

H.R. 6285, “ALASKA’S RIGHT TO PRODUCE ACT OF 2023”

LEGISLATIVE HEARING

BEFORE THE

SUBCOMMITTEE ON ENERGY AND
MINERAL RESOURCES

OF THE

COMMITTEE ON NATURAL RESOURCES
U.S. HOUSE OF REPRESENTATIVES

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**LEGISLATIVE HEARING ON H.R. 6285, TO
RATIFY AND APPROVE ALL AUTHORIZA-
TIONS, PERMITS, VERIFICATIONS, EXTEN-
SIONS, BIOLOGICAL OPINIONS, INCIDENTAL
TAKE STATEMENTS, AND ANY OTHER
APPROVALS OR ORDERS ISSUED PURSUANT
TO FEDERAL LAW NECESSARY FOR THE
ESTABLISHMENT AND ADMINISTRATION OF
THE COASTAL PLAIN OIL AND GAS LEASING
PROGRAM, AND FOR OTHER PURPOSES,
“ALASKA’S RIGHT TO PRODUCE ACT
OF 2023”**

**Wednesday, November 29, 2023
U.S. House of Representatives
Subcommittee on Energy and Mineral Resources
Committee on Natural Resources
Washington, DC**

The Subcommittee met, pursuant to notice, at 10:20 a.m. in Room 1324, Longworth House Office Building, Hon. Pete Stauber [Chairman of the Subcommittee] presiding.

Present: Representatives Stauber, Gosar, Graves, Fulcher, Tiffany, Rosendale, Hunt, Duarte, Westerman; Ocasio-Cortez, Huffman, and Kamlager-Dove.

Also present: Representative Peltola.

Mr. STAUBER. The Subcommittee on Energy and Mineral Resources will come to order.

Without objection, the Chair is authorized to declare a recess of the Subcommittee at any time.

Under Committee Rule 4(f), any oral opening statements at hearings are limited to the Chairman and the Ranking Minority Member.

I ask unanimous consent that the gentlewoman from Alaska, Mrs. Peltola, be allowed to participate in today’s hearing.

**STATEMENT OF THE HON. PETE STAUBER, A REPRESENTA-
TIVE IN CONGRESS FROM THE STATE OF MINNESOTA**

Mr. STAUBER. Thank you all for being here today to discuss this important piece of legislation.

I am proud to introduce the bipartisan Alaska’s Right to Produce Act of 2023, which reverses the Biden administration’s recent actions that seek to put an end to oil and gas production in the Arctic National Wildlife Refuge, ANWR, and the National Petroleum Reserve in Alaska.

Just 2½ months ago, this Administration announced its plans to cancel awarded leases in the 1002 Area of ANWR, while simultaneously announcing it would lock up 13 million acres in the NPR-A. As we heard in the hearing in September, these decisions were pushed forward without any consultation or consideration for the people and communities on the North Slope of Alaska who will be impacted the most.

Unfortunately, these communities are the latest victims of this Administration's anywhere-but-America, any-worker-but-American agenda. Republicans in Congress have continuously fought to ensure that we produce energy here, instead of relying on nations that are hostile towards the United States and have weak environmental and labor standards, if at all.

North Slope communities have worked closely with energy producers for decades to responsibly produce energy in a manner that directly benefits Alaska Natives. We should be doing everything we can to ensure that responsible production can continue on the North Slope, rather than shutting down production and relying on Russia, Iran, Venezuela, or Saudi Arabia for increased oil and gas production.

Sadly, the Biden administration's actions that we will be discussing today only do the opposite. The revocation of the ANWR leases will slow development that is relied upon by communities to fund essential services. Oil and natural gas production in Alaska generated \$3.1 billion in state and local revenue in 2019, and supported over 77,000 direct and indirect jobs, many of which benefit North Slope communities and Alaska Natives throughout that great state.

Further, revoking these leases will have a chilling effect on future investments in the area, especially since these leases were issued through a lease sale that was mandated by Congress.

Additionally, the NPR-A proposed rulemaking goes against the long-standing statutory balance that the NPR-A be managed for both energy production and wildlife resources. The proposed rule creates a de facto wilderness area by creating impossible hurdles for energy development across the reserve. This is an area that was specifically set aside by Congress for its oil and gas potential.

And I will read that again: This is an area that was specifically set aside by Congress for its oil and gas potential.

To make matters worse, both of these actions were rushed forward without any consultation with elected leaders and communities on the North Slope or the Alaska Natives that will be most affected. In fact, both of these actions were announced at the beginning of whaling season for these communities.

When pressed for more time to comment on the NPR-A rulemaking, political appointees within the agency told community members that they could not extend the comment period due to Congressional Review Act timelines. Alaskans wishing to comment on the actions in ANWR were greeted with a roughly 1,400-page draft Supplemental Environmental Impact Statement that they were given 60 days to look through, again, in the middle of whaling season.

Simply put, my bill would right these wrongs. It would do so by promptly reinstating the ANWR leases, while protecting them from

similar political attacks in the future and canceling the Bureau of Land Management's ongoing rulemaking with respect to the NPR-A.

I appreciate my colleagues on the dais who have co-sponsored this legislation, including Representative Peltola, who represents Alaska and these North Slope communities. And I am proud to also have the support of both of Alaska's United States Senators, who have introduced companion legislation in the Senate.

I look forward to our discussion here today, and I am particularly eager to hear from some of the elected leaders from the North Slope, as their voices are crucial to this conversation and have thus far been stifled by the Biden administration.

With that, I normally would yield to the Ranking Member. She is on her way here, but I am going to yield to the Chair of the Full Committee, Representative Bruce Westerman.

Chair, you are up.

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

Mr. WESTERMAN. Thank you, Chairman Stauber, and thank you for your work on this important piece of legislation, along with Representative Peltola from Alaska. It is a bipartisan piece of legislation, just like the law that is, I think, being broken by the Administration was a bipartisan piece of legislation.

And as I think about this hearing, our witness today from the Department of the Interior, if there is one thing you should probably be thankful for is that Don Young is no longer with us, because I would hate to sit in that chair and hear the wrath of Don Young on the job that this Administration is doing, and particularly the Department of the Interior. I will try to say it how I think Don would say it, is this is pathetic, you should be ashamed. The Administration should be ashamed. This is unthinkable, what this Administration is doing to the people of Alaska.

I have been fortunate enough to visit the North Slope of Alaska, and to see firsthand the responsible energy production occurring there, as well as the numerous positive effects it has had on the surrounding communities.

This Administration's actions in Alaska, while devastating, are actually not surprising. From the outset, the Administration has done everything in its power to stop domestic energy production both onshore and offshore, which makes us more dependent on foreign energy production. We are not using less energy in this country, we are just not producing as much as we could be.

Meanwhile, President Biden and other members of his Administration have openly begged from and offered concessions to countries like Russia, Saudi Arabia, Iran, and Venezuela to produce more oil and gas. These efforts are nonsensical, as domestic energy production in America is obviously much more environmentally friendly than production overseas. We have heard this statistic batted around many times, but Russian natural gas to Europe has an emission profile 41 percent greater than the U.S. LNG exported to Europe.

The production footprint in the Arctic National Refuge is limited by law to 2,000 acres within the roughly 19-million-acre refuge. That equates to 1/10,000 of ANWR's total acreage. We know demand for oil and gas will continue to increase in the foreseeable future, so why not produce these resources responsibly in places like Alaska, where the environmental footprint will be minimal, and communities will receive the added benefits of revenues and jobs?

Nearly one in four jobs in Alaska depend on the oil and gas industry, and roughly 40 percent of Alaska's general fund revenue came from oil and gas production in Fiscal Year 2019. Shutting down this revenue lifeline would be absolutely devastating to all Alaskans, and would especially decimate Native communities on the North Slope. Without jobs, people may leave these communities, jeopardizing the culture and social fabric of the North Slope. Even though that may be what the Biden administration wants to happen, we just can't let this happen.

Secretary Haaland would be aware of what is at stake if she actually took the time to meet with local communities and elected leaders from the North Slope. Unfortunately, she has shunned these voices, refusing to meet with them on several occasions while they have been in DC. Clearly, this Administration is only interested in hearing the tribal voices that agree with them.

This Administration enjoys ignoring the law when it is not convenient for them. The Tax Cut and Jobs Act mandated that the Secretary establish and administer a competitive oil and gas program for the leasing, development, production, and transportation of oil and gas, and it required two lease sales in ANWR. Yet, the Biden administration simply canceled all of the lease sales, all the leases that were issued in the first lease sale, blocking production and associated revenues and jobs for local communities along with it. This is many things, but a competitive oil and gas program is not one of them.

Additionally, NEPA reforms in the Fiscal Responsibility Act, which, again, was a bipartisan bill signed into law by President Biden, established 150-page limits for environmental impact statements and mandated that agencies consider a reasonable range of alternatives that are "technically and economically feasible." So, how did the Department respond to this language? They issued a 1,400-page draft SEIS in the middle of whaling season, and told Alaska communities to comment in 60 days.

Now, we are being forced to legislate on this issue again because this Administration refuses to follow the law, and refuses to listen to the people who will be impacted the most by their actions. This is unacceptable.

I hope people are suing this Administration because they are blatantly breaking the law, breaking a law that was passed by Congress, a bipartisan law, and smiling all the way there while they are doing it. This isn't how this country was designed to be operated. It is certainly not going to work out well for us if we can't hold administrations accountable for the actions and the laws that are passed in Congress.

I want to thank Chairman Stauber again for introducing this bill and for holding the hearing today. I look forward to hearing the testimony.

I yield back.

Mr. STAUBER. Thank you, Mr. Chair. Normally, we would go to the Ranking Member, but I want to give her time to get set here.

Dr. Feldgus, Deputy Assistant Secretary for Lands and Minerals Management, we appreciate you being here, and you are up for 5 minutes.

STATEMENT OF STEVE FELDGUS, DEPUTY ASSISTANT SECRETARY FOR LAND AND MINERALS MANAGEMENT, DEPARTMENT OF THE INTERIOR, WASHINGTON, DC

Dr. FELDGUS. Thank you very much, Chairman Stauber, Ranking Member Ocasio-Cortez, Chairman Westerman, and members of the Subcommittee. My name is Steve Feldgus, and I am the Deputy Assistant Secretary for Land and Minerals Management at the Department of the Interior, and I am here to provide testimony on H.R. 6285, the Alaska's Right to Produce Act, concerning the National Petroleum Reserve in Alaska and the Arctic National Wildlife Refuge.

The North Slope of Alaska is a vast landscape of rich cultural traditions and thriving ecological diversity that sustains Indigenous people and cultures and a wide variety of wildlife. It is one of the best intact ecosystems in the United States, and home to communities that have lived and worked on these lands for countless generations.

It is also one of the most climatically important landscapes in the United States, preserving vast amounts of carbon in its permafrost soils while simultaneously experiencing some of the most rapid impacts due to climate of any U.S. ecosystem.

Within that landscape, DOI agencies are entrusted with unique management responsibilities, including that of the Arctic Refuge and the National Petroleum Reserve in Alaska. The 19.3 million-acre Arctic Refuge is located on the traditional homelands of the Iñupiat and Gwich'in people, and managed by the U.S. Fish and Wildlife Service. All activities on the Refuge are reviewed for compatibility with statutory purposes, including conserving fish and wildlife populations and habitats, international treaty obligations, subsistence opportunities, and ensuring water quality.

In 2017, the passage of the Tax Act amended management of the Arctic Refuge to provide for an oil and gas program on the 1.56 million-acre Coastal Plain, alongside the existing statutory purposes.

Located approximately 100 miles to the west of the Arctic Refuge, the NPR-A spans roughly 23 million acres of largely intact Arctic landscapes. Over 40 communities continue to harvest subsistence resources that rely on the Reserve, including caribou, shore and waterbirds, and other fish and wildlife species.

Under the Naval Petroleum Reserve Production Act, Congress directed the BLM to balance oil and gas development with the management and protection of sensitive landscapes, known as special areas, and other surface resources across the reserve. While the NPR-A provides important subsistence resources, it also

generates tens of millions of dollars in oil and gas revenue each year, and will remain an important energy resource for some time.

Turning to the subject of this hearing, H.R. 6285 would impede the Department's effort to better balance the management of these important landscapes, undermine ongoing public processes, and threaten the health of those landscapes and the subsistence resources they rely on.

Through the bill's management restrictions in the Arctic Refuge, H.R. 6285 would undermine the public input and evaluation required under the National Environmental Policy Act, prohibit the Bureau of Land Management from addressing identified deficiencies in the previous review regarding potential leasing in the Coastal Plain, and cut out the public from that process.

In addition, the bill would interfere with the Department's ability to fulfill its obligation to manage the Arctic Refuge for all of the purposes required by law, including the protection of fish and wildlife habitats and subsistence activities.

Similarly, by blocking the proposed NPR-A rule, the bill prevents the Department's efforts to update the nearly 45-year-old regulatory framework governing the NPR-A, and better align management of the NPR-A with statutory obligations. That rule will help BLM respond to the dramatically changing conditions in the Arctic, while ensuring maximum protection of special areas as required by statute, protecting subsistence activities, and ensuring a balance for surface resources in future oil and gas activities in the NPR-A.

The BLM remains committed to ensuring that the Federal oil and gas program serves the best interests of the American people by promoting the highest safety, labor, environmental, and public engagement standards and securing a fair return for the American taxpayer. The restrictions imposed by H.R. 6285 would undermine that work, preventing the BLM from implementing existing congressional direction to balance oil and gas leasing and development with explicit requirements to protect fish and wildlife, recreation, and subsistence in the Arctic Refuge and the NPR-A.

The BLM is working diligently to move the oil and gas program in Alaska forward through the draft Supplemental Environmental Impact Statement and the NPR-A rule. H.R. 6285 reverts the BLM's oil and gas program in Alaska back to standards that have been shown to be inadequate and, therefore, the Department strongly opposes the bill.

Thank you for the opportunity to provide testimony today, and I look forward to your questions.

