

United States House of Representatives, Committee on Natural Resources, Subcommittee on Energy and Mineral Resources

**Hearing on H.R. 3407: (Hastings of WA and Young of AK)
“Alaskan Energy for American Jobs Act.”**

November 18, 2011

Testimony of Peter Van Tuynⁱ

Submitted on behalf of the Alaska Wilderness League

Thank you for the opportunity to testify to the Subcommittee on Energy and Mineral Resources on H.R. 3407, the “Alaskan Energy for American Jobs Act,” which would open the Coastal Plain of the Arctic National Wildlife Refuge to oil and gas leasing and development. Drilling the Arctic Refuge is not a meaningful solution to economic or energy challenges facing the United States, and serves as a distraction to real solutions. Rather than revisit the failed efforts of the past, the subcommittee should reject this effort to drill the Arctic Refuge, and instead should pass legislation designating the Coastal Plain as formal Wilderness.

The Arctic National Wildlife Refuge is our nation’s wildest Refuge, and for over 50 years has embodied the heart of the public land legacy our forefathers have provided for this and future generations. The Arctic Refuge holds its iconic place atop our public lands for good reason. As the Interior Department states, the “Arctic National Wildlife Refuge supports the greatest variety of plant and animal life of any Park or Refuge in the circumpolar arctic”ⁱⁱ and the Coastal Plain of the Arctic Refuge is the “most biologically productive part of the Arctic Refuge for wildlife and is the center for wildlife activity.”ⁱⁱⁱ The Coastal Plain also has “outstanding wilderness qualities” and important scientific values, especially in the age of global warming.^{iv}

For thousands of years the Inupiat Eskimo and Gwich’in Athabaskan people of the Arctic have relied for subsistence on resources from the Arctic Refuge, including caribou and other mammals and birds.^v Notably, the Gwich’in rely physically, culturally and spiritually on the Porcupine Caribou Herd, and consider the Coastal Plain of the Arctic Refuge – which serves as the calving ground for this herd – as “the sacred place where life begins.”^{vi}

Just three days ago, nearly one million people submitted comments to the U.S. Fish and Wildlife Service asking that the Coastal Plain be kept off-limits from oil and gas development. These included people from every State in the country, including in Alaska, nearly 75 members of Congress from both chambers, faith communities, scientists, birders, and well over 1,000 businesses.

Oil drilling on the Coastal Plain of the Arctic Refuge would irreparably damage the unparalleled wildlife values and wilderness character of the Refuge.^{vii} The impacts of oil drilling may also deprive the Gwich'in people of their means of subsistence, resulting in economic, social, and cultural impacts in violation of fundamental human rights. The drilling program in H.R. 3407 proves no exception to this general point. And as is discussed below, H.R. 3407 abandons the hollow "environmentally sound" drilling promise of prior Arctic Refuge drill bills. It opens the door to what could be direct development on tens if not hundreds of thousands of acres of the coastal plain, and does away with fundamental checks and balances so important in our system of government by exempting or severely limiting the application of environmental and judicial review laws.

As is also detailed below, H.R. 3407's justification for drilling the Refuge – that the United States needs to drill the Refuge for the oil it may contain, the money it may bring in, and the jobs it may support – are not supported in fact. The United States would be better served by investing in alternative energy programs, which can address economic, jobs and energy issues, without sacrificing our public lands legacy.

Again, the subcommittee should reject this bill, and instead support designated Wilderness for the Coastal Plain.

The Values of the Arctic Refuge

Any discussion of the Arctic Refuge Coastal Plain must start with its incredible values. It is in the Arctic National Wildlife Refuge that the tallest peaks of the Brooks Range exist; rising from the Arctic Ocean across a 15 to 40 mile wide coastal plain to 9,000 feet. Snow melt that flows north down these mountains through the spring and summer feeds rivers that move from the mountains, across the coastal plain, to the Arctic Ocean's Beaufort Sea.^{viii} The coastal plain itself is tundra, with communities of mosses, lichens, dwarf shrubs, berry plants and wildflowers.

The Arctic Refuge hosts a huge range of wildlife species, including 36 species of fish, 36 species of land mammals, nine species of marine mammals, and over 160 different species of birds.^{ix} Perhaps the most celebrated coastal plain wildlife are the caribou of the Porcupine herd.

