

Testimony of Karlin Itchoak
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Before the U.S. House Natural Resources Committee's
Energy and Mineral Resources Subcommittee
On
H.R. 6285, Alaska's Right to Produce Act
November 29, 2023

Chairman Stauber, Ranking Member Ocasio-Cortez, members of the subcommittee, thank you for your invitation for me to testify today.

Pagalagivsi, Inupiaqsinigaa Nageak Itchuagaq, Sitnasuaqmun, akagaa Cora Itchuagaq, assii apagaa Wilbur Itchuagaaq Utqiagvikmun assii akagaa Margaret Irvin assii Norman Irvin, Schenectady, New Yorkmun.

My name is Karlin Itchoak, I am from Nome, Alaska and my grandparents are Wilbur and Cora Itchuagaq from Utqiagvik and Norman and Maragret Irvin from Schenectady, NY. I am pleased to join you today both as a proud Alaskan and in my capacity as Alaska Senior Regional Director for The Wilderness Society (TWS).

I was born and raised in Nome, Alaska and am a registered member of the federally recognized tribal government, the Nome Eskimo Community. I currently live and work in Anchorage, Alaska.

I joined TWS in June of 2019 as the Alaska State Director. I previously worked for the Ukpeagvik Inupiat Corporation (UIC) as Chief Administrative and Legal Officer. Before joining UIC, I was the Director of the Alaska Rural and Indigenous program at the Institute of the North. I have a Bachelor of Arts in both Alaska Native Studies and Political Science from the University of Alaska Fairbanks and a Juris Doctorate from Gonzaga University School of Law.

Since our founding in 1935, TWS has worked to unite people to protect America's wild places. On behalf of our over one million members and supporters nationwide, we see a future where people and wild nature flourish together, meeting the challenges of a rapidly changing planet. Protecting Alaska's Arctic is critical to achieving this vision.

Together, the Arctic National Wildlife Refuge and Western Arctic's National Petroleum Reserve represent one of the largest, wildest, and most ecologically and culturally significant undeveloped landscapes in North America. TWS has worked for decades to protect these pristine and fragile ecosystems.

We view this work as a matter of basic human rights because the Indigenous Gwich'in and Iñupiat peoples have relied on the Arctic Refuge and the Western Arctic for their cultural, spiritual, and physical survival for countless generations. We also see it as a climate imperative, with the Arctic warming at four times the rate of the rest of the planet, villages eroding into the sea, permafrost thaw threatening infrastructure, and subsistence food sources disappearing.

At 19.3 million acres, the Arctic Refuge is America's largest wildlife refuge. It provides habitat for caribou, polar bear and migrating birds from across the globe and contains a diverse range of wilderness lands. The Arctic Refuge Coastal Plain — stretching north from the Brooks Range to the Arctic Ocean — provides vital denning habitat for endangered polar bears and is the calving ground of the Porcupine Caribou Herd, which contains more than 200,000 animals.

Oil and gas drilling would have devastating impacts on this sensitive ecosystem, caused by the massive infrastructure needed to extract and transport these fossil fuels. Drilling the Arctic is risky, would fragment vital habitat, and chronic spills of oil and other toxic substances onto the fragile tundra would forever scar this landscape and disrupt its wildlife.

Bureau of Land Management (BLM) lands in the Western Arctic, at approximately 23 million acres, make up the largest single remaining unit of wild public land in America — bigger than 10 Yellowstone National Parks, and nearly the size of the state of Indiana. The area's Integrated Activity Plan sets aside nearly half of the Reserve's lands for special protection in designated Special Areas.

The Reserve is the cultural homeland and subsistence area for Alaska Native communities and supports robust, wild ecosystems and resources on which those communities depend: caribou, geese, loons, salmon, polar bears and bowhead whales.

These Arctic landscapes are global treasures, and we have a moral obligation to protect them. This is why The Wilderness Society adamantly opposes H.R. 6285, the so-called Alaska's Right to Produce Act.

H.R. 6285 would reverse several critical actions undertaken by the Biden administration to protect the Arctic Refuge and the Western Arctic Reserve from unmitigated oil drilling — actions supported by The Wilderness Society and our members. T H.R. 6285 directs the U.S. government to prioritize resource extraction over all else — including conservation, protection of species habitats, stewardship of sacred cultural resources, the public health of nearby communities, and climate.

H.R. 6285 would reinstate the unlawful 2020 Record of Decision for the Arctic Refuge Coastal Plain Leasing Program and approve by legislative fiat all authorizations and

permits, short-circuiting a range of applicable laws and prohibiting judicial review of those authorizations.

Likewise, this bill would require the Biden administration to reinstate the seven canceled leases that were issued hastily and unlawfully by the Trump administration in its waning days. And it would halt the ongoing supplemental environmental impact statement (SEIS) process, which is intended to provide a holistic review of the range of significant impacts associated with drilling in the Refuge — impacts to Gwich'in and Iñupiat communities, impacts to wildlife populations, impacts to the character and vitality of the land itself, as well as global emissions and climate impacts. Because those impacts were not accounted for, the Trump-era Record of Decision and associated lease sale were unlawful.