[The prepared statement of Dr. Feldgus follows:]

PREPARED STATEMENT OF STEVEN H. FELDGUS, PH.D., DEPUTY ASSISTANT
SECRETARY, LAND AND MINERALS MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR
ON H.R. 6285

Chairman Stauber, Ranking Member Ocasio-Cortez, and Members of the Subcommittee, thank you for the opportunity to provide testimony on H.R. 6285, the Alaska's Right to Produce Act, concerning the National Petroleum Reserve in Alaska (NPR-A) and the Arctic National Wildlife Refuge (Arctic Refuge).

The North Slope of Alaska includes lands that sustain people, wildlife, and fish in northern Alaska and are part of a vast landscape of rich cultural traditions and thriving ecological diversity. Both the Arctic Refuge and the NPR-A are located on

the North Slope. These lands and waters are a critical home to migratory and resident wildlife and have unique recreational values. The Arctic Refuge—approximately the size of South Carolina—is located on the traditional homelands of the Inupiat and Gwich'in peoples. These Tribes, among others, have co-existed with these lands since time immemorial—their history, sacred sites, and Indigenous Knowledge are written in the landscape. Over 40 communities continue to rely on the resources located in the NPR-A for subsistence, including caribou, shore and waterbirds, and many other plant, fish, and wildlife species. As directed by Congress, the Bureau of Land Management (BLM) balances resource development with the management and protection of sensitive landscapes—known as Special Areas—and surface resources across the Reserve.

On September 8, 2023, the BLM published a proposed rule to update its regulations for the management and protection of the NPR-A (NPR-A rule). The proposed rule aims to update the nearly 45-year-old regulatory framework to respond to the dramatically changing conditions in the Arctic while ensuring that the BLM continues to meet the statutory direction under the Naval Petroleum Reserves Production Act (NPRPA), Federal Land Policy and Management Act (FLPMA), and other authorities. This proposed rule also protects long-standing subsistence activities for Alaska Native communities and strengthens the role of Tribal governments in the management of public lands.

H.R. 6285 would block the BLM from managing the NPR-A as the NPRPA requires: to ensure maximum protection of Special Areas while also protecting subsistence activities and ensuring a balance for surface resources in future oil and gas activities in the NPR-A. The bill would also reduce opportunities for meaningful public input and engagement on that management.

Similarly, the bill would undermine the public input and evaluation required under the National Environmental Policy Act (NEPA), prohibiting the BLM from addressing identified deficiencies in the previous environmental review governing potential leasing in the Coastal Plain of the Arctic Refuge and cutting out the public from that process. In addition, the bill would interfere with the Department of the Interior's (Department) ability to fulfill its obligation to manage the Arctic Refuge for all of the purposes stated in the Alaska National Interest Lands Conservation Act (ANILCA), which, like the NPRPA, include protection of fish and wildlife habitats and subsistence activities.

Given these concerns, the Department strongly opposes H.R. 6285.

BLM Overview

Since its inception in 1946, the BLM has served as a steward of our nation's Federal public lands and resources. The passage of FLPMA established the multiple use and sustained yield mandate that guides all of the BLM's land management decisions. Driven by this mandate, the BLM sustains the health, diversity, and productivity of the nation's public lands for multiple uses, such as conventional and renewable energy development; livestock grazing; conservation; mining; watershed protection; and hunting, fishing, and other forms of recreation. This multiple use and sustained yield mandate enables the BLM to contribute tremendously to economic growth, job creation, and domestic energy production, while generating revenues for Federal and State treasuries and local economies, and allowing for a thoughtful and balanced approach to management of our public lands.

The BLM manages approximately 245 million surface acres across the nation, located primarily in 12 western states, and is responsible for managing 700 million subsurface acres of mineral estate, many of which are overlain by properties managed by other Federal agencies, such as the Department of Defense and the U.S. Forest Service. Further, of these 700 million subsurface acres, approximately 57 million acres are split-estate lands, where the surface estate is in private ownership and the BLM manages the subsurface minerals.

The BLM carries out its management responsibilities in accordance with other applicable legal authorities, such as NEPA. In Alaska, the BLM implements ANILCA, the Alaska Native Claims Settlement Act, and the NPRPA as part of its management of public lands and minerals.

Alaska Oil & Gas Development

In Alaska, the BLM manages more surface and subsurface acres than any other state with BLM-managed lands. This includes over 70 million surface acres and 220 million subsurface acres in a state with a landmass equivalent to about one-fifth of the entire contiguous United States. In fiscal year 2022, the BLM's management of public lands in Alaska supported more than 2,570 jobs, with a total economic impact of more than \$578.1 million.

As part of managing the Federal onshore oil and gas leasing program in Alaska, the BLM issues permits for geophysical exploration, permits to drill oil and gas wells, and authorizations to construct well pads and install production facilities. Oil and gas leasing in Alaska is concentrated in three regions: the Cook Inlet Region, the NPR-A, and the Coastal Plain of the Arctic Refuge, the latter two of which are located on Alaska's North Slope. The State of Alaska receives 90 percent of the rents and royalties from Federal oil and gas leases in the Cook Inlet Region and 50 percent of the bonus bids, rents, and royalties from both the NPR-A and Coastal Plain.

Arctic National Wildlife Refuge

The 19.3-million-acre Arctic Refuge, managed by the U.S. Fish and Wildlife Service (FWS), was originally established in 1960 to preserve unique wildlife, wilderness, and recreational values and expanded in 1980 through ANILCA, which specified the purposes of the Refuge:

- (i) to conserve fish and wildlife populations and habitats in their natural diversity including, but not limited to, the Porcupine caribou herd (including participation in coordinated ecological studies and management of this herd and the Western Arctic caribou herd), polar bears, grizzly bears, muskox, Dall sheep, wolves, wolverines, snow geese, peregrine falcons and other migratory birds and Arctic char and grayling;
- (ii) to fulfill the international treaty obligations of the United States with respect to fish and wildlife and their habitats;
- (iii) to provide, in a manner consistent with the purposes set forth in subparagraphs (i) and (ii), the opportunity for continued subsistence uses by local residents; and
- (iv) to ensure, to the maximum extent practicable and in a manner consistent with the purposes set forth in paragraph (i), water quality and necessary water quantity within the refuge.

All activities on the Arctic Refuge are reviewed for compatibility with these statutory purposes. The Tax Cuts and Jobs Act (P.L. 115-97, Tax Act) added another purpose to the Arctic Refuge—to provide for an oil and gas program on the Arctic Coastal Plain—while retaining the existing purposes.

The 1.56-million-acre Arctic Refuge oil and gas program area, also referred to as the “Coastal Plain,” is located along the coast of the Arctic Refuge on Alaska's North Slope. Specifically, the program area is within the northwestern portion of the Refuge and immediately adjacent to the Beaufort Sea (Arctic Ocean), which is located to the north.

The Tax Act directed the BLM to conduct two oil and gas lease sales in the Coastal Plain of the Arctic Refuge that offer at least 400,000 acres of lands for bid by December 2024. The leases are to be managed in a manner similar to the administration of lease sales under the NPRPA and its applicable regulations. The BLM conducted its first lease sale in the Coastal Plain of the Arctic Refuge on January 6, 2021, pursuant to the Coastal Plain Oil and Gas Leasing Program August 2020 Record of Decision (ROD), with any future oil and gas development actions requiring a separate detailed environmental analysis. Since that sale, two of the three companies holding leases separately requested to have their leases rescinded and to receive a refund. The remaining seven leases were canceled by the Department earlier in 2023 following a review conducted pursuant to Executive Order 13990, as further described below. As such, there are currently no leases in the Coastal Plain.

President Biden, through Executive Order 13990, directed the Department to review oil and gas leasing in the Arctic Refuge, “[i]n light of the alleged legal deficiencies underlying the program.” In June 2021, Secretarial Order 3401 suspended all activities related to implementing the Coastal Plain Oil and Gas Leasing Program pending completion of a comprehensive analysis under NEPA. Pursuant to the order, the BLM and the FWS are preparing a supplemental environmental impact statement (SEIS) addressing the deficiencies identified in the Secretarial Order. The analysis in the Draft SEIS released on September 6, 2023, informed the Department's determination that the 2021 lease sale was based on fundamental legal deficiencies, such as insufficient analysis under NEPA, failure to adequately analyze a reasonable range of alternatives, failure to properly quantify downstream greenhouse gas emissions, and failure to properly interpret the Tax Act. Accordingly, Secretary Haaland determined that the remaining seven oil and gas leases in the Arctic Refuge that had not been rescinded at the request of the lessees should be canceled. The public comment period for the Draft SEIS closed on November 7,

2023, following ten public meetings, four of which were virtual. Though the comment period is closed, the BLM and FWS welcome the opportunity for further consultation with Tribes and Alaska Native Corporations and can also meet with other entities, such as local governments like the North Slope Borough, seeking to continue discussions regarding the comments they have submitted.

National Petroleum Reserve in Alaska

Located approximately 100 miles to the west of the Arctic Refuge, the NPR-A is a vast area on Alaska's North Slope composed of approximately 23 million acres. In 1923, President Harding set aside this area as a potential source of oil for the U.S. Navy. In 1976, in accordance with the NPRPA, administration of the reserve was transferred to the BLM. Under the NPRPA, Congress directed the BLM to balance oil and gas development with the management and protection of sensitive landscapes—known as Special Areas—and surface resources across the Reserve.

The NPR-A generates tens of millions of dollars in oil and gas revenue each year and will remain an important energy resource for some time, particularly in light of the recently approved Willow project, which is expected to produce 180,000 barrels of oil per day at its peak and could generate up to \$17 billion in new revenue for the Federal government, the State of Alaska, and North Slope Borough Native communities. The authorizations for the Willow project require it to mitigate impacts as much as possible with subsistence activities (such as siting of facilities to allow for caribou migrations, avoidance areas, etc.).

In September 2023, the BLM formally proposed the NPR-A rule to guide implementation of its obligations for management of surface resources and Special Areas in the NPR-A, consistent with the direction in the NPRPA, as well as FLPMA and other authorities. The proposed rule would revise the framework for designating and assuring maximum protection of the significant resource values of Special Areas, as directed in the NPRPA, and would protect and enhance access for subsistence activities throughout the NPR-A. It would also incorporate aspects of the NPR-A Integrated Activity Plan that was approved in April 2022 (such as prescriptions for management of oil and gas activities in Special Areas).

Under the proposed rule, the BLM would follow a well-defined process to inform the creation or expansion of additional Special Areas in the NPR-A and the protection of access and resources for subsistence and would continue to manage the Reserve subject to an Integrated Activity Plan. The Integrated Activity Plan ensures transparency and opportunities for Government-to-Government consultation and public input. The proposed rule would apply to future leasing and oil and gas activities, and it would not affect currently authorized oil and gas operations or leases in the NPR-A.

The BLM recently announced that it would extend the public comment period on the proposed rule through December 7, 2023, providing a full 90-day comment period. During the comment period, the BLM has held public meetings, engaged in Tribal consultation, and met with multiple Alaska Native organizations and local government entities, as well as the NPR-A Working Group. The BLM continues to engage with communities, Tribes, and Alaska Native Corporations to ensure that those potentially affected by the proposed rule have ample opportunities to provide robust and substantive comments.

As stated above, the BLM welcomes the opportunity for further consultation with Tribes and Alaska Native Corporations after the public comment period has closed and can also meet with other entities, such as local governments like the North Slope Borough, seeking to continue discussions regarding the comments they have submitted.

H.R. 6285, Alaska's Right to Produce Act

H.R. 6285 would prohibit the President or Secretary of the Interior (Secretary) from placing any moratorium or other pause on oil and gas leasing in the Coastal Plain. H.R. 6285 would also approve all authorizations, permits, etc., as discussed in the ROD for the Final Environmental Impact Statement for the Coastal Plain Oil and Gas Leasing Program that was published on August 21, 2020. Additionally, the bill would require the Secretary to reissue the canceled leases in the Arctic Refuge within 30 days of enactment and withdraw the Draft Coastal Plain Oil and Gas Leasing Program SEIS. The bill further declares that no court shall have jurisdiction over the review of past decisions regarding the Coastal Plain Oil and Gas Leasing Program. The bill would also require the BLM to withdraw the proposed NPR-A rule and would prohibit substantially similar rules from being proposed by the BLM. Finally, H.R. 6285 would nullify Executive Order 13990 and Secretarial Order 3401.

Analysis

The Department strongly opposes H.R. 6285. The Coastal Plain leases were canceled after a careful review of all available information. As a result of its review, the Department determined that the leases were improperly issued due to significant pre-leasing legal defects, as well as legal deficiencies in the environmental review for the leases. To reinstate the leases and revert to the flawed analysis would undermine potential future Federal actions related to those leases: having a sound, legally defensible environmental analysis is a necessary foundation for subsequent actions, such as development plans and applications to drill.

Additionally, the BLM is actively accepting comments on the proposed NPR-A rule. The proposed NPR-A rule would establish a new framework for balancing development with the protection of Special Areas—lands that harbor significant subsistence, recreational, fish and wildlife, historical, and scenic values, including areas identified by Congress in the NPRPA—and the management of surface resources throughout the NPR-A. This proposed framework does not mandate changes to the current management of the area, but it provides the BLM with the ability to better respond to changing conditions in the Arctic, while also providing for greater transparency and stability in conservation and development decisions. The proposed regulations would also enhance protections for subsistence uses and resources throughout the NPR-A, which are especially reliant on the Special Areas, including the Teshekpuk Lake and Utukok River Uplands Special Areas.

Conclusion

The BLM remains committed to ensuring that the Federal oil and gas program serves the best interests of the American people by promoting the highest safety, labor, environmental, and public engagement standards and securing a fair return for the American taxpayer. The BLM is further implementing the direction in the governing law to balance oil and gas leasing and development with explicit requirements to protect fish and wildlife, recreation, and subsistence in the Arctic Refuge and the NPR-A. The BLM is working diligently to move the oil and gas program in Alaska forward through the Draft SEIS and NPR-A rule. H.R. 6285 reverts the BLM's oil and gas program in Alaska back to standards that have been shown to be inadequate. Therefore, the Department strongly opposes the bill.