The Porcupine Caribou herd is named for the Porcupine River, which the herd crosses on its annual migration from wintering grounds in the United States and Canada south of the Brooks Range to its summer grounds on the coastal plain of the Arctic Refuge 400 miles away.^x Some individual caribou travel as much as 3,000 miles during this round-trip migration, thus making the largest migration of any land mammal in the world. This herd moves to the coastal plain for calving and post-calving habitat. Giving birth to tens of thousands of calves in a two week period – most within a few days – the herd uses the coastal plain for its nutritious protein-rich plants, and as insect-relief habitat.^{xi} During calving on the coastal plain, "[a]dult females are at the lowest ebb of their physical condition" and "no alternative habitats are apparently available."^{xii} Mid-summer Porcupine herd congregations on the coastal plain can total tens of thousands of individual animals.^{xiii}

Millions of birds from throughout the world also come to the coastal plain of the Arctic Refuge in the summer. Here they nest, rest, feed, or raise their young. Some of the remarkable bird species of the coastal plain are the golden plover, which migrates to the coastal plain from Hawaii, the Arctic tern, which coming to the arctic from Antarctica has the longest migration in the animal world, and literally dozens of waterfowl.^{xiv}

During the short but intense summer, wildlife is ever-present on the coastal plain, yet it is not devoid of wildlife in other seasons. For example, muskoxen spend time year-round on the coastal plain.^{xv} Muskoxen, once extinct in America's Arctic, were re-introduced in the Arctic Refuge in 1969. Renowned for their prehistoric look and long, soft, fur called quivut, muskoxen also have a dramatic defense technique against predation; they form a tight circle with their sharp horns facing outward.

Historically, the "Arctic Refuge is the only national conservation area where polar bears regularly den and [it is] the most consistently used polar bear land denning area in Alaska."^{xvi} As such, the coastal strip of the Arctic Refuge is the most important land denning area for polar bears in Alaska.^{xvii} And polar bears are also increasingly using the Refuge's coast in seasons other than winter. One recent survey found as many as 200 polar bears on land from Point Barrow to the Canadian border to the east, most within the Arctic Refuge, during the ice-free season.^{xviii}

All of this led the Interior Department to state that the "Arctic National Wildlife Refuge supports the greatest variety of plant and animal life of any Park or Refuge in the circumpolar arctic"^{xix} and the coastal plain of the Arctic Refuge is the "most biologically productive part of the Arctic Refuge for wildlife and is the center for wildlife activity."^{xx} Stating the obvious, the Interior Department has also found that nearly the entire coastal plain area meets the wilderness criteria under the 1964 Wilderness Act.^{xxi}

Though primarily marine mammal hunters, the Inupiat people of the Arctic – especially those in Kaktovik which is on the northern border of the Refuge -- also use resources from the Arctic Refuge, including caribou and other mammals and birds.^{xxii} Living in villages along the migratory path of the Porcupine Caribou herd, the Gwich'in people of northeastern Alaska and northwestern Canada rely physically, culturally and spiritually on the Porcupine herd.^{xxiii} Because of their deep reliance on the Porcupine herd, the Gwich'in consider the coastal plain the "Sacred Place Where Life Begins."

The Arctic Refuge, encompassing as it does both arctic and sub-arctic ecosystems, also offers an unparalleled opportunity for scientific research. This is an especially critical role, as oil and gas activities in other parts of America's Arctic impact that habitat, and as global warming causes changes throughout the arctic. As the experts state, without an environmental baseline such as that provided by the Arctic Refuge it is difficult to gauge the effects on the Arctic of various human or environmentally-caused changes.^{xxiv}

H.R. 3407 – A Drilling Disaster for the Arctic Refuge

One of the most fundamental, and misleading, claims made about previous Arctic Refuge drill bills was that they would only allow oil and gas development on 2,000 acres of the Coastal Plain. This provision did not mean much because all the bills would have opened the entire 1.5 million acre Coastal Plain to leasing and exploration, and exploration and production wells could be drilled anywhere on the Coastal Plain.^{xxv} For example, 20 Alpine-size developments and all their connections, spread across the coastal plain, could fit through the loopholes in that provision. Nevertheless, the sponsors of those bills pointed to that provision to assert that they were at least somewhat sensitive to the impact of industrial sprawl on the land.

