Refuge is backwards. People need to go to work now. Our country, our government needs to fix our schools and roads and towns, and find a way to meet new needs like icebreakers – not 10 or 20 years from now, but now. If it costs more money, we will pay our fair share. To go on pretending you can just cut costs without ruining our country is not telling the truth.

But the question of oil development in the Arctic National Wildlife Refuge is not just about money and oil. It is about the most basic human rights of the Gwich'in.

For the Gwich'in, this is a simple issue:

Oil development in the birthplace and nursery grounds of the Porcupine (River) Caribou Herd would hurt the caribou and threaten the culture and way of life of my people and the viability of our communities.

We know the coastal plain of the Arctic National Wildlife Refuge as *Iizhik Gwats'an Gwandaii Goodlit*, “the Sacred Place Where Life Begins.” After migrating 400 miles and giving birth, the mother caribou cannot be disturbed at this time, and our people may not go there then. The cows and their calves will move from place to place to find the cotton-grass and other new green sprouts they need to recover their strength and feed their calves. Depending on weather, the prime area for feeding might change from year to year, especially for the first weeks. Sometimes when snows are deep the caribou are born in Canada, but studies of radio-collared caribou show that as soon as she can, the mother caribou will lead her calf onto the Arctic Refuge's coastal plain. From what we know, every Porcupine caribou gets their start in life right there, at *Iizhik Gwats'an Gwandaii Goodlit*.

When oil development around Prudhoe Bay came close to the calving grounds of the Central Arctic Caribou Herd, the cows and their calves were pushed away onto new calving- and nursery grounds. Because there was lots of good ground, this did not hurt them and those caribou prospered.

The problem for Porcupine caribou is, in the Arctic Refuge the mountains come close to the Arctic Ocean - and the coastal plain is only a few miles wide. There are already more caribou per square mile on the Porcupine caribou calving and nursery grounds than almost any other caribou herd. If the caribou are disturbed they have no-where to go. Caribou biologists believe oil development, or any large-scale disturbance and noise, risks displacement of cow and calf caribou from essential habitats, would likely hurt productivity, leading to declines, and possibly alter migration patterns.

These are the expected and unavoidable effects of oil development even if it is done right. This is not the risk we face if there is a spill or other large industrial accident.

As indigenous people, we have the right to continue our way of life, and that right is guaranteed by the International Covenant on Civil and Political Rights, signed by the President and Ratified by the Senate. Article 1 of that Covenant reads in part:

“In no case may a people be deprived of their own means of subsistence.”

The U.S. and Canadian governments signed an international agreement for management and long-term protection of the Porcupine Caribou Herd (Ottawa, July 17, 1987), forming the International Porcupine Caribou Commission (IPCC). The objectives of the agreement were: **“To conserve the Porcupine Caribou Herd and its habitat through international cooperation and coordination so that the risk of irreversible damage or long-term adverse effects as a result of use of caribou or their habitat is minimized; To ensure opportunities for customary and traditional uses of the Porcupine Caribou Herd (emphasis added); To enable users of Porcupine Caribou to participate in the international coordination of the conservation of the Porcupine Caribou Herd and its habitat; To encourage cooperation [and] communication among governments, users of Porcupine Caribou and others to achieve these objectives.”**

Much of the language used in this international (governments-to-governments) agreement admits and supports the Gwich'in human and cultural rights regarding caribou habitat:

- “Acknowledging that there are various human uses of caribou and that for generations certain people of Yukon Territory and the Northwest Territories in Canada have customarily and traditionally harvested Porcupine Caribou to meet their nutritional, cultural and other essential needs and will continue to do so in the future... and that these people should participate in the conservation of the Porcupine Caribou Herd and its habitat;
- “Recognizing that ... caribou in their large free-roaming herds comprise a unique and irreplaceable natural resource of great value which each generation should maintain...so as to conserve them for future generations;”
- “...actions for the conservation of the Porcupine Caribou Herd that result in the long-term detriment of other indigenous species of wild fauna and flora should be avoided;”
- [referencing territory covered] “...caribou found north of 64 degrees, 30’ north latitude and north of the Yukon River which usually share common and traditional calving and post-calving aggregation grounds between the Canning River in the State of Alaska and the Babbage River in Yukon Territory and which historically migrate within the State of Alaska, Yukon Territory, and the Northwest Territories;”
- [under ‘Objectives’] “f. The Parties should avoid or minimize activities that would significantly disrupt migration or other important behavior patterns of the Porcupine Caribou Herd or that would otherwise lessen the ability of users of Porcupine Caribou to use the Herd.

There are other documents that support our claim, but it is the very simple human right to continue to live our lives on our traditional lands that I hope you will remember.

Mahsi'choo (thank you)