QUESTIONS SUBMITTED FOR THE RECORD TO DR. STEVE FELDGUS, DEPUTY ASSISTANT SECRETARY FOR LAND AND MINERALS MANAGEMENT, DEPARTMENT OF THE INTERIOR

Mr. Feldgus did not submit responses to the Committee by the appropriate deadline for inclusion in the printed record.

Questions Submitted by Representative Stauber

Question 1. What communities are located within the Arctic National Wildlife Refuge (ANWR)?

1a) Did you meet with the communities within ANWR on the Draft Coastal Plain Oil and Gas Leasing Program Supplemental Environmental Impact Statement (SEIS) prior to September 6, 2023?

1b) If so, on what dates did these meetings occur and who were the attendees?

Question 2. What communities are located within the National Petroleum Reserve in Alaska (NPR-A)?

2a) Did you meet with the communities within the NPR-A on the proposed rule, Management and Protection of the National Petroleum Reserve in Alaska (43 CFR 2360) before September 6, 2023?

2b) If so, on what dates did these meetings occur and who were the attendees?

Question 3. What dates did you conduct consultation with the tribes and Alaska Native corporations (ANCs) in each of the communities located within ANWR and NPRA?

Question 4. What dates did you conduct consultation with the regional tribe and ANC for the Draft Coastal Plain Oil and Gas Leasing Program Supplemental Environmental Impact Statement (SEIS) and for the proposed rule, Management and Protection of the National Petroleum Reserve in Alaska (43 CFR 2360)?

Question 5. On a recent NPR-A working group call in October, the request to extend the comment period was brought up. Katie Kovacs responded for the Department “I’m happy to regale you with the ins and outs of the Congressional Review Act, but unfortunately we’re on a schedule with this one that we don’t have any control over, so we just don’t have that kind of time for this rule.”

5a) Is it a higher priority for the Department to avoid the Congressional Review Act deadlines than to provide adequate consultation to tribes and ANCs?

5b) Do you stand by this statement?

Question 6. Consultations are defined as having both Department and Tribal officials with decision-making authorities present at the government-to-government consultation session(s)/ meeting(s) regarding the proposed Departmental Action with Tribal Implications.

6a) Who are the decision makers for the NPR-A proposed rulemaking and the ANWR Draft SEIS?

6b) Who developed the decision to pause the oil and gas leases in ANWR in June 2021?

6c) Who made the decision that the NEPA was insufficient for those leases?

6d) Will the decision makers engage with communities, tribes and ANCs during consultation meetings?

Question 7. How is the proposed NPR-A rule, which is effectively a rewrite of the Naval Petroleum Reserve Production Act, merely a rule of an “administrative, financial, legal, technical, or procedural nature”?

7a) This is a big policy shift—again, why would the government want to invoke a categorical exemption from the NEPA process?

Question 8. The proposed NPR-A rule re-defines “maximum protection” to be “no or minimal adverse effects on significant resource values.”

8a) Can you explain what this new definition means and give examples?

8b) Can you explain how this new definition differs from the existing rule definition examples?

Question 9. The proposed NPR-A rule requires that the BLM, in evaluating proposals for leasing or surface infrastructure, “document its consideration of any uncertainty”.

9a) Please explain what that means and provide examples.

Question 10. A Louisiana federal court recently ruled that the Rice’s Whale vessel restrictions the Bureau of Ocean Energy Management (BOEM) included in the August 2023 Final Notice of Sale for Lease Sale 261 were arbitrary and capricious. NOAA also recently denied a petition submitted by several NGOs to expand vessel restrictions for the Rice’s whale saying that NOAA needs to do more work before it even considers vessel regulations. Given these recent actions, we would expect that BOEM rescind the Notice to Lessees (NTL) published in August 2023 that includes these recommended vessel mitigations for oil and gas service vessels transiting the entire 100–400 meter isobath region across the entire Gulf of Mexico. During the hearing, you stated that DOI has no plans to rescind the “voluntary” NTL at this time. This ignores that the NTL suffers from many of the same legal defects, and BOEM should not leave in place recommendations that are arbitrary and capricious and were developed as part of a “sue and settle” arrangement. When can we expect the Department of Interior to rescind this NTL?

Questions Submitted by Representative Duarte

Question 1. Can you name one specific example of where an oil developer in Alaska has robbed any individual of their subsistence lifestyle?

Mr. STAUBER. Thank you very much, Dr. Feldgus. The Chair now recognizes the Ranking Member, Representative Ocasio-Cortez, for 5 minutes.

STATEMENT OF THE HON. ALEXANDRIA OCASIO-CORTEZ, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Ms. OCASIO-CORTEZ. Thank you, Mr. Chair. Two landmark reports this month, the 5th National Climate Assessment and the UN's Emissions Gap Report, delivered what should be a wake-up call to all of us. The climate crisis is not only here, but will grow more catastrophic without rapid and deep cuts to greenhouse gas pollution.

But as world leaders prepare to meet for COP28, none of the G20 countries are reducing emissions at a pace consistent with climate targets that we need to avoid catastrophe. Now should be a time for America to step up and lead. But the bill we are discussing today would take us in the wrong direction.

In the Arctic, temperatures are rising four times faster than the global average. Indigenous communities in northern Alaska disproportionately feel the devastating impacts of the climate crisis. Melting permafrost, erosion, and rising sea levels are eating away at the ground underneath us, creating some of our country's first climate refugees. Thawing sea ice makes hunting and fishing hazardous and unpredictable. Species' shifting migration patterns challenge food security and cultural continuity. Oil and gas development exacerbates all of these threats.

In Nuiqsut, the Alaska Native village nearest to the Willow Project, 70 percent of households rely on subsistence resources for more than half of their diet. Hunters are being forced to travel further and further to find resources and to avoid hunting grounds now dominated by industry.

In the Arctic Refuge in northeast Alaska, fossil fuel development is a looming threat to the Gwich'in people. Their way of life depends on the survival of the caribou herd that reproduces in the region.

Of course, not all Alaskans, including Indigenous Alaskans, share the same perspectives on oil and gas development. Revenue from extraction can support local governments and Indigenous corporations, but for many the trade-offs create unacceptable impacts. And for many, the purported benefits of these projects have been overblown.

Earlier this year, the Biden administration approved the Willow Project, despite strong opposition from Nuiqsut and climate advocates across the country. Proponents of the project say it will be an economic boon to northern Alaska, and will help us achieve "energy dominance." But of the 2,500 construction and 300 permanent jobs ConocoPhillips says the Willow Project would create, few are expected to actually go to people from the community.

The project could create 600 million barrels of oil, but it won't significantly change U.S. imports, and is unlikely to impact oil prices anytime soon. It will also release nearly 9.2 million metric tons of carbon pollution into the atmosphere each year, the equivalent of putting 2 million gas-powered cars on the road.

While I strongly oppose the Administration's decision to approve Willow, I am optimistic about the latest decisions to cancel the remaining Arctic Refuge oil and gas leases to promote conservation in the National Petroleum Reserve-Alaska, or NPR-A.

Unfortunately, the legislation on the agenda today would undermine that progress. This legislation would withdraw the proposed rule promoting conservation in the NPR-A which would create important protections for species, habitats, and ecosystems that are essential for Indigenous communities' ways of life. Rolling back these protections puts far too much at risk.

H.R. 6285 would also automatically reinstate Trump-era leases in the Arctic Refuge and force a second lease sale in the region. There would be no public input, no judicial review, and no requirements to comply with the Endangered Species Act, among other waivers.

Some say this is necessary for domestic energy production and energy security, but I remind my colleagues that the lease sales were quite a disappointment compared to the original estimates of revenue and industry interest when they were first proposing them.

Drilling was banned in the Arctic Refuge until 2017, when Republicans in Congress and then-President Trump authorized extraction in the region to offset tax cuts for the wealthy. The Trump administration said that lease sales in the Arctic Refuge would bring in \$1.8 billion over 10 years, but in the end the lease sale was a paltry \$15 million, less than 1 percent of initial projections.

So, instead of considering a bill that puts the interests of oil companies over those of the planet and the people, I wish we could be here discussing how we can lead, how we can move to save our planet while prioritizing the lives of Indigenous communities, workers, and ordinary Alaskans who don't need to depend on fossil fuel profits.

I look forward to hearing from our witnesses, and I yield back.

Mr. STAUBER. Thank you, Representative Ocasio-Cortez, and Dr. Feldgus, thanks for your testimony. We will now recognize Members for 5 minutes of questioning, and I am going to recognize myself for 5 minutes.

Dr. Feldgus, did the Department consult with Alaskan tribes and Alaska Native Corporations prior to issuing the NPR-A proposed rulemaking or revoking the ANWR leases?

Dr. FELDGUS. Thank you very much for the question. The Department engages in extensive amounts of consultation and public meetings on all—

Mr. STAUBER. Dr. Feldgus, because we only have 5 minutes, did the Department consult with Alaskan tribes and Alaska Native Corporations prior to issuing the NPR-A proposed rulemaking or revoking the ANWR leases? Yes or no.

Dr. FELDGUS. We are currently engaged in a public comment period, and we are holding—

Mr. STAUBER. So, what we are hearing, Dr. Feldgus, that is not what I have heard.

And before I forget, Dr. Feldgus, I know you are a busy individual. I am personally asking you to stay for the next panel. And

that is not what they told me from the North Slope. They found out about this, these actions, from their local newspaper.

Do you think that is a responsible way to notify tribal members of actions that will directly impact their livelihoods? By the newspaper?

Dr. FELDGUS. We conduct extensive engagement with tribal communities, tribal villages, Alaska Native Corporations throughout the process. There is a lot of back and forth——

Mr. STAUBER. Dr. Feldgus, I don't think that is a proper way to notify a community, via a newspaper, on such an important issue.

And with respect to the proposed NPR-A rule, are you aware that it was rolled out during a time when many of the North Slope residents, whose traditional lands include the NPR-A, were engaged in subsistence hunting?

Dr. FELDGUS. We are aware that subsistence season in the fall is one of the big times for subsistence hunting.

Mr. STAUBER. So, you were aware during whaling season.

Dr. FELDGUS. Yes, we were aware that the whaling season in the fall is one of the big subsistence times.

Mr. STAUBER. Do you believe that was a responsible time to roll out the rule, during the whaling season?

Dr. FELDGUS. Well, we have engaged in extensive outreach to communities, to villages, to corporations before the whaling season. We try to accommodate the whaling season schedule when we schedule meetings and consultations. There is a constant back-and-forth with the community, trying to schedule public meetings, and we always try to accommodate.

Mr. STAUBER. Thank you. Frankly, I think this rollout and timeline was incredibly intentional by this Administration.

I know that many Native tribes and corporations urged the Department to extend the comment period for the NPR-A rule. On a recent NPR-A working group call, the request to extend the comment period was brought up. In response, a Department official responded with the following, and I quote, "I am happy to regale you with the ins and outs of the Congressional Review Act, but unfortunately, we are on a schedule with this one that we don't have any control over, so we just don't have the kind of time for this rule."

The Department's motives are clear. They are not interested in sound policy informed by local voices. They are only interested in rushing through the process to meet arbitrary deadlines so that their actions may not be reviewed by Congress. They would rather get the policy wrong in order to have enough time to circumvent Congress, rather than doing right by the people of Alaska.

Dr. Feldgus, what did the official mean when they said they don't have any control over this deadline? Who is in control of the deadline for this rulemaking?

Dr. FELDGUS. Well, I can't speak to the official on the call and what they said, I wasn't on that call. But I can say that we recently extended the deadline an additional 20 days to provide, overall, a 30-day extension of the original comment period for the rule. So, we are still in the middle of that, and——

Mr. STAUBER. Who makes the ultimate call on the deadline?

Dr. FELDGUS. The ultimate call on the decision for extending the comment period?

Mr. STAUBER. Yes.

Dr. FELDGUS. I believe that was a decision within the Bureau of Land Management.

Mr. STAUBER. Do you have a name?

Dr. FELDGUS. I do not know who the specific official would be. I think there was a Federal Register notice that was indicating the extension of the comment period, and that would have a name on that.

Mr. STAUBER. Does the Biden administration have a policy that agencies are expected to follow when conducting consultation with Native tribal communities?

Dr. FELDGUS. Yes, we have numerous policies, both at the Administration level and at the Department level.

Mr. STAUBER. Is the rollout of the policy changes relating to ANWR and the NPR-A in line with the Biden administration's stated policy on tribal consultations?

Dr. FELDGUS. We are conducting extensive outreach with tribal communities, and we are continuing tribal consultation even beyond the end of the comment period. Government-to-government consultation with tribes is not limited to times during comment periods.

Mr. STAUBER. Are you aware of, on November 30, 2022, a memo to agency heads from the White House on the Biden administration's Uniform Standards for Tribal Consultation?

Dr. FELDGUS. Yes, I am.

Mr. STAUBER. Did the Department of the Interior receive a copy of the memo?

Dr. FELDGUS. Yes, we did.

Mr. STAUBER. Did you follow those recommendations and rules?

Dr. FELDGUS. Well, I don't have the text in front of us. We certainly seek to follow those policies in all of our consultation obligations, meeting those with Alaska Native tribes.

Mr. STAUBER. I appreciate, Dr. Feldgus, you being here. And again, I really am asking you to stay for the next panel because I think you are going to hear some things that you may not have heard before in relation to tribal consultation. You will hear the exact opposite of what you just stated.

My time is up, and I will now yield to the Ranking Member for 5 minutes of questioning.

Ms. OCASIO-CORTEZ. Thank you, Mr. Chair.

Dr. Feldgus, thank you for joining us here today. As you know, the 2017 Trump Tax Cuts and Jobs Act, under President Trump, opened the Arctic Refuge to oil and gas development and mandated two lease sales on the Refuge's Coastal Plain, an area known to the Gwich'in people as "the sacred place where life begins."