H.R. 3407, on the other hand, gives up any pretense of such sensitivity. Like previous drill bills, it opens the entire Coastal Plain to leasing and exploration, and exploration and production wells could be drilled anywhere on the Coastal Plain. Section 4. Yet it does away with the 2,000 acre provision in favor of one that would allow coverage of as much as 150,000 acres of the Coastal Plain under the same loophole-ridden standard. Section 7(a)(3). To put this in context, the existing oil industry on the State lands of the North Slope consists of a web of development the size of Rhode Island that can be seen from space, and directly covered approximately 17,500 acres in 2001. National Academy of Sciences North Slope Report (2003).

And it does not stop there. Any bill that allows leasing and oil production on the Coastal Plain of the Arctic Refuge could potentially open over 92,000 acres of subsurface land within the Coastal Plain of Arctic Refuge to which Arctic Slope Regional Corporation (“ASRC”) obtained the subsurface rights.^{xxvi} While these lands are currently — and have always been — closed to oil and gas leasing and development, in the event that Congress passes an Arctic Refuge drill bill these lands will also be opened. ASRC acquired the rights to this subsurface estate in a controversial Watt-era land exchange, pursuant to which it traded its surface rights in Gates of the Arctic National Park for subsurface rights to 92,160 acres under the Arctic Refuge. This land trade occurred behind closed doors and flew in the face of the Alaska Native Claims Settlement Act’s (“ANCSA”) intent to prohibit subsurface selection within National Wildlife Refuges.^{xxvii} In 1989, the General Accounting Office found, after the fact, that this land exchange was not in the interest of the United States. The terms of this transfer specifically prohibited leasing and development of these lands for oil and gas unless the Federal government authorizes leasing or development in the Coastal Plain, on these lands, or both.^{xxviii} Consequently, opening up the Coastal Plain to oil and gas leasing and development also allows leasing and development of nearly 100,000 acres of ASRC lands within the Coastal Plain.^{xxix}

Therefore, H.R. 3407, if passed into law, would allow for vast industrial complexes along and within the borders of the Arctic Refuge, including production sites, airports, permanent gravel roads, and pipelines. These facilities operate year-round, with vehicle traffic, production plant noise, helicopter and airplane traffic, and air and water pollution.

And, as we know, oil production is preceded by exploration. Seismic exploration activities are conducted using convoys of bulldozers and “thumper trucks” that travel over extensive areas of the tundra. Newer 3-D seismic surveys on the North Slope deploy more vehicles than older 2-D seismic surveys, including heavy vehicles used for “cat-train” camp hauling, and make a tighter grid profile than 2-D seismic surveys.^{xxx} Exploratory oil drilling

uses large drill rigs, convoys and aircraft. Not only are these activities intrusive, but surface exploration activities — which are employed year after year throughout the life of the oil field — can cause severe and long lasting damage to the land.^{xxxvi}

Even if exploration activities are only conducted in the winter – something not required by H.R. 3407 (see Section 6) -- the activities still pose many threats. The Coastal Plain is the most important land denning area for U.S. populations of polar bears, which are now listed as a threatened species under the Endangered Species Act (“ESA”),^{xxxvii} and much of the Coastal Plain was recently designated as Critical Habitat under the ESA for this northern bruin.^{xxxviii} Winter exploration activities can disturb polar bears from their maternity dens, as was witnessed at the Alpine oil field in March of 2006^{xxxix} and this spring at the Nikaitchuq field,^{xl} which may expose cubs to increased abandonment and mortality.^{xli} These exploration activities can also impact other year-round Coastal Plain residents such as muskoxen.

These are the realities that led the National Academy of Sciences to conclude its 2003 review of existing data concerning the cumulative effects of oil and gas activities on Alaska’s North Slope with a section titled “The Essential Trade-Off.” In that section the NAS addressed whether oil drilling and a pristine environment can co-exist, and concluded that the answer is no:

The effects of North Slope industrial development on the physical and biotic environments and on the human societies that live there have accumulated, despite considerable efforts by the petroleum industry and regulatory agencies to minimize them. . . . Continued expansion is certain to exacerbate some existing effects and to generate new ones^{xlii}

All of these facts demonstrate that oil and gas activity on the Coastal Plain would cause significant impacts to wildlife and subsistence resources within the Arctic Refuge, and destroy the wilderness qualities of the Coastal Plain.