In contrast, the Biden administration's draft SEIS recognizes conservation needs and Indigenous rights in the region and presents a strong opportunity to go further to protect the Refuge and the plants, animals, and people who have relied on it since time immemorial. It is vitally important that a new record of decision implementing the congressionally mandated leasing program center Indigenous people's rights, species vitality, and conservation going forward. We urge this Congress to reject attempts to legislate the opposite outcome, as the bill before you today would do.

The Biden administration's recent announcements targeted by this bill represent a strong step forward in protecting these sacred lands, and The Wilderness Society strongly supports them. So do many of the people whose lives and livelihoods are inextricably tied to the Refuge. Three federally recognized Gwich'in tribal governments — Native Village of Venetie Tribal Government, Arctic Village Council, and Venetie Village Council — have to date supported these announcements. The Gwich'in Steering Committee — an organization representing the Gwich'in people who live in and near the Refuge — likewise supports the announcements and the need for permanent protection of the coastal plain from oil and gas development.

The Gwich'in have considered themselves “caribou people” for millennia, with the Porcupine Caribou Herd and its health being fundamental to their very existence. To the Gwich'in, the coastal plain is the “Sacred Place Where Life Begins” because it is the place where the Porcupine Caribou Herd migrates each year to calve and raise their young. Oil and gas development there would have devastating impacts for the Gwich'in. The cancellation of the unlawfully issued leases and issuance of a draft SEIS mark important — albeit incomplete — steps in restoring necessary and legally required protections for the coastal plain. We oppose H.R. 6285 for reversing these protections.

Finally, H.R. 6285 would reverse an important proposed management rule intended to protect surface resources and the 13 million acres of designated Special Area lands in the Western Arctic — in the largest unit of federal public land in the country, the National Petroleum Reserve-Alaska. These are long overdue, commonsense reforms.

In the Naval Petroleum Reserves Production Act, which governs the Reserve, Congress explicitly directed the Interior Department to promulgate such regulations to protect “environmental, fish and wildlife, and historical or scenic values.” When Congress passed the Energy Policy Act of 2005, it carefully crafted the law to require the Interior Department to “provide for such conditions, restrictions, and prohibitions as the Secretary deems necessary or appropriate to mitigate reasonably foreseeable and significantly adverse effects on the surface resources of the National Petroleum Reserve in Alaska.” The proposed regulations reasonably and thoughtfully reflect Congress’s intent in the Naval Petroleum Reserves Production Act.

Additionally, The Wilderness Society has other substantial concerns about this legislation beyond the misdirected provisions to repeal these administrative actions.

The bill represents a dangerous end-run around bedrock environmental laws and the authority of our executive and judicial branches to perform their critical and constitutionally distinct governmental functions. H.R. 6285 would simply waive application and enforcement of the National Environmental Policy Act, the Endangered Species Act, and provisions of the Alaska National Interest Conservation Lands Act to critical decisions for how our public lands are managed. It then purports to close the courthouse doors, stripping *all* courts of jurisdiction to hear legal challenges to agency decisions that may violate the law, raising grave questions about constitutional separation of powers. And it effectively strips the Secretary of the Interior’s long-standing authority to suspend or cancel unlawfully issued oil and gas leases.

Finally, H.R. 6285 pushes the false premise that green-lighting unmitigated oil and gas development is the only way to ensure economic stability for Alaska and its Indigenous communities. Instead, TWS supports H.R. 724, the Arctic Refuge Protection Act, and is working to realize a different vision for the future of Alaska’s Arctic through our Imago Initiative.

The Arctic Refuge Protection Act (H.R. 724) would designate the coastal plain as wilderness under the National Wilderness Preservation System, thereby restoring vital protections and halting any new oil and gas leasing, exploration, development or drilling in the calving grounds of the Porcupine Caribou Herd. This would safeguard the subsistence rights of the Arctic Indigenous Peoples who depend upon the unique ecosystem within the Arctic Refuge, and it would enshrine the protections sought by President Biden on his first day in office.

The Imago Initiative is a transformative movement launched by TWS in 2019. Recognizing the integral relationship between the indomitable Arctic landscape and its Indigenous communities, the initiative seeks to envision pathways for Indigenous-led protection and management of these ancient ancestral Indigenous homelands. The initiative brings together the Iñupiat and Gwich’in peoples, sparking dialogues and

fostering trust. Through this ground-breaking endeavor, we aim to protect the Arctic Refuge and heal historical wounds inflicted by the dispossession of land and culture and the rapid implementation of termination laws and policies.