The revenues from drilling in the Arctic Refuge were included in that bill as an offset for slashing taxes for corporations and high-wealth Americans. So, in order to "pay for" all of these tax cuts for the rich, the then-Republican Majority said, "In order to pay for this and offset it, we know exactly what we are going to do. We are going to sell oil and gas leases on the Arctic Refuge," which has

historically always been protected land, “and that will cover the bill.”

At the time, Senator Murkowski touted that opening the refuge to the extraction will “generate tens of billions of dollars in revenue for the U.S. Government.” Leave carbon emissions aside, leave the destruction of this precious land aside, this was going to be a moneymaker in terms of oil and gas.

On January 6, 2021, in addition to other events that happened that day, the Trump administration held the first-ever lease sale on the Refuge’s Coastal Plain, attracting bids on only half of offered leases. Ultimately, only two small oil companies and an Alaska state-owned corporation bid on and received leases.

In 2022, the two oil companies asked for refunds on their leases, leaving the state-owned company, Alaska Industrial Development and Export Authority, or AIDEA, as the sole lease holder in the refuge.

Dr. Feldgus, can you confirm how much revenue the Arctic Refuge Oil and Gas Program has generated for the Federal Government compared to the original estimates?

Dr. FELDGUS. Sure. The lease sale itself on the day of the lease sale brought in about \$14 million in high bids. Two of those bids were subsequently withdrawn by one of the bidders. So, that brought in about \$12 million. But the Federal Government only receives 50 percent of the revenues, so the Federal Government received about \$6 million from that sale.

Ms. OCASIO-CORTEZ. About \$6 million, even on the high end. Even if you take 100 percent of that cut from that \$14 to \$15 million, that is still less than 1 percent of the CBO estimates that the then-Republican Majority said would pay for all of these tax cuts for the wealthy.

Can you briefly explain the rationale given by the two companies when they requested cancellation and refunds on their two leases?

Dr. FELDGUS. Unfortunately, I cannot speak to their motivations for that.

Ms. OCASIO-CORTEZ. Does the state development company AIDEA have a history of successfully developing projects on their oil and gas leases? Just yes or no.

Dr. FELDGUS. I am not familiar with that.

Ms. OCASIO-CORTEZ. No, so they don’t even successfully develop projects on these leases.

And has the National Wildlife Refuge ever been managed for oil and gas purposes before? Has there ever been such a case since?

Dr. FELDGUS. To my knowledge, this is the only example of a refuge having an oil and gas purpose added to its statutory—

Ms. OCASIO-CORTEZ. I think, in the context of today’s discussion, it is important for us to have this landscape here of information. Because a couple of years ago, we had enormous tax cuts for the wealthy, writing off private jets and yachts and giveaways. And it was going to be paid for by oil and gas leases that were supposed to be, as Senator Murkowski said, in the tens of billions of dollars. And what we are hearing today is about \$6 million of that has been covered. I am correct in putting those pieces of information—

Dr. FELDGUS. That is correct.

Ms. OCASIO-CORTEZ. So, for all of our folks that have a lot to say about fiscal responsibility, this is a debt that has been left unpaid. And when we talk about having to take EBT away, WIC away, people's health care away, perhaps the thing that we should be taking away are a lot of these goodies and giveaways to the wealthiest people in our society when we said that these bills were going to be paid and 5 years on, 6 years on, they have been left unpaid.

With that, I yield back to the Chair. Thank you, Dr. Feldgus.

Mr. STAUBER. Thank you very much. The Chair now recognizes the Full Committee Chair, Representative Westerman.

Mr. WESTERMAN. Thank you, Chairman Stauber, and thank goodness for that Tax Cut and Jobs Act, which said we were supposed to be producing oil on the North Slope. And thank goodness that that was done when it was done.

We had record revenue last year, \$4.9 trillion of revenue. But that wasn't enough to offset just the \$6.3 trillion in discretionary spending that the Democrat Majority in the House, the Senate, and the Biden administration—you can't generate enough revenue to pay for the spending that the Democrats in Washington want to spend.

Dr. Feldgus, hopefully you understand how the Federal Government profits from energy production. We have talked about some lease sales, but where does the real revenue come from?

Dr. FELDGUS. Most of the revenue from the Federal Mineral Revenue Program is from royalties.

Mr. WESTERMAN. From oil?

Dr. FELDGUS. From oil and gas royalties.

Mr. WESTERMAN. And how are those royalties generated?

Dr. FELDGUS. Well—

Mr. WESTERMAN. It is when you produce oil and gas, you pay a royalty on what has been produced.

How much oil and gas has been produced on these lease sales since the Tax Cut and Jobs Act was passed?

Dr. FELDGUS. Currently—

Mr. WESTERMAN. Zero. There haven't been any new wells drilled. There is zero production. That is why there hasn't been any revenue generated.

Plus, the Tax Cut and Jobs Act doesn't need revenue from Alaskan oil to pay for the revenue that far exceeded what the CBO and the Joint Tax Committee said it was going to cost. I sat down with the CBO Director. He admitted they messed up like they always do when it is a Republican piece of legislation.

Now, the National Petroleum Reserve in Alaska proposed regulation constitutes a major change in policy. And as the Department notes in the rulemaking, it relies on the Integrated Activity Plan for the NPR-A. The Department didn't do NEPA for the Integrated Activity Plan change last year, and it isn't doing it for this rulemaking, either.

Dr. Feldgus, why is the Department refusing to go through the NEPA process for these major changes?

Dr. FELDGUS. Well, there was an extensive NEPA process that went through for the NPR-A IAP that was finalized in 2020, and we relied on that NEPA analysis.

Mr. WESTERMAN. I am glad you mentioned that, because that is very similar to what we are talking about down in the Gulf of Mexico, Mr. Huffman, about using previous NEPA analyses.

But this seems like a similar situation to the migrant camp in New York, where the Administration didn't do NEPA. Mr. Feldgus, to me it seems like the Department only does NEPA when it is convenient or when you want to delay things. You are doing another round of NEPA in ANWR because you want to stop energy production there. But over in the NPR-A you are skipping the NEPA entirely to lock up millions of acres.

How long is the ANWR draft SEIS?

Dr. FELDGUS. When we do NEPA we try to make sure that—

Mr. WESTERMAN. It is 1,400 pages, 700, not counting appendices. How many did the Fiscal Responsibility Act say this document, how many pages could it be?

Dr. FELDGUS. I believe that, isn't it 150 or 300 pages for particularly complex—

Mr. WESTERMAN. It is 150 for EISs, and not to exceed 300 pages. Why isn't the Department complying with the law?

Dr. FELDGUS. Our focus is on making sure that our NEPA analyses are legally defensible and robust, and can hold up against every challenge—

Mr. WESTERMAN. Well, my focus is on the Administration following the laws that we pass in Congress.

How long did you give Alaskan Natives to comment on this? I think it has already been talked about, but 60 days?

Dr. FELDGUS. That is correct.

Mr. WESTERMAN. Yes, that is why we changed NEPA to mandate those page limits, so that people can actually read the documents, be able to understand them, and provide comment in the comment period.

Once again, it seems like the Department only follows the law when it is convenient to follow the law, and only follows the law when it is convenient to the political ideologies of the Department. What is your response to that?

Dr. FELDGUS. Well, we think it is very important to make sure that the NEPA analysis is legally robust, defensible, and can stand up against future challenges—

Mr. WESTERMAN. How can it be legally robust when it violates the law that was passed by Congress?

Dr. FELDGUS. Well—

Mr. WESTERMAN. Does it mean it has to stand up to your internal memos, and it has to stand up to your regulations that you impose internally? It seems like the administrative state has become the 4th branch of government, and you are more focused on following some internal memo and processes and political ideologues in the Department, rather than following the law that Congress actually passed.

Dr. FELDGUS. We have had—

Mr. WESTERMAN. What would you like to tell the American people about why the Department blatantly disobeys the laws that Congress passed?

Dr. FELDGUS. We have seen a lot of NEPA analyses that were remanded by courts or vacated by courts because they weren't

robust, they were missing essential parts of analysis. So, when we are doing NEPA, we are trying to make sure that we have an analysis that can withstand future challenges.

Mr. WESTERMAN. So, you just violate the laws that Congress passed to try to appease your lawyers there at the Department of the Interior, push your political agendas, delay. Your goal is not to produce energy in Alaska. Delaying is your best tactic.

Unfortunately, the country that needs energy, the Alaska citizens who need a strong economy, it hurts them when you delay. It also hurts America when inflation is going through the roof, and it hurts our national security when this Administration is begging foreign countries like Iran, Saudi Arabia, and Venezuela to send more oil here, and it is doing nothing for the environment. It fails on every level.

I yield back.

Mr. STAUBER. Thank you, Mr. Chair. The Chair now recognizes Representative Huffman from California for 5 minutes.

Mr. HUFFMAN. Thank you, Mr. Chairman.

It is always interesting to hear my friends across the aisle articulate what a selective vision of NEPA and other environmental laws that they have. If you are going to actually try to protect the environment, protect some lands, they want you to run through the most robust, rigorous, impenetrable environmental process that anyone could conceive. If you want to provide some emergency housing for migrants, same thing. But if you want to drill, if you want to develop oil and gas, they will write you a legislative hall pass like the bill that we are considering today.

I do want to congratulate boosters of the fossil fuel industry, because the weekend before we went home for Thanksgiving with our families, the global climate surpassed 2 degrees Celsius. That threshold has now been passed for the first time in recorded history. You could go back in time to the Paleozoic era and other times, and probably find hotter moments, but not with civilized human beings that have things like agriculture. This is a very, very sobering moment for anyone that cares about the planet and future generations. Experts emphasize a 2-degree rise in global temperatures will inarguably cause dangerous and cascading effects to humans and our planet.

And there is more news for the boosters of fossil fuel. Two days before Thanksgiving, the Coast Guard discovered yet another major oil spill in the Gulf of Mexico caused by a leak in an underwater pipeline, resulting in 1.1 million gallons of crude oil spilled. That is part of the context whenever we have a conversation like this today. Where you drill, you spill.

But here we are again, with an effort to expand our nation's carbon footprint, expose our coastal communities to future disasters. Not only does this bill grant access to one of the most ecologically sensitive, unique, and, yes, difficult regions to productively drill, but it reverses significant strides by the Biden administration to protect lands that Tribal Nations have occupied since time immemorial, another fossil fuel sugar high, a promise of some short-term economic benefits with terrible and irreversible long-term damage.

There are better ways to create energy independence, and we can surely find better ways, better long-term bets for economic development in Alaska and every other place than this. Part of that needs to be supporting communities who have become reliant and dependent on the fossil fuel industry to transition into businesses that aren't wrecking the planet, and jobs that will actually be there a few decades from now.

Dr. Feldgus, welcome back to the Committee. In addition to the two leases on Federal lands relinquished by oil and gas companies last year, two other companies, Chevron and Hilcorp, have relinquished leases on Arctic Slope Regional Corporation land. Correct?

Dr. FELDGUS. That is my understanding, yes.

Mr. HUFFMAN. And they were pretty motivated to get out from under those leases, right?

Dr. FELDGUS. It is hard for me to speak to their motivations.

Mr. HUFFMAN. Well, they did it at significant shareholder cost, actually. They paid, essentially, to get out from under those leases. Right?

Dr. FELDGUS. I am not familiar with the details of that transaction.

Mr. HUFFMAN. Or wrote off costs; \$10 million is my understanding.

And it is not just Chevron and Hilcorp that recognize the risk of drilling in the Refuge. Many of America's largest financial institutions: Morgan Stanley, Wells Fargo, Goldman Sachs, JP Morgan Chase, Bank of America, Citigroup, they have all pledged not to finance drilling operations in the Refuge. Insurance companies like AIG and Chubb have pledged not to underwrite them, either.

My colleagues across the aisle may mock this as an ESG cartel and woke capitalism, but I think the rest of us should recognize this as a pretty rational business decision based on climate risks, based on well-founded opposition. Drilling in this area is not going to get any easier, and the opposition to it is not going away. I would quote Alaska's own Senator Sullivan in his recent remarks, where he said, "What investor in their right mind would even consider spending millions of dollars in ANWR?"

Dr. Feldgus, can you speak more about the complications, barriers, and risks of drilling in the Refuge?

Dr. FELDGUS. Sure. Drilling on the North Slope of Alaska, any sort of infrastructure activity, oil production activity is incredibly complex, difficult. It is a very challenging environment.

I think the factors that you described help explain why the lease sale only brought in a handful of bids and much less revenue than expected. And also why it took nearly 100 years before oil was produced from the NPR-A.

Mr. HUFFMAN. Thank you, Dr. Feldgus.

I yield back.

Mr. STAUBER. Thank you very much.

Before we go to Representative Graves, I will say that I am very proud that both U.S. Senators from Alaska and the only Representative support my bill.

Representative Graves, you are up for 5 minutes.

Mr. GRAVES. Thank you, Mr. Chairman. I appreciate you pointing out the way our country works, and the way that the people are allowed to elect Representatives of their own community. And the Alaska Delegation unanimously supports the legislation that we are discussing today. But I want to thank my friend from California for his aggressive attempts to represent areas outside of his state.

Dr. Feldgus, thanks for being here. One of your colleagues a few years ago came and testified, a career civil servant came and testified that every time you stop production, new production in the United States, that it doesn't have an impact on demand. All it does, as a result of decades of study that the Department of the Interior has done, all it does is increase our dependence upon foreign sources of energy.

So, I find it fascinating in this case that the Department, the Secretary is attempting to exercise discretion. But let me read the Tax Cut and Jobs Act, specifically the provision here. It says, "The Secretary shall offer for lease under the oil and gas program under this section not fewer than 400,000 acres area-wide in each lease sale. The Secretary shall offer the initial lease sale under the oil and gas program under this section not later than 4 years after the date of enactment of this act. A second lease sale under the oil and gas program under this section not later than 7 years after the date of enactment of this act."