And those impacts occur when all the laws are followed, which is not always the case. Two days ago Anchorage residents woke to the headline in the Daily News that “Prosecutors aim to revoke BP probation.” BP has been on probation for environmental crimes in Alaska’s oil fields as a result of a massive 2006 oil spill there. The United States is seeking to revoke BP’s probation because of another spill in 2009. Prosecutors stated that

The 2009 spill vividly demonstrates that BP has not adequately addressed the management and environmental compliance problems that have plagued it for many years, and that continue to result in operational, process safety, and equipment failures. *BP’s choices have been reckless, and further violations of state and federal laws are the result.*

Lisa Demer, Anchorage Daily News (November 16, 2011) (emphasis added).

Turning back to H.R. 3407, if passed it would establish a drilling program for the Coastal Plain of the Arctic Refuge with weaker standards for the protection of the wildlife and wilderness character of the Arctic National Wildlife Refuge than exist in laws that apply to federal lands elsewhere in the United States. In addition to opening the entire Coastal Plain to oil and gas activities and

allowing massive placement of facilities on the Coastal Plain as described above, H.R. 3407 would also do the following:

- > use an economically-qualified and thus weak “no significant adverse effect” environmental standard, *compare* Section 3(a)(2) with 42 U.S.C. 6504(b) (agency must “assure the maximum protection of such surface values consistent with the requirements of this Act for the exploration of the reserve”) and Pamela Baldwin, *Legal Issues Related to Proposed Drilling for Oil and Gas in the Arctic National Wildlife Refuge*, CRS Report RL31115 at 8 (May 4, 2005) (providing other examples of more stringent congressional standards).^{xxxviii}
- > fail to mandate almost any specific environmental protection for the Coastal Plain, relying instead on the discretion of the Secretary of the Interior and the agreement of an outside “peer review” process to impose such protections, Sections 3(a), 3(g), 6(a), 7, *see* RL31115 at 11-12 (fact that “no specific controls are enacted” means that “the regulations will depend on the Secretary’s interpretation”);^{xxxix}
- > eliminate the fundamental “compatibility” standard that is at the heart of national wildlife refuge management, under which activities that impair refuge purposes cannot be allowed, Section 3(c)(1), *see* 16 U.S.C. § 668dd(d)(3)(A)(i);
- > limit the authority currently available under key provisions of the Endangered Species Act and National Wildlife Refuge System Administration Act to close areas in the Arctic National Wildlife Refuge for the protection of wildlife and habitat, Section 3(f), *see* RL31115 at 10;
- > exempt a large part of the oil and gas leasing program from the environmental review and public participation provisions of the National Environmental Policy Act (NEPA) – our nation’s charter for environmental protection -- and imposes severe limitations on NEPA environmental review for the remainder, Sections 3(c)(2), 3(c)(3);
- > restrict judicial review of the Secretary of the Interior’s decisions to such a degree as to significantly limit the traditional check placed on the executive branch by the judiciary, Section 8, *see e.g.*, RL31115 at 32 (“The requirement of clear and convincing evidence in this context differs from the usual standards for proof and may be confusing, but appears to be intended to make overturning a decision difficult”).
- > grant authority over the leasing program to the Bureau of Land Management (the mineral development experts) at the expense of the U.S. Fish and Wildlife Service (the federal government’s wildlife experts who manage the Arctic Refuge today), Section 3(a)(1); *see* CRS Report RL31115 at 7 (BLM authority over the leasing program could “divorce the mineral development aspects from the biological/wildlife purposes and the expertise of the FWS personnel, and may result in the Coastal Plain receiving less protection than lands in other refuges do under current law and regulations”).

> impose weaker restoration standards and financial assurances than exist in other laws, Section 6(a)(5), see RL31115 at 11, 14, U.S. General Accounting Office, Congressional Requesters, *Alaska's North Slope, Requirements for Restoring Lands After Oil Production Ceases* at 82-83 GAO-02-357 (Washington, D.C.: 1994) (addressing restoration requirements in other states).

Simply put, opening the Arctic Refuge to oil leasing, exploration and production, whatever the technological or environmental promises, unacceptably threatens the exceptional values of the Arctic Refuge.

The Claimed Benefits of Drilling the Refuge Are Illusory and More Rational Alternatives Exist

Drilling proponents claim that opening the Coastal Plain of the Arctic Refuge to oil activities will be a boon for the national treasury and economy. History and common sense show that this is not the case:

> oil estimates for the Refuge are based on unproven reserves, and the top end oil numbers used have only a 5% likelihood of being real. Recently, the United States Geological Survey (USGS) revised its estimates for the National Petroleum Reserve-Alaska (NPR) downward from 10.6 billion barrels to 896 million barrels—roughly 10 percent of its 2002 estimate, further emphasizing the risky nature of predicting oil reserves.