Imago is vital in leading a paradigm shift and symbolizes a new approach to land protection and management designations that is grounded in Indigenous leadership and engagement. It strives to decouple local economies from the dependence on fossil fuels, fostering sustainable rural economies that harmoniously coexist with one of the Earth's last sizable intact landscapes. The Imago Initiative is constructed by a group of people who collaboratively understand the Arctic landscape's complexities, its vibrant Indigenous cultures, its role in climate regulation, and the deep-seated interconnectedness of its land, waters and cryosphere.

The Imago Initiative is a movement for change, providing a platform for Indigenous Peoples to express their voices, promote their ideas, and take action to protect the landscapes they depend upon. In conceptualizing and implementing Imago, TWS has remained committed to advancing the sovereignty of Indigenous Peoples in Alaska, while defending existing conservation successes. The initiative is not just about protection, but about fostering a just transition from a fossil fuel-based economy to sustainable rural development. This transformative shift hopes to culminate in new Indigenous-led strategies that support Indigenous management, access, guardianship, stewardship and ownership of the land in perpetuity.

The Imago Initiative, in practice, takes on a transformative and holistic Indigenous approach to community healing, individual growth and reconnection to the Nuna (land). Central to the initiative are four key components: a task force, on-the-land place-based dialogues, movement building, and informing law and policy.

The Imago Task Force represents a collaborative team of diverse community members, ranging from elders to youth, from the local Indigenous groups living in or adjacent to the Arctic Refuge, conservationists, and law and policymakers that come together to engage in problem-solving and decision-making at both the grassroots level and up to the policy enactment level. The task force's role is to identify local issues, develop tailored solutions and implement these actions effectively.

The place-based dialogues are immersive experiences designed to reconnect individuals with the Nuna and create new connections with the cohort they are attending with to foster a profound sense of belonging. Conducted in the Arctic Refuge, these dialogues are framed using Indigenous facilitation methodologies to hold ceremony and a safe space for open conversations and stimulate the sharing of wisdom, cultural practices and personal narratives, promoting collective healing and the beginning of trust bond relationships.

Movement building focuses on creating a sustainable wave of positive change that resonates beyond the individual and permeates the entire nation. This involves empowering individuals to become change agents, facilitating community workshops to share knowledge and tools, and mobilizing collective efforts to build a healthier, stronger community. Through these combined efforts, the Imago Initiative cultivates an environment of understanding, acceptance and growth, guiding the path toward a sustainable, healthy future.

H.R. 6285 would leave no space for Imago and Indigenous-led conservation goals. It fails to honor the traditional knowledge, practices and ways of life of the Alaska Native communities who have lived in relationship with the lands and waters that now comprise the Arctic National Wildlife Refuge and the Western Arctic Reserve for millennia, and it does not adequately preserve space for future Indigenous-led conservation and co-stewardship. It fails to recognize and account for past Indigenous land ownership, past and current Indigenous land stewardship, and historical and present injustices toward Indigenous peoples. It would legislate one view of the future for Alaska's Arctic, locking in decades of industrial development and climate-disruptive emissions that we simply cannot afford.

Instead, we need to do more healing, have more dialogue and co-create solutions that recognize the full range of spiritual, physical, cultural and historical connections of Alaska Native peoples to the land, wildlife and waters that have sustained their ways of life since time immemorial and honor those connections through meaningful and mutually beneficial co-stewardship of the land, waters and wildlife.

Meanwhile, the Arctic and its people are bearing the brunt of the climate crisis. Put simply, business-as-usual dependence on oil and gas is not sustainable. We have a choice — proactively plan and prepare now to forge a path toward a bright and resilient future for the Arctic, including a fair and just transition to clean energy, or wait until we're over the cliff's edge.

Climate warming is already having severe effects across the Arctic. Future oil projects pose a real and substantial near-term danger to sensitive biological, cultural and subsistence resources and values. Damage to the region and its communities from climate change will be — and, in fact, is already becoming — irreparable.

To avoid falling over the cliff, the time to act is now. The government must capitalize on the opportunity for meaningful action to address climate threats in the Arctic. This includes undertaking a Climate Impacts Assessment specifically for the Arctic, which should analyze climate impacts in light of the existing oil and gas infrastructure and potential massive oil and gas buildout in the future unless a course correction is taken. This Assessment would lay the groundwork for a mechanism to manage the risk posed by oil and gas development over the next several years and, in particular, set the stage

for visionary action aimed at better protecting the millions of acres of sensitive habitat already under lease in the Western Arctic.

The Arctic Refuge and Special Areas in the Western Arctic were rightfully set aside for protection decades ago because of the critical ecological and socio-cultural values they hold. The refuge and the vast majority of Reserve Special Areas have always been off limits to oil and gas development and should remain that way permanently.

Rejecting H.R. 6285 is essential to saving America's vast, intact Arctic landscapes that are home to Indigenous Peoples and iconic wildlife species such as polar bears, wolves and caribou. Generations of Americans have opposed drilling these lands and generations of Indigenous Peoples have stewarded these lands since time immemorial. Now we must protect them for generations to come and with the Alaska Native people at the forefront, co-creating meaningful Indigenous-led conservation.