So, I am trying to understand where in the world you think you have discretion.

Dr. FELDGUS. Sure. We are complying with the law, and we will be holding the second lease sale before the deadline in that Tax Act. And the discretion belongs to the Secretary for rescinding leases that were issued in violation of a legal or regulatory requirement.

Mr. GRAVES. And I have heard you sit here and spit out your NEPA thing a bit, do you think that Don Young wasn't aware of, and Don Young, of course, who authored this language, do you think he wasn't aware that NEPA existed? Do you think that this Committee wasn't aware that NEPA existed, and that these dates weren't doable? Is that what you are suggesting?

Dr. FELDGUS. Well, I know the first lease sale was held after only about 3 years, while the legislation provided 4 years. When we reviewed the environmental basis for that lease sale, we found it to be deficient in a number of ways.

Our philosophy is that we take a little extra time, and make sure that the analysis is robust and legally defensible.

Mr. GRAVES. And thank you, Dr. Feldgus, I appreciate that, and robust and legally defensible. And I have heard you use the term "subsistence" to talk about Native communities, yet in your EIS, your supplemental, you didn't even engage the local communities. Because the bottom line is you all don't care what the local communities think. You don't care what the Delegation thinks, the people that are actually elected to represent the state. You don't.

You have a clear history. And despite my good friend Mr. Huffman's repeated allegations about who the friends of the oil and gas industry are, the reality is that my friends across the aisle, including you, Dr. Feldgus, you all are the best friends, you all are

the best allies of Big Oil because every time you all are in charge, they make more money. They make more money under you all's policies.

And I heard the Ranking Member, and I want to be clear, Ranking Member, I share your concerns about emissions. I share your concerns about emissions. The problem is the policies that are being carried out are resulting in higher global emissions, not lower. Under the previous administration, emissions were going down. Under your administration, they are going up. They are going up.

And I heard this raised previously. Do you know who is profiting as a result of exactly what your colleague told this Committee years ago? Do you know who is profiting? Iran, \$60 billion in additional profits; Venezuela, \$65 billion in additional profits, not to mention both countries have higher emissions than those from the exact same volumes or barrels of energy coming out of the United States, specifically coming from the Gulf of Mexico.

And this isn't limited to the ANWR. And I heard you use the acronym earlier, the "NPR-A." Remind me what that P stands for.

Dr. FELDGUS. Petroleum.

Mr. GRAVES. That is right, petroleum. The National Petroleum Reserve. And folks act like they are shocked that we are actually going to produce energy there. What in the hell do you think Congress intended when they established the area, the 1002 set-aside area? It intentionally was distinguished for energy production because of the reserves that were there.

But let me come back to home where I represent in the Gulf of Mexico. This isn't limited to just Alaska or up in the 1002 Area. This is exactly what you are doing in the Gulf of Mexico, as well. You had an appeals court that came in and told you to rescind the notice to lessees. Have you done that on Lease Sale 261?

Dr. FELDGUS. We have announced the new sale date for that.

Mr. GRAVES. Have you complied with the court's direction to rescind?

Dr. FELDGUS. We have not rescinded.

Mr. GRAVES. You have not. That is exactly right.

This is a trend, Mr. Chairman. This isn't limited to Alaska. They do whatever the hell they want. It has forced higher prices, higher emissions, and more dependence on other countries. Iran, China, and Venezuela love it. Americans don't.

I yield back.

Mr. STAUBER. Thank you very much. The Chair now recognizes Representative Gosar for 5 minutes.

Dr. GOSAR. Yes, thank you very much for coming.

[Audio malfunction.] percent deduction just hiring people from overseas unlimitedly.

So, you want to talk about tax breaks? Let's go. Let's get after it. I would love to do that.

We talk about communities of interest. How did that work for the Navajos? And when I specifically talk about, now we have no NGS. That was a supplemental, where a lot of that tribe, 90 percent of them, were hired to actually work that aspect.

Then what we do is we go to Chaco Canyon, and the now-Senator Lujan had an amendment to allow the Navajos and anybody that

had those leaseholds to be able to have access to those leaseholds. Now we wiped that away from them.

So, when you talk about talking of communities of interest, be careful. And then you come to my state, the Navajo withdrawal in northeastern Arizona. What do these all have in common? Energy, energy, energy. And we take that away from communities of interest.

So, when I hear this about Alaska, I understand that Alaska has the same problem that Arizona does, that New Mexico does. And what I found very interesting was the gentlelady from New Mexico that sits on the whole Committee. When the Navajos brought this up to them, she said, "Don't worry, we will have a check for you," making them dependent on the Federal Government instead of autonomous from the Federal Government. That is sick. That is really, really sick.

I am going to go to a different line of questioning. What kind of citations are you utilizing for this type of a land grab?

Dr. FELDGUS. I am sorry, I am not sure I understand the question.

Dr. GOSAR. Are you familiar with the Taylor Grazing Act?

Dr. FELDGUS. Basically familiar, yes.

Dr. GOSAR. When did it come about?

Dr. FELDGUS. I think it was 1932, 1933.

Dr. GOSAR. Yes, about the same time we did start Public Lands Trust. Right? So, let me ask you a question. Is conservation one of the acceptable uses in the Taylor Grazing Act?

Dr. FELDGUS. I don't have the Taylor Grazing Act in front of me.

Dr. GOSAR. No, not at all. The Taylor Grazing Act requires that those lands be utilized for the maximum profit. It does specifically cite conservation as not being one of those.

I believe in conservation, but I think there is an easy way to go about this where we get the maximum benefit from both sides. With that, it said you have to work with the maximum usage for that with the intent of sharing that with the state, right? Revenues are shared with the states of interest?

Dr. FELDGUS. I am not sure. Are you referring to the Taylor Grazing Act?

Dr. GOSAR. Yes.

Dr. FELDGUS. I am not familiar with the specifics.

Dr. GOSAR. Well, it is a public land document. This came about, and I am going to ask you another question. Has the Taylor Grazing Act been amended?

Dr. FELDGUS. I am not sure.

Dr. GOSAR. I don't think so. I don't think so at all. And I think that we are missing the whole boat here.

I think Representative Graves brought it up very, very appropriately. When we take away the prospects of local communities, we actually embellish those groups like the Big Oil and Big Gas because they are making record profits. The reason they are making record profits is scarcity. We are seeing less and less coming down the forecast. And as private-sector people are starting to make money, they base it off those prospects of where those oil and gases are going to be there.

Going back to his comment, are we better off getting Venezuelan and Iranian oil or United States oil? Which one would be better?

Dr. FELDGUS. I will say right now U.S. oil production is at a record high, also at a record high on public lands.

Dr. GOSAR. But my question was are we better off having us produce it or Iran or Venezuela?

Dr. FELDGUS. Well, the Administration supports domestic energy production of all forms. And I will just point to the record oil production that we have just set in August.

Dr. GOSAR. Well, I will tell you I find it very interesting that you elude the question, because I think we are better off, and I think everybody understands that we have better criteria through NEPA and all those other things, but the process still exists, and I think we do it better than anybody. And in fact, I don't think, I know we do it better than anybody else in the world. And we ought to take that place and extol us into new opportunities.

That is my last question. Are you familiar with the entrepreneurial aspect of the American spirit, new innovations?

Dr. FELDGUS. Sorry. I am not sure if I do know——

Dr. GOSAR. My question is do you feel comfortable with particularly this American ingenuity of doing things better? Do you believe in that?

Dr. FELDGUS. I believe Americans do things exceptionally well.

Dr. GOSAR. I think that would be a great substitute for what we are doing right now. I would thank the witness, and I yield back.

Mr. STAUBER. Thank you, Representative Gosar. We will now recognize Representative Tiffany from the great state of Wisconsin.

Mr. TIFFANY. Thank you, Mr. Chairman.

Do you believe there was adequate consultation from the Federal Government with the Alaska Natives in the Administration's decision regarding ANWR?

Dr. FELDGUS. Which specific decision?

Mr. TIFFANY. The one that is the discussion in regards to ANWR that we are talking about today.

Dr. FELDGUS. Well, certainly, there has been a lot of engagement with tribal communities, local villages, Alaska Native Corporations in the development of the Supplemental Environmental Impact Statement for the Coastal Plain.

Mr. TIFFANY. Do you believe there was adequate consultation?

Dr. FELDGUS. I can't speak to adequate. I can just speak to the number of meetings and number of engagements that we have held.

Mr. TIFFANY. Is that how you measure adequate, is how many meetings you have?

Dr. FELDGUS. No, I can just speak to the extensive efforts that we make at outreach, the number of meetings, public meetings, government-to-government consultations, continued invitations to consult on these issues, as well. We are always trying to do better when it comes to our consultation responsibilities.

Mr. TIFFANY. What is your doctorate in? I see it is Dr. Feldgus.

Dr. FELDGUS. Physical chemistry.

Mr. TIFFANY. OK. Will you be staying after this? The Chairman of the Subcommittee asked you to stay for the next witnesses. In

particular, I think it is in regards to the whole consultation question.

Dr. FELDGUS. Unfortunately, I will not be able to stay due to other meetings that I need to be at. But I will be reviewing the testimony, and we will be watching the archive on the website afterwards.

Mr. TIFFANY. You are saying “we” will be doing that. Will you view the testimony from the people on the next panel? Will you be viewing it yourself?

Dr. FELDGUS. Yes, absolutely.

Mr. TIFFANY. Will you also be watching the questions that are going to be asked of them?

Dr. FELDGUS. Yes, I will.

Mr. TIFFANY. You will.

How many acres encompass ANWR?

Dr. FELDGUS. It is about 19.3 million.

Mr. TIFFANY. Yes, 19.3 million. How many acres are actually utilized for these oil projects, the oil and gas projects?

Dr. FELDGUS. Well, currently, there are no leases in the Refuge, so there are no acres being used for oil and gas at this point.

Mr. TIFFANY. Under the proposal in the Tax Cut and Jobs Act, how many acres were they proposing to utilize for actually producing oil and gas? Wasn't it 10.4 billion barrels? Wasn't that the amount that they estimated could be taken as a result of that?

Dr. FELDGUS. I am not sure about that. I do know that the law required that the lease sales offer at least 400,000 acres.

Mr. TIFFANY. The lease sale. How much would actually be utilized for the footprint of drilling rigs, roads, the infrastructure to be able to complete these projects?

Dr. FELDGUS. Well, in the law there was the restriction of up to 2,000 acres. That, however, can be a number of very linear acres. The roads create a network that ends up causing a much larger footprint than just, say, a 2,000-acre square in a single spot.

Mr. TIFFANY. OK, so about how many acres would be utilized under that proposal, under the Tax Cut and Jobs Act, about how many acres would the footprint be, would you guess?

Dr. FELDGUS. I don't have that number on me right now.

Mr. TIFFANY. In the context of 19.3 million acres, wouldn't it be a very small part?

Dr. FELDGUS. It all depends on which acres you are talking about, the importance of those acres for subsistence resources and other surface values. It is hard to say exactly.

Mr. TIFFANY. Because subsistence resources, that wouldn't be included, would it? Because we are talking about the actual footprint for drilling for oil and gas. Subsistence, I am assuming you are referring to whaling and things like that.

Dr. FELDGUS. Also caribou.

Mr. TIFFANY. Yes.

Dr. FELDGUS. Onshore.

Mr. TIFFANY. By the way, how are the wildlife populations doing up on the North Slope?

Dr. FELDGUS. I don't have that data in front of me right now.

Mr. TIFFANY. OK. Can you get that data?

Dr. FELDGUS. Yes.

Mr. TIFFANY. That would be great.

Dr. FELDGUS. Sure.

Mr. TIFFANY. Because everything I understand since the Alaska Pipeline was built a few decades ago, the caribou population has exploded. Is that accurate?

Dr. FELDGUS. I said I don't have that data, but I also know there are different caribou herds that can exhibit different population effects.

Mr. TIFFANY. Let's have a little economic discussion in regards to what the Ranking Member said about who benefits from this. Who benefits from us producing more energy? Americans.

You can talk about all the rich people and all the rest. Do you know who the rich people are benefiting from right now? It is the tax credits they get for intermittent wind and solar, where you have places like California, where you pay twice as much for your electricity, and it is maybe on half the time. OK, that is a little bit of hyperbole in regards to on half the time, but that is basically what has been happening in states and countries that have went to intermittent sources of power that can only survive with tax credits. Who buys those tax credits? Warren Buffett, people like that. I mean, it is the ultra-wealthy that buy those tax credits that are set up by United States of America.

Who benefits from affordable energy? The American people benefit from affordable energy, and I hope we will drill for more oil and gas here in America so that we can have prosperity. America is only prosperous when we have affordable energy.

I yield back.

Mr. STAUBER. Well said. Next up, Representative Rosendale for 5 minutes.

[Pause.]

Mr. STAUBER. Representative Duarte, I am sorry.

Mr. DUARTE. Hello, Jared. Good to see you. I hope you had a happy Thanksgiving.

Thank you, Mr. Chairman.

Thank you, Dr. Feldgus, for coming in today. Seventy percent of the residents in the very north end of Alaska are subsistence communities, where they live off the land, live off the caribou, live off the whales. We have discussed that. Have you ever been to Alaska, rural Alaska?

Dr. FELDGUS. Yes.

Mr. DUARTE. Did you stay long?

Dr. FELDGUS. I have been on the North Slope for probably a couple of days, combined.

Mr. DUARTE. Did you buy any consumer goods there?

Dr. FELDGUS. Yes.

Mr. DUARTE. How was the price?

Dr. FELDGUS. The prices are extremely high.

Mr. DUARTE. Yes, I was up there on a trip with my son, fishing, and a bar of soap was five bucks. Five bucks.

I don't know if hunting your own food or subsisting up there as much as you can is a function of a preferred lifestyle, or if it is just a function of the economics of living in an incredibly remote place without a thriving economy, a thriving economy that could be produced by energy development, the freedom to produce a thriving

economy based on the land resources was implicit in the Corporations Act in the 1970s, was it not?