> claimed federal treasury benefits of \$150 to \$296 billion are based on a 50/50 split of these already highly speculative numbers, and the State of Alaska undoubtedly will claim 90% of the revenue under the Mineral Leasing and Alaska Statehood Acts. Such benefits are also based on a corporate tax rate of 33%, while the oil industry has an effective tax rate of only 15.7%.^{x1}

> industry job claims for Arctic Refuge drilling are beyond the pale of reality. To assert that there would be 60,000 additional jobs within five years is to ignore the fact that Alaska's oil industry employs only about 16,500 workers, including support jobs.

In the meantime, the five largest oil companies have brought in over \$101 billion dollars in profits so far this year. Between 2005-2010, BP, Shell, Exxon/Mobil, and Chevron made more than half a trillion dollars in profits, and in that time frame they also reduced their U.S. workforce by over 11,000 jobs.

And at the same time, the oil industry currently is drilling more in the United States than anywhere else in the world, with over 2,000 drill rigs operating here as opposed to roughly 1,700 in the rest of the world. Alaska will see its busiest exploration season in years this coming winter, and projections are that TAPS can and will continue to deliver substantial oil from the North Slope to Valdez for decades to come. Indeed, the United States currently is producing more oil and gas than at any other time in our history.^{xii}

To be sure, as BP's Deepwater Horizon oil spill demonstrated, the United States is also taking great risks to get this oil and gas out of the ground. We even appear willing to drill in the Arctic Ocean, despite the fact that we know that we do not have the capacity to respond to an oil spill in those remote and icy waters.^{xiii}

A far more rational approach to the economic and energy challenges we face in the United States is to invest in energy conservation measures and sufficiently fund programs to hasten the inevitable transition we need to make to renewable energy sources.

Conclusion

The Coastal Plain of the Arctic National Wildlife Refuge represents the 5% of America's onshore Arctic that currently is not legally open to oil and gas activities. Drilling the Refuge thus does not represent a balanced approach to energy development and environmental protection, and would destroy the values that Republicans and Democrats alike have found worthy of celebration and protection. The Arctic Refuge is a treasure owned by current and future generations of Americans, and it should not be plundered based on myopic and false claims that drilling it for oil will meaningfully contribute to our nation's current challenges.

Thank you for the opportunity to testify.

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ⁱⁱ FWS, Arctic Refuge, Wildlife And Habitats, <http://www.fws.gov/refuges/profiles/WildHabitat.cfm?ID=75600>.

ⁱⁱⁱ U.S. Department of the Interior, Arctic National Wildlife Refuge, Alaska, Coastal Plain Resource Assessment, Report and Recommendation to Congress and Final Legislative Environmental Impact Statement (1987) (FLEIS) at 46. This 1987 report came about due to Section 1002 of ANILCA, which mandated that the Interior Department conduct a "comprehensive and continuing inventory and assessment of the fish and wildlife resources of the coastal plain of the Arctic National Wildlife Refuge." 16 U.S.C. 3142(a).

^{iv} FLEIS at 46.

^v Committee On Resources, U.S. House Of Representatives, H.R. 39, Arctic Coastal Plain Domestic Energy Security Act Of 2003; And H.R. 770, Morris K. Udall Arctic Wilderness Act, Legislative Field Hearing, Kaktovik, Alaska, Serial No. 108-13, 108th Congress, 1st Sess. (April 5, 2003) (testimony of Robert Thompson).