When we gave the Native peoples of Alaska their corporations rights, and they formed corporations in the 1970s and were told that they could take the land, develop it, and produce income, revenue, and maybe not have to hunt caribou for most things they ate?

Dr. FELDGUS. Well, my understanding is it is a combination of cultural and historical, very important for the——

Mr. DUARTE. Yes, I am sure in my cultural, historical history my family at one point were subsistence hunters. I am sure that they were living off the land at some point in my history, maybe a few hundred years ago, maybe even more than that. But I think we have all been blessed with a modern economy based on wise use of our natural resources, based on our innovation, our enterprise. And I believe that you are robbing these local people of the same advantages that we enjoy, on your side of the aisle fairly arrogantly and exclusively and elitistly, that we are not letting the Native peoples of Alaska enjoy the same benefits we have enjoyed. And I think it is mean, I think it is cruel.

I think the left uses words like “social license” on many of their policy decisions. Where is the social license in robbing the Native peoples of Alaska of the same economic development opportunities that we have enjoyed that support our lifestyles here? I am sure your ancestors and mine both used to hunt something.

Do you recognize a right of the Native peoples of Alaska to enjoy the same economic development opportunities that we have had, that we enjoy here, these beautiful rooms?

Dr. FELDGUS. Absolutely, yes.

Mr. DUARTE. Or should they just be locked in to the level of technology and economic development that historically many of us have lived in?

Dr. FELDGUS. Well, we hear from a lot of Alaska Natives from the North Slope, from all over Alaska as part of corporations, from individual villages, from every community that we can reach——

Mr. DUARTE. Can you produce some corporations’ leaders that are in support of your policy? Is there anyone sitting next to you?

Is there anyone in our testimony who is in the next panel who is going to tell us, as a corporation leader, they support your policy to tell them to keep hunting whales and hunting caribou, and give up on any kind of modern economic development because you think better?

Do you think that you can relitigate the 2017 Tax Cut and Jobs Act?

Do you think you can drain the National Petroleum Reserve?

Do you think you can find every fascist country in the world to buy oil from, Iran, Venezuela, Russia, and exclude their opportunity to have the economic development so they can buy a few consumer goods?

Do we have a climate exodus, or do we simply have a human capital exodus because your management of these resources and restriction of these resources isn’t allowing the financial capital to be invested up there? It is not allowing the human capital to remain invested up there because you are excluding these people

from the economy that they have deserved, that they have negotiated, and that we have negotiated several times.

In the Tax Cut and Jobs Act, again in the Fiscal Responsibility Act, these were all compromises that we made in government, in our constitutional government, to give these people an opportunity, not even give it to them, to simply allow them and get out of their way, and you obstruct it. And here we are again, trying through our constitutional democracy to deliver these people the same opportunities that all our families have enjoyed for centuries. And you think better. And I think it is mean.

Dr. FELDGUS. Well, I will say we do hear a very wide diversity of voices from the North Slope, and many of those voices describe the incredible importance of a subsistence lifestyle for them, not simply economically to just—

Mr. DUARTE. Can you point to one example of where oil development in Alaska has robbed any individuals of their subsistence lifestyles? I mean, it is two-and-a-half Texases.

Dr. FELDGUS. I cannot point to a specific example. I believe there are. We will get back to you—

Mr. DUARTE. So, you have regulation by imagination here. You just imagine there might be some obstructions, and you want to regulate these folks out of the economic development that they could have?

Dr. FELDGUS. We are mandated and asked to protect subsistence resources on the North Slope and throughout Alaska, and we strive to—

Mr. DUARTE. You are actually mandated through several pieces of legislation referenced here today to promote and allow the development of these oil resources up here for the Native peoples, the local corporations of Alaska, and you are not doing it.

I am a freshman Congressman. Maybe you can inform me. It sounds like you have been in government a while. Do we have a constitutional democracy, where we can sit down and make a deal, or don't we?

Dr. FELDGUS. I will say we strive to achieve balance in what we are doing on the North Slope, and that includes energy development, which is ongoing and—

Mr. DUARTE. Balances defined by our legislative and executive compromises or balances defined by your imagination?

Dr. FELDGUS. Balances defined by the law.

Mr. DUARTE. Thank you, I yield back.

Mr. STAUBER. Thank you very much.

Representative Kamlager-Dove, you are up for 5 minutes.

Ms. KAMLAGER-DOVE. Thank you, Mr. Chair, and thank you to our witness for showing up today.

A few weeks ago, Rosemary Ahtuanguaruak, and apologies if I mispronounced your last name, Rosemary, the former mayor of Nuiqsut, the town closest to fossil fuel development in the NPR-A, met with my office to express grave concerns about any future development in the area.

I ask that her written testimony be submitted for the record of which I would like to highlight here.

Mr. STAUBER. Without objection, so ordered.

Ms. KAMLAGER-DOVE. Thank you.

[The information follows:]

Statement for the Record

Rosemary Ahtuanguaruak
Executive Director, Grandmothers Growing Goodness
Former Mayor, City of Nuiqsut

My name is Rosemary Ahtuanguaruak. I am Iñupiaq, former mayor of Nuiqsut, health aide, community leader, and grandmother. I am the Executive Director of Grandmothers Growing Goodness. We are dedicated to elevating the understanding and protection of Iñupiat culture and people in the face of rampant oil and gas development and climate change. Our core purpose is to educate locals and non-locals about Arctic issues, provide mentoring for the next generation of North Slope leaders, and influence local, state, and federal policy to protect the health, culture, and wellbeing of North Slope communities.

The Iñupiat have inhabited the region now known as the National Petroleum Reserve-Alaska, for thousands of years. Today, the Western Arctic provides food for more than 40 communities. Six communities—Anaktuvuk Pass, Atkasuk, Nuiqsut, Point Lay, Utqiagvik, and Wainwright—harvest all or nearly all of their subsistence resources from the Reserve.

In Nuiqsut, over 70% of our households rely on subsistence resources for more than half of our diet. And we face severe food insecurity. A third of households are unable to get enough healthy food to meet their needs, half of households are unable to get enough subsistence foods, and a quarter of our households have reported that at times they do not have enough food to eat. Recently, we were threatened with a proposal by the Alaska State government to limit our hunt of caribou to only five per year. This would lead to starvation in my community—maintaining our ability to hunt is key to our survival.

But subsistence is not only about the number of harvested animals and total number of pounds of meat produced. It involves our cultural identity, the sharing of traditional knowledge and values, time together on the land, and the sharing of food within our own community as well as with other villages.

Nuiqsut is at ground zero for the industrialization of the Arctic. The people in my village have experienced serious mental and physical health impacts from industrial development. We are experiencing dramatic changes to our land and waters, from development and from climate change.

Flaring is a serious concern, and it happens far more than it is supposed to. This is a significant source of various contaminants that are linked to lung disease and lung cancer. Studies show that residents near flares suffer from a statistically significant increase in preterm births. Flaring can cause and exacerbate asthma, a problem which our community is seriously burdened by. As a health aide in Nuiqsut from 1986–2000, I saw the number of asthma cases in our village go from 1 to 75. Now, industry proposes venting gas which is much worse.

The risk of accidents is also a constant concern. On March 4, 2022, ConocoPhillips had a gas blowout at its Alpine CD1 pad, only a few miles from our village. Despite evacuating its own employees, ConocoPhillips insisted that no one in our village was at risk. This did not make much sense to my people, and around 20 families fled the village in fear for their health and safety. Many had experienced lasting impacts from the Repsol blowout a decade earlier and did not want to go through a similar experience again.

Impacts to subsistence, pollution, and emergencies—these are all reasons why we must have stronger regulations for oil and gas development.

The power and influence of oil and gas companies on the North Slope make it difficult to achieve better protections for our people, but our City and Tribal governments have worked hard to advocate for better regulation of this activity. It is not easy standing up to the oil companies. But it has to be done. Nuiqsut has long asked for mitigation measures that could better protect our air quality and for stronger measures to protect our subsistence use of the Teshekpuk Caribou Herd.

The proposed regulations for the Reserve will not solve all the problems we face from oil and gas development, but there are many provisions that are an improvement. The regulations require consultation with Tribes and the prioritization of subsistence uses. They require consideration of Indigenous Knowledge and open the door for opportunities for co-stewardship. And the process to create new Special Areas could be used to create a Nuiqsut subsistence use Special Area.

My organization appreciates the efforts the Bureau of Land Management has gone through to recognize the importance of subsistence in these regulations. We

look forward to continuing to support the agency's efforts to ensure that our life, health, safety, culture, and traditions are protected.

The government has an obligation to protect our community from the harms of the oil industry and must stop expecting us to sacrifice our own lives "in the national interest." Our communities have been asked to do so for too long, and environmental justice requires a new approach.

Ms. KAMLAGER-DOVE. She is one of these communities that is relying on subsistence resources, and she says, "Nuiqsut is at ground zero for the industrialization of the Arctic. The people in my village have experienced serious mental and physical health impacts from industrial development. We are experiencing dramatic changes to our land and waters from development and from climate change."

She describes an incident of a ConocoPhillips gas leak in March 2022. "Despite evacuating its own employees, ConocoPhillips insisted that no one in our village was at risk. This did not make much sense to my people, and around 20 families fled the village in fear for their health and safety." Many had experienced lasting impacts from the Repsol blowout a decade earlier, and did not want to go through a similar experience again.

She says, "The power and influence of oil and gas companies on the North Slope make it difficult to achieve better protections for our people. But our city and tribal governments have worked hard to advocate for better regulations of this activity. It is not easy, standing up to the oil companies, but it has to be done. Nuiqsut has long asked for mitigation measures that could better protect our air quality, and for stronger measures to protect our substance use of the Teshekpuk caribou herd."

So, the Administration's proposed regulations, and I am so glad I came in when I did, to share that in response to the earlier questions, the Administration's proposed regulations in the western Arctic are a welcome step in the right direction for Rosemary and many in her community. By comparison, this bill is an industry wish list, I guess we are close to Christmas, that could rush through more fossil fuel projects near a community that is already bearing the brunt of negative health and environmental impacts from existing developments.

So, Doctor, can you briefly outline efforts taken by BLM to ensure that the agency's proposed regulations protect the health, safety, and culture of Alaska Native communities on Alaska's North Slope?

Dr. FELDGUS. Absolutely, and thank you for the question.

We have been focused on meeting the obligations that we have in the Naval Petroleum Reserve Production Act to provide the maximum protection to the surface values in special areas. And many of those special areas are designated particularly for their importance to subsistence resources such as caribou and other fish and wildlife species.

So, we have been very much focused on making sure that we create a structure that provides that balance and that maximum protection for those areas going forward.

Ms. KAMLAGER-DOVE. Thank you for that, and tribal sovereignty is also an incredibly important issue. I know it is one that is being

uplifted by Secretary Haaland, who is the first Native American Interior Secretary.

How is the Administration elevating these objectives in the management of Federal land in northern Alaska?

Dr. FELDGUS. Well, one of the things we are doing is putting a very strong emphasis on co-stewardship and potential opportunities for co-management. That is actually a fundamental piece of the proposed rule, is that the BLM is encouraged to look for as many opportunities to bring tribal communities into the management of these lands and resources alongside the BLM.

Ms. KAMLAGER-DOVE. Thank you. I came here from another hearing on the natural preservation of land, Indigenous land, specifically, and what has struck me still are some of the comments by one of the panelists who said we are not in the business of stopping projects, we are in the business of protecting cultural resources, and this land is considered a cultural resource for so many tribes and Indigenous communities.

And they also said, don't do it to us, do it with us, in consultation with us. And try not to find a token group to just come in and say, hey, it is OK to continue to erase me. So, I just wanted to share that, and hope that that will also inform the remaining questions and discussions that are brought before you today.

Thank you, and with that, Mr. Chair, I yield.

Mr. STAUBER. Thank you. Next up, Representative Hunt for 5 minutes.

Mr. HUNT. Thank you, Mr. Chairman.

And thank you, sir, for being here. Thank you for your time.

American energy is needed now more than ever to heat households, fuel the economy, and power our nation, our allies, and the entire world. This is my humble opinion, sir, that President Trump knew that better than any other President in my lifetime. And I say that because he established an oil and leasing program in the ANWR, which is estimated to produce 10.4 billion barrels of oil. And that is the real number that is needed not just for us, but for the entire world.

Sir, yes or no, are you familiar with the Tax Cut and Jobs Act?

Dr. FELDGUS. Yes, I am.

Mr. HUNT. OK. Then you should be familiar with the two lease sales mandated by the TCJA, one lease sale by December 2021 and the other by December 2024.

You should also be familiar with your Department holding the first of those two mandated lease sales in January 2021.

Within that same month, Joe Biden delivered on his campaign promises by ending oil and gas production with Executive Order 13990. I am sure you are familiar with that, as well. The Executive Order abruptly placed a moratorium on oil and gas leases and production in the ANWR, thus placing America's way of life in the hands of our adversaries. During a nationally televised debate, Joe Biden said, and I quote, "No more drilling on Federal lands. No more drilling, including offshore. No more ability for the oil industry to drill." Promises made, promises kept. He is now the President, and now I believe him if he said just that.

America produces the cleanest barrel of oil and gas in the entire world. And rather than keeping jobs here, Joe Biden would rather

choose to buy dirtier oil and gas from Iran, Saudi Arabia, where I spent 2 years deployed as a combat veteran, Russia, and Venezuela. When we freeze our production in the Arctic, Russia, over the course of the past few years, has tripled their production in our region. Again, we are going to get our oil from the region. The world is going to. The issue is are we going to do it, or are we going to let our adversaries do it?

I want to follow up on a question from Representative Garret Graves earlier, and the question was about a notice to lessees published in August 2023 that included a recommended Rice's whale vessel mitigation, which you said the DOI has not rescinded. And my question is this: Will DOI rescind the notice to the lessees and, if so, sir, when?

Dr. FELDGUS. Well, first of all, thank you for your service.

Mr. HUNT. Thank you.

Dr. FELDGUS. I would also like to just mention that we are producing record amounts of oil right now, 13.1 million barrels a day in August. That is the most ever, and that is more than Saudi Arabia is producing.

We are also exporting 4 million barrels a day, so we are providing quite a bit of oil to the rest of the world. I think we are about the third largest exporter right now.

Mr. HUNT. But we were the first. And by the way, we should be the first. And this is not addition by subtraction. I mean, we can literally produce 10.4 barrels of oil more safer and cleaner than any of our adversaries. I understand maybe being leaders in certain categories right now, but sir, I am talking about American excellence. We can do way better, and we need to do way better.

And for the record, for the next few years, as the global population increases, we are going to need more oil, not less. And I am not talking about the champagne problems that we have in this country. I am talking about the world. I am talking about Africa, I am talking about Asia.

So, while I hear your point about us being leaders, whenever we have policies like this that are reducing the number of barrels of oil by 10.3 billion that we could produce with our own producers here, with our own workers, cleaner, better, and safer, that is just unacceptable. It is just not going to work. We should not be capping our own best interest, especially if we could fuel our allies and the world.

And if we are not paying attention to what is happening right now with Russia and with the Ukraine, I am telling you right now that Vladimir Putin and Xi Jinping and these leaders and these dictators can really care less about how they feel about climate. They are trying to grab land from our allies. They are trying to usurp the United States as being the monopole. That is what is happening, and this Administration is letting them do that with these failed policies.

I would implore you, sir, we have to continue to push the envelope, innovate our way out of this, and the best way for us to do that is for America to lead in energy and oil and gas production.

I yield back the rest of my time. Thank you, sir.

Mr. STAUBER. Thank you very much.

Before I make a closing statement on the first panel, Dr. Feldgus, you said that we are producing more oil than ever before.

Dr. FELDGUS. That is correct.

Mr. STAUBER. Are these on the leases that this Administration gave or prior administrations?

Dr. FELDGUS. I don't have the breakdown.

Mr. STAUBER. I can answer that. Prior administrations.

Mr. HUFFMAN. Mr. Chairman, on whose time are we right now?

Mr. STAUBER. I am taking the privilege as a Chair.

Mr. HUFFMAN. I just wasn't aware that the rules afforded such a privilege.

Mr. STAUBER. As the Chairman, I am affording this privilege. And if you were the Chair, I would give you the privilege.

Mr. HUFFMAN. Well, you might, but would the rules?

Mr. STAUBER. I am affording myself this privilege as the Chair.

Mr. HUFFMAN. Well, I want to note my objection.

Mr. STAUBER. Will DOI rescind the NTL?

Dr. FELDGUS. There are currently no plans to rescind the NTL, the voluntary NTL, I should add.

Mr. STAUBER. I didn't hear you.

Dr. FELDGUS. Oh, sorry. The notice to lessees?

Mr. STAUBER. Yes.

Dr. FELDGUS. That is a set of voluntary measures. There are currently no plans to rescind.

Mr. STAUBER. OK. Mr. Rosendale, I am giving you one last opportunity if you want to question or not.

Mr. ROSENDALE. No. I can make a statement.

Mr. STAUBER. Go ahead, make your statement. You are up for 5 minutes, but I know your statement is going to be short.

Mr. ROSENDALE. It is going to be much shorter than that, Mr. Chair, thank you so much. Mr. Chair, thank you very much for conducting this hearing. We are very glad to see H.R. 6285 brought forward, the hearing on Alaska's Right to Produce Act of 2023.

The issues in Alaska surrounding the Coastal Plain oil and gas leasing program parallel the challenges faced by my home state of Montana and our energy industry. I think it is crucial to preserve our domestic energy production across the country, whether it is in Alaska or the Lower 48.

There will be catastrophic, nationwide repercussions if we do not oppose the environmentalist policies of the Biden administration. We continue to hear about climate change, catastrophes, the temperature changes, and the water sea level changes, but I find it absolutely fascinating, with all of those things that could take place, that we see our former President, Barack Obama, buying waterfront property. Apparently, he is not concerned about it.

The decisions made by the Biden administration in Alaska reveal a troubling pattern prioritizing a climate extremist agenda over the well-being of Alaskans and our nation's energy independence. This echoes challenges in Montana, where the Administration's emphasis on curtailing the coal industry through overbearing regulation has hurt our economy and our security. The impact of Biden's war on domestic energy production in Montana is felt throughout the country.

We must resist Biden's ongoing assault on traditional baseload energy sources. We must strike a balance that preserves conventional forms of energy production, be it coal, oil, or liquid natural gas. This is crucial for expanding our energy grid and for our national security.

We have seen the power grid across the country compromised because of the reliance on renewable yet undependable renewable energy sources. Relying on foreign adversaries for our resources abundant in our nation is counter-productive, and American livelihoods should not be sacrificed due to misguided climate policies, especially when our adversaries gain from our reluctance to produce domestically, and we have heard circumstance after circumstance of this.

States like Alaska and Montana heavily depend on revenue from resource and mineral production to fund essential public infrastructure, schools, and emergency services. Without these funds, these states will face severe consequences, including shortages and disruption of vital services.

The Alaska's Right to Produce Act of 2023 aims to address these challenges by ratifying and approving the necessary authorizations, permits, and other approvals for the Coastal Plain oil and gas leasing program. We must acknowledge that these issues extend well beyond Alaska, and are felt in Montana and other states across the nation's energy landscape. We must protect our domestic energy industries, preserve American jobs, preserve state and tribal rights, and ensure the continued prosperity of our communities.

Mr. Chair, if you need additional time to address your issues, I would be more than glad to yield the balance of my time to you.

Mr. STAUBER. I appreciate that, and I knew you had something to say.

With that, I am going to just end with my closing statement. Dr. Feldgus, I appreciate you being here. I want to end by reading a quote from Secretary Haaland: "Tribes deserve a seat at the decision-making table before policies are made that impact their communities. Our ongoing efforts to evolve and strengthen consultation policies and procedures will ensure that Tribal Nations can engage at the highest levels of the Federal Government on the issues that matter most to their people."

Dr. Feldgus, the Department didn't consult or even make an attempt to meaningfully engage with tribes, Alaska Native Corporations, or the only communities located within ANWR and the NPR-A before making either of these decisions. Dr. Feldgus, you didn't give them a proper heads up before taking either of these actions. You dropped a 1,400-page supplemental EIS on them, and asked them to consult on it within 2 days. You ignored requests by local elected leadership for reasonable comment periods because of an arbitrary timeline. Zero meetings took place in the region on the ANWR supplemental EIS, and the Secretary herself has refused to meet with these folks at least eight times, even when they have traveled over 4,000 miles to come to our nation's capital. This shows that this Administration does not care about tribal voices if they are in disagreement with them.

Dr. Feldgus, I really hope you would reconsider and listen to the testimony of the next panel. And the reason I say that, as we were asking you questions about tribal consultation and you were saying in fact this Administration did, you didn't see this, but they were shaking their heads, the elected leaders on the North Slope and others.

That the Administration has failed to consult Alaska Natives in the affected areas is an understatement. The outreach by this Administration has been atrocious, and I sincerely hope the Department actually listens to these voices and walks away from these terrible proposals. The absolute least you can do is show them some respect today by staying here.

And before we move to our second panel of witnesses, I am going to ask unanimous consent to enter into the record a November 30, 2022, White House Memorandum of Uniform Standards for Tribal Consultation.

Mr. HUFFMAN. Mr. Chairman, I have no objection to that unanimous consent request, but I have to register my opposition and concern on the record.

I have been on the Natural Resource Committee for 11 years now. I have never seen this practice of a Chair, simply by fiat, giving himself the prerogative of an extra round of questions and a closing statement after one panel. This does not exist, to my knowledge, in the rules. This is not a precedent that I think is good to establish. The time allocated to Republican Members is already quite lopsided by virtue of your numbers on the Committee. There are ways to find time to get anything you want in the record. But just seizing time by fiat and flouting the rules is not something that we can accept.

Mr. STAUBER. Mr. Huffman, I don't agree with you, and I am——

Mr. HUFFMAN. Well, then show me in the rules where you get the extra round of questioning just because you want it and no one else does.

Mr. STAUBER. This isn't——

Mr. HUFFMAN. And you get a closing statement after one panel.

Mr. STAUBER. Mr. Huffman——

Mr. HUFFMAN. I don't think that is in the rules, Mr. Chairman.

Mr. STAUBER. This Committee will come to order. Mr. Huffman, I don't agree with you. I am——

Mr. HUFFMAN. Well, show me the rules.

Mr. STAUBER. I am giving my closing statement.

Mr. HUFFMAN. And you are out of order. You are out of order, Mr. Chairman.

Mr. STAUBER. I disagree. I want to finish my closing statement.

Before we move to our second panel of witnesses, I ask unanimous consent to enter into the record a November 30, 2022, White House Memorandum on Uniform Standards for Tribal Consultation.

Without objection, so ordered.

[The information follows:]

November 30, 2022

Memorandum on Uniform Standards for Tribal Consultation

Memorandum for the Heads of Executive Departments and Agencies

SUBJECT: Uniform Standards for Tribal Consultation

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. Background. The United States has a unique, legally affirmed Nation-to-Nation relationship with American Indian and Alaska Native Tribal Nations, which is recognized under the Constitution of the United States, treaties, statutes, Executive Orders, and court decisions. The United States recognizes the right of Tribal governments to self-govern and supports Tribal sovereignty and self-determination. The United States also has a unique trust relationship with and responsibility to protect and support Tribal Nations. In recognition of this unique legal relationship, and to strengthen the government-to-government relationship, Executive Order 13175 of November 6, 2000 (Consultation and Coordination With Indian Tribal Governments), charges all executive departments and agencies (agencies) with engaging in regular, meaningful, and robust consultation with Tribal officials in the development of Federal policies that have Tribal implications. Executive Order 13175 also sets forth fundamental principles and policymaking criteria.

The Presidential Memorandum of January 26, 2021 (Tribal Consultation and Strengthening Nation-to-Nation Relationships), requires agencies to submit detailed plans of action to implement the policies and directives of Executive Order 13175. In response, all agencies subject to Executive Order 13175 submitted plans of action, including over 50 agencies that submitted a consultation plan of action for the first time. Agencies also conducted more than 90 national-level Tribal consultations, focusing specifically on agency Tribal consultation policies. The purpose of this memorandum is to establish uniform minimum standards to be implemented across all agencies regarding how Tribal consultations are to be conducted. This memorandum is designed to respond to the input received from Tribal Nations regarding Tribal consultation, improve and streamline the consultation process for both Tribes and Federal participants, and ensure more consistency in how agencies initiate, provide notice for, conduct, record, and report on Tribal consultations. These are baseline standards; agencies are encouraged to build upon these standards to fulfill the goals and purposes of Executive Order 13175 consistent with their unique missions and engagement with Tribal Nations on agency-specific issues.

Sec. 2. Consultation Principles. Tribal consultation is a two-way, Nation-to-Nation exchange of information and dialogue between official representatives of the United States and of Tribal Nations regarding Federal policies that have Tribal implications. Consultation recognizes Tribal sovereignty and the Nation-to-Nation relationship between the United States and Tribal Nations, and acknowledges that the United States maintains certain treaty and trust responsibilities to Tribal Nations. Consultation requires that information obtained from Tribes be given meaningful consideration, and agencies should strive for consensus with Tribes or a mutually desired outcome. Consultation should generally include both Federal and Tribal officials with decision-making authority regarding the proposed policy that has Tribal implications. Consultation will ensure that applicable information is readily available to all parties, that Federal and Tribal officials have adequate time to communicate, and that after the Federal decision, consulting Tribal Nations are advised as to how their input influenced that decision-making. All of these principles should be applied to the extent practicable and permitted by law.

Sec. 3. Designating an Agency Point of Contact for Tribal Consultation. (a) The head of each agency shall designate a primary point of contact for Tribal consultation matters who is responsible for advising agency staff on all matters pertaining to Tribal consultation and serving as the primary point of contact for Tribal officials seeking to consult with the agency.

(b) The head of each agency shall consider designating additional points of contact as necessary to facilitate consultation on varied subject matter areas within the agency.

(c) Each agency shall provide the names and contact information of the designated agency points of contact for Tribal consultation on its website, as well as to the White House Office of Intergovernmental Affairs and the White House Council on Native American Affairs.

(d) The designated agency points of contact may delegate consultation responsibilities to other decision-making agency officials within their agency as necessary and appropriate.

Sec. 4. Determining Whether Consultation Is Appropriate. The head of each agency shall ensure that agency staff undertake an analysis as early as possible to determine whether Tribal consultation is required or appropriate consistent with Executive Order 13175. This analysis should occur regardless of whether a Tribal government requests consultation. When a Tribal government requests consultation, the agency—to the extent that it has not yet performed the analysis to determine whether consultation is appropriate—shall conduct that analysis as soon as possible and respond to the Tribe within a reasonable time period. If there is a reasonable basis to believe that a policy may have Tribal implications, consistent with the definition in Executive Order 13175, the agency shall follow the applicable requirements for consultation. Agencies may still engage in Tribal consultation even if they determine that a policy will not have Tribal implications, and should consider doing so if they determine that a policy is of interest to a Tribe or Tribes.

Sec. 5. Notice of Consultation. (a) When inviting a Tribe or Tribes to consult, the head of each agency should:

(i) develop a notice of consultation, which includes:

(A) sufficient information on the topic to be discussed, in an accessible language and format, and context for the consultation topic, to facilitate meaningful consultation;

(B) the date, time, and location of the consultation, as requested by the agency or as developed in consultation with the Tribe or Tribes;

(C) if consulting virtually or by telephone, links to join or register in advance;

(D) an explanation of any time constraints known to the agency at that time, such as statutory deadlines;

(E) deadlines for any written comments on the topic; and

(F) names and contact information for agency staff who can provide more information;

(ii) transmit the notice of consultation, using the agency's standard method of communication, to each affected Tribal government and consider posting it to the agency's website or any centralized Federal Government site for providing notice of or coordinating Tribal consultations;

(iii) provide notice of at least 30 days to the Tribe or Tribes of any planned consultations, except as provided in subsection (c) of this section;

(iv) provide appropriate, available information on the subject of consultation including, where consistent with applicable law, a proposed agenda, framing paper, and other relevant documents to assist in the consultation process; and

(v) allow for a written comment period following the consultation of at least 30 days, except as provided in subsection (c) of this section.