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- vi Gwich'in Steering Committee, et al., A Moral Choice for the United States; The Human Rights Implications for the Gwich'in of Drilling in the Arctic National Wildlife Refuge at iii (2005), <http://www.gwichinsteeringcommittee.org/GSChumanrightsreport.pdf>; see also Arctic National Wildlife Refuge, Alaska: Hearings Before the Committee on Energy & Natural Resources of the United States Senate, 100th Cong. at 313 (1987) (Tanana Chiefs Conference, Inc., Resolution No. 87-65) (noting that Arctic Village, Venetie, and Old Crow “are extremely dependent upon the population and distribution of the Porcupine Caribou herd as a matter of economics, nutrition, and cultural heritage[.]”).
- vii *See, e.g.*, Arctic Refuge Coastal Plain Terrestrial Wildlife Research Summaries, Biological Science Report, USGS/BRD/BSR –2002-0001 (detailing impacts on wildlife); FLEIS at 46, 144.
- viii *See* U.S. Fish and Wildlife Service, Arctic National Wildlife Refuge, <http://www.fws.gov/refuges/profiles/index.cfm?id=75600>; <http://arctic.fws.gov/>.
- ix FWS, Arctic Refuge, Wildlife, <http://arctic.fws.gov/wildlife.htm>.
- x State of Alaska Department of Fish and Game, <http://www.adfg.alaska.gov/index.cfm?adfg=caribou.main>; <http://www.taiga.net/top/caribou.html>; United States Geological Survey, <http://alaska.usgs.gov/BSR-2002/pdf/usgs-brd-bsr-2002-0001-sec03.pdf> (including map of range of Porcupine Caribou Herd).
- xi USGS, <http://alaska.usgs.gov/BSR-2002/pdf/usgs-brd-bsr-2002-0001-sec03.pdf>. In years when the Porcupine herd did not make it to the coastal plain to calve (prevented, for example, by high water river crossings or deep snows), they subsist on less nutritious plants. *See id.*; *see also* <http://arctic.fws.gov/caribou.htm>.
- xii International Porcupine Caribou Management Board, Sensitive Habitats Of The Porcupine Caribou Herd 14 (January 1993).
- xiii FWS, Arctic Refuge, Caribou, <http://arctic.fws.gov/caribou.htm>.
- xiv FWS, Arctic Refuge, birds, <http://arctic.fws.gov/birdlist.htm>; Audubon, From the Arctic to your backyard, http://www.protectthearctic.com/history_migrate.html; Encyclopedia Britannica Online, golden plover, <http://www.britannica.com/eb/topic-237742/golden-plover>; About.com, Arctic Tern, <http://birding.about.com/library/weekly/aa020700a.htm>.
- xv FWS, Arctic Refuge, Musk Ox, <http://arctic.fws.gov/muskox.htm>.
- xvi FWS, Arctic Refuge, Bears, <http://arctic.fws.gov/bears.htm>; Amstrup, S.C. 2002. Movements and population dynamics of polar bears. Pages 65-70 in D.C. Douglas, P.E. Reynolds, and E.B. Rhode, editors. Arctic Refuge coastal plain terrestrial wildlife research

summaries. U.S. Geological Survey, Biological Resources Division, Biological Science Report USGS/BRD/BSR-2002-0001; *see also* FWS, Arctic Refuge, Polar Bear Denning (maps of denning sites), <http://arctic.fws.gov/pbdenning.htm>.

xvii U.S. Fish and Wildlife Service, A Preliminary Review of the Arctic National Wildlife Refuge, Alaska Coastal Plain Resource Assessment: Report and Recommendation to the Congress of the United States and Final Legislative Environmental Impact Statement at 7 (1995).

xviii Jim Carlton, *Is Global Warming Killing the Polar Bears?*, Wall Street Journal (December 14, 2005), <http://www.stopglobalwarming.org/news/is-global-warming-killing-the-polar-bears/>.

xix FWS, Arctic Refuge, Wildlife And Habitats, <http://www.fws.gov/refuges/profiles/WildHabitat.cfm?ID=75600>.

xx FLEIS at 46.

xxi FLEIS at 46.

xxii Committee On Resources, U.S. House Of Representatives, H.R. 39, Arctic Coastal Plain Domestic Energy Security Act Of 2003; And H.R. 770, Morris K. Udall Arctic Wilderness Act, Legislative Field Hearing, Kaktovik, Alaska, Serial No. 108-13, 108th Congress, 1st Sess. (April 5, 2003) (testimony of Robert Thompson), <http://bulk.resource.org/gpo.gov/hearings/108h/86329.pdf>.

xxiii Gwich'in Steering Committee, et al., A Moral Choice for the United States; The Human Rights Implications for the Gwich'in of Drilling in the Arctic National Wildlife Refuge at iii (2005), <http://www.gwichinsteeringcommittee.org/GSHumanrightsreport.pdf>; *see also* Arctic National Wildlife Refuge, Alaska: Hearings Before the Committee on Energy & Natural Resources of the United States Senate, 100th Cong. at 313 (1987) (Tanana Chiefs Conference, Inc., Resolution No. 87-65) (noting that Arctic Village, Venetie, and Old Crow “are extremely dependent upon the population and distribution of the Porcupine Caribou herd as a matter of economics, nutrition, and cultural heritage[.]”).

xxiv Arctic Council Report, Impacts on Porcupine caribou herd graph (Graphset 3 at 4); U.S. Geological Survey, *Arctic Refuge Coastal Plain, Terrestrial Wildlife Research Summaries*, USGS/BRD/BSR-2002-0001 at 11-15 (Reston, Virginia: 2002); International Porcupine Caribou Management Board, Sensitive Habitats of the Porcupine Caribou Herd at 14 (January 1993).

xxv *See e.g.*, Section 7(a)(3), HR 5429 (109th Congress).

xxvi For more information about ASRC lands with the Arctic Refuge, *see* Pamela Baldwin, CRS Memorandum re: Arctic Slope Regional Corporation Lands and Interests within the Arctic National Wildlife Refuge (April 22, 2002).

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- xxvii See Pamela Baldwin, *Legal Issues Related to Proposed Drilling for Oil and Gas in the Arctic National Wildlife Refuge (ANWR)*, CRS Report RL31115 at 15 (May 4, 2005).
- xxviii Agreement between Arctic Slope Regional Corporation and the United States of America (Aug. 9, 1983), Appendix 2: Land Use Stipulations ASRC Lands, Kaktovik, Alaska at 6.
- xxix Chevron Texaco and BP currently hold lease agreements for these lands. See Arctic Slope Regional Corporation, Oil, <http://www.asrc.com/Lands/Pages/Oil.aspx>.
- xxx See U.S. Fish and Wildlife Service, *Potential impacts of proposed oil and gas development on the Arctic Refuge's coastal plain: Historical overview and issues of concern* (Jan. 17, 2001), available at: <http://arctic.fws.gov/issues1.htm>; Janet C. Jorgenson, J.M. Ver Hoef, and M.T. Jorgenson, *Long-term recovery patterns of arctic tundra after winter seismic exploration*, *Ecological Applications*, 20(1) at 218, 219 (2010).
- xxxi See Janet C. Jorgenson, *Long-term recovery patterns of arctic tundra after winter seismic exploration*, *Ecological Applications*, at 219-20 (discussing the still evident impacts from exploration activities that occurred in the Arctic Refuge the mid 1980's).
- xxxii 73 Fed. Reg. 28,212 (May 15, 2008).
- xxxiii 75 Fed. Reg. 76,086 (Dec. 8, 2010).
- xxxiv Department of the Interior, Office of the Solicitor, Alaska Region, Notice of Violation issued to Conoco Phillips Alaska, Inc. (July 31, 2007).
- xxxv See Jackie Bartz, *Denning Polar Bears Wake Up to New Oil Drilling Station*, KTUU-TV, Channel 2 News (April 11, 2011).
- xxxvi See Rachel D'Oro, *Polar Bear Cub Rescued at Alaska Oil Field*, Fairbanks Daily News-Miner (April 29, 2011).
- xxxvii NAS Report at 21.
- xxxviii While the analysis in RL31115 focuses mostly on H.R. 6 as passed by the House (109th Cong.), H.R. 3407 is similar to this act.
- xxxix H.R. 6 did not include the "peer review" process for regulations that is contained within H.R. 3407, and which further complicates the imposition of environmentally-protective requirements.
- xl See Corporate Taxpayers and Corporate Tax Dodgers 2008-2011, A Joint Project of Citizens for Tax Justice & the Institute on Taxation and Economic Policy at page 7 (November 2011) <http://www.ctj.org/corporatetaxdodgers/CorporateTaxDodgersReport.pdf>.

^{xli} For more information on the state of drilling in the United States, oil industry profits and oil-related jobs in the United States see ThinkProgress (November 15, 2011) <http://thinkprogress.org/green/2011/11/15/369358/why-are-house-republicans-holding-hearing-20-about-how-to-drill-more-despite-the-fact-that-we-are-drilling-like-crazy/>.

^{xlii} A more detailed treatment of the TAPS throughput and other oil issues in America's Arctic is presented in my testimony to this committee on "Domestic Oil and Natural Gas: Alaskan Resources, Access and Infrastructure" (June 2, 2011).