(b) The head of each agency shall ensure that agency officials responsible for sending invitations to consult to interested or potentially affected Tribal governments use available tools, databases, and agency documentation, as well as communicate with agency representatives who may be knowledgeable about those Tribes and the location(s) affected by the policy with Tribal implications, to ensure their invitation efforts are appropriately inclusive. Such efforts should account for the fact that Tribes may have connections or legally protected rights to locations and resources beyond their current

Tribal lands and Tribal government offices such as off-reservation fishing, hunting, gathering, or other rights.

(c) If there are time constraints such that 30 days' notice of consultation is not possible, or that the post-consultation written comment period described in subsection (a)(v) of this section must be shorter than 30 days, the notice of consultation should include information as to why the standard notice or written comment period cannot be provided. Upon the request of a Tribe, or where it would serve Tribal interests or fulfill certain trust obligations to Tribal Nations, agencies should consider adjusting deadlines for notice of consultations and for accepting written comments.

Sec. 6. Conducting the Consultation. Throughout a consultation, the head of each agency, or appropriate representatives, shall recognize and respect Tribal self-government and sovereignty; identify and consider Tribal treaty rights, reserved rights, and other rights; respect and elevate Indigenous Knowledge, including cultural norms and practices relevant to such consultations; and meet the responsibilities that arise from the unique legal relationship between the Federal Government and Tribal governments. The head of each agency should ensure that agency representatives with appropriate expertise and, to the extent practicable, decision-making authority regarding the proposed policy are present at the Nation-to-Nation consultation. The head of each agency should consider conducting the consultation in a manner that prioritizes participation of official Tribal government leaders.

Sec. 7. Record of the Consultation. (a) The head of each agency shall maintain a record of the consultation process that includes:

- (i) a summary of Tribal input received;
 - (ii) a general explanation of how Tribal input influenced or was incorporated into the agency action; and
 - (iii) if relevant, the general reasoning for why Tribal suggestions were not incorporated into the agency action or why consensus could not be attained.
- (b) The head of each agency shall timely disclose to the affected Tribe or Tribes the outcome of the consultation and decisions made as a result of the consultation. To the extent permitted by applicable law, the head of each agency shall seek to ensure that information designated as sensitive by a Tribal government is not publicly disclosed. Agencies should obtain advance informed consent from Tribal communities for the use of sensitive information provided by the Tribe, and should inform Tribal representatives that certain Federal laws, including the Freedom of Information Act, may require disclosure of such information.

(c) For national and regional consultations, or if otherwise appropriate, the head of each agency should also consider publicly posting the record of consultation to foster ease of reference and use by other agencies, employees, and processes, and to minimize burdens on Tribes to provide similar input in multiple consultations. Decisions regarding whether to publicly post a record of consultation should be made with Tribal input.

(d) The record of consultation does not waive any privilege or other exception to disclosure pursuant to the Freedom of Information Act or its implementing regulations.

Sec. 8. Training. (a) The head of each agency shall require annual training regarding Tribal consultation for agency employees who work with Tribal Nations or on policies with Tribal implications. This training shall include, at minimum, review of Executive Order 13175, this memorandum, and any applicable Tribal consultation policy of the agency.

(b) In addition, the Secretary of the Interior and the Director of the Office of Personnel Management (OPM), in consultation with Tribal Nations, shall establish training modules regarding Tribal consultation to be available for agency employees who work with Tribal Nations or on policies with Tribal implications. These training modules should explain the concepts of Tribal consultation, the Nation-to-Nation relationship, and Tribal sovereignty. Agencies may use these training modules to satisfy the annual training requirement set forth in subsection (a) of this section.

(c) Within 180 days of the date of this memorandum, the Director of OPM, in consultation with the Secretary of the Interior, shall report to the President on progress toward establishing training modules regarding Tribal consultation and shall identify additional resources or other support necessary to implement this training.

Sec. 9. Definitions. The terms "Tribal officials," "policies that have Tribal implications," and "agency" as used in this memorandum are as defined in Executive Order 13175. The terms "Tribes" and "Tribal Nations" as used in this memorandum have the same definition as the term "Indian Tribe" as defined in Executive Order 13175.

Sec. 10. Scope. Nothing in this memorandum shall be construed to impair or otherwise affect the ability of heads of agencies to set more specific or more stringent standards, or to incorporate other best practices, for conducting Tribal consultation.

Sec. 11. General Provisions. (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

- (i) the authority granted by law to an executive department or agency, or the head thereof; or
- (ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.
- (b) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.
- (c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.
- (d) Independent agencies are strongly encouraged to comply with the provisions of this memorandum.
- (e) The Director of the Office of Management and Budget is authorized and directed to publish this memorandum in the *Federal Register*.

JOSEPH R. BIDEN JR.

Mr. STAUBER. The Clerk will now reset the table. We are going to take a 3-minute recess, and we are going to get the next panel in.

And Dr. Feldgus, again, thank you very much. We are recessed for 3 minutes.

[Recess.]

Mr. STAUBER. OK, the Committee will come out of recess and continue. But before we go, I want to address an issue that Mr. Huffman rightfully brought forward in our last panel.

And Mr. Huffman, I want to apologize publicly to you. You were right on the issue. So, when we know better, we do better. And I do appreciate you and the dialogue we have.

Mr. HUFFMAN. I appreciate that, Mr. Chairman. Thank you.

Mr. STAUBER. All right. We will now move to introduce our second panel of witnesses.

Our first witness on Panel II is Mr. John Boyle. He is the Commissioner for the Alaska Department of Natural Resources located in Anchorage, Alaska.

Commissioner Boyle, you are now recognized for 5 minutes.

**STATEMENT OF JOHN BOYLE, COMMISSIONER, ALASKA
DEPARTMENT OF NATURAL RESOURCES, ANCHORAGE,
ALASKA**

Mr. BOYLE. Thank you, and good morning, Chairman Stauber, Ranking Member Ocasio-Cortez, and members of the Committee. I am grateful for the opportunity today to testify on behalf of the state of Alaska and Governor Mike Dunleavy.

The state of Alaska strongly supports H.R. 6285, and appreciates this Committee's attention to the Biden administration's relentless assault on Alaska that is unquestionably contrary to existing Federal law and the national and energy security of the United States. No other state in this union has borne the onus of the climate-based millenarianism meted out by President Biden and Secretary Haaland more than the 49th state. I come before you today to plead on behalf of all Alaskans for relief from the inimical policies imposed by the current Administration that threaten the future of our state and the well-being of our citizens.

One remedy for this abuse is to make the letter of the law unmistakably clear, and we believe that the legislation before the Committee today accomplishes that feat. We want to thank Representative Stauber for bringing forward this bill.

We see the Biden administration utilizing every bureaucratic device at its disposal in its quixotic quest to forestall natural resource development across Alaska. This includes the weaponization of the National Environmental Policy Act process to interminably delay projects and open avenues of litigation that cast a pall of uncertainty that is an anathema to any business faced with making an investment decision. This legislation today calls out the Biden administration's multi-year effort to patently ignore and flout congressional intent expressed in the Tax Cuts and Jobs Act, and it would also reverse this proposed rulemaking in the National Petroleum Reserve-Alaska that is incongruous with the Naval Petroleum Reserves Production Act.

Congress authorized the leasing and development program within the 1002 Area of ANWR not on a whim, but after decades of robust debate and demonstrated environmental protection. Nearly all of the arguments that have been raised by those opposed to development within ANWR mirror those that were raised prior to the construction of the Trans-Alaska Pipeline System in the 1970s. Predictions of widespread or irreversible harm to wildlife, subsistence culture, and the environment have been definitively refuted.

The reality is that caribou populations along the pipeline route increased. Alaska's economy flourished, and North Slope communities prospered, all while improving U.S. energy security. This is why the overwhelming majority of Alaskans support an oil and gas leasing program within the 1002 Area.

We have learned firsthand that resource development and protection of the environment are not mutually exclusive goals. We also know that there are few, if any, other viable economic activities within the state that have the same potential to deliver billions of dollars to state coffers that provide for all of the state services that we provide our citizens. For these reasons, the state of Alaska

stepped forward through the Alaska Industrial Development and Export Authority to participate in the 1002 Area lease sale.

Our efforts, however, have been continuously thwarted by President Biden, who signaled that stopping development in ANWR was amongst his top priorities, and the President has been true to his word. As recognized in H.R. 6285, Secretarial Order 3401 and Executive Order 13990 are the root of repeated efforts by the Biden administration to sabotage the leasing program in the Coastal Plain. They are the original source of the yet-to-be-identified defects in the Comprehensive Environmental Impact Statement and Record of Decision that authorized the first lease sale in the 1002 Area.

Unsurprisingly, we see a process that seems to be pre-ordained to justify selecting highly-restrictive management approaches that have no basis in the statutory language, and that will likely make any future development impossible.

Pivoting now to the NPR-A proposed rulemaking, the over-riding concern shared by the state, local stakeholders, and community members necessitate legislative repeal. The process to date has been confusingly deficient, as I think has been brought up on the record today. We have already heard about the overlap with the subsistence hunting season on the North Slope and the lack of opportunity and notice provided to the most impacted communities.

So, assertions that this rule is administrative or of limited economic consequence are also patently false. At its core, the rule attempts to institute a presumption against development activities across millions of acres in a statutorily-designated petroleum reserve. This, of course, will result in billions of dollars in lost revenue to the state and to the local communities, which is incredibly problematic to us.

Fundamentally, what we are asking for here, we are asking to enjoy the same standard of living that is employed by those that want to foist this brand of environmental imperialism upon our state. We want to have roads, and good schools, and police, and fire protection. All of these things are provided by the petroleum revenue that our state collects. So, our ability to continue to engage in these activities is fundamental to the survival and the well-being of the citizens of our state, which is why we traveled all this way to testify so passionately before you today. We really appreciate the Committee's time.

I just want to point out, as well, that Alaska has really borne the brunt of every conceivable effort by this Administration to stop development: 16.7 million acres of the Tongass National Forest are off limits to logging; one of the largest known copper deposits in the world in western Alaska, off limits to mining; the Ambler Mining Road, which would provide access to rare earths and critical minerals essential for national and energy security, again forestalled by the BLM and their permitting processes.

So, Alaska has just seen repeated efforts by this Administration to stop these development opportunities, so we call on Congress and this good Committee today to help us turn back the tide on these egregious actions.

[The prepared statement of Mr. Boyle follows:]

PREPARED STATEMENT OF JOHN C. BOYLE III, COMMISSIONER, DEPARTMENT OF
NATURAL RESOURCES, STATE OF ALASKA
ON H.R. 6285

Thank you for the opportunity to testify today on behalf of the State of Alaska and Alaska Governor Mike Dunleavy.

The State of Alaska strongly supports H.R. 6285 and appreciates the Committee's attention to the Biden Administration's relentless assault on Alaska that is unquestionably contrary to existing federal law and the national and energy security of the United States. No other state in this union has borne the onus of the climate-based millenarianism meted out by President Biden and Secretary Haaland more than the 49th state. I come before you today to plead on behalf of all Alaskans for relief from the inimical policies imposed by the current administration that threaten the future of our state and the wellbeing of our citizens.

Put simply, Alaska is a resource state. And without the ability to responsibly monetize its rich endowment of resources, Alaska economy will decline and its citizens will suffer.

One remedy for this abuse is to make the letter of the law unmistakably clear, and we believe that the legislation before the committee today accomplishes that feat. Thank you Representative Stauber for putting forward this bill, and I would encourage all members of the committee to pay careful attention to the testimony of my friends from Alaska's Arctic who desire nothing more than to enjoy the same standard of living taken for granted by those foisting their brand of environmental imperialism on Alaska's Indigenous and non-Indigenous people alike.

We see the Biden Administration utilizing every bureaucratic device at its disposal in its quixotic quest to forestall natural resource development across Alaska to appease the powerful environmental lobby. This includes the weaponization of the National Environmental Policy Act process to interminably delay projects and open avenues of litigation to cast a pall of uncertainty anathema to any business faced with making an investment decision. The legislation today calls out the Biden Administration's multi-year effort to patently ignore and flout Congressional intent expressed in the Tax Cuts and Jobs Act through the unilateral termination of leases in the Coastal Plain or 1002 Area of the Arctic National Wildlife Refuge, and the Department of the Interior's intransigence in administering an oil and gas leasing program that is mandated to occur. This legislation would also reverse a proposed rulemaking in the National Petroleum Reserve-Alaska (NPR-A) that is incongruous with the Naval Petroleum Reserves Production Act, which governs development in the Petroleum Reserve today.

Sadly, the NPR-A and ANWR aren't the only active fronts in this administration's climate crusade. Last month my colleague Jerry Moses testified to this Committee on the Outer Continental Shelf (OCS) Lands Act and the Interior Department's refusal to offer lease sales across OCS areas in Alaska despite the critical need for those resources to meet in-state demand for heating and electricity. If we were dependent on the federal government for our energy needs, Alaskans would literally be left to freeze.

This same approach by Interior in the 1002 Area and the National Petroleum Reserve also harms Alaskans and will leave our national energy security out in the cold. We urge the committee to pass H.R. 6285, and to continue vigorous oversight over all aspects of development on federal lands in Alaska that are already mandated by federal law.

Alaskans Need and Want Development—and are Confident in our Capabilities to Develop Responsibly

We take these positions because the Biden Administration's policy in Alaska is deleterious to our economy; adverse to the rights, needs, and expressed desires of the residents of the areas affected by development; and directly contrary to existing federal law.

Congress authorized the leasing and development program within the 1002 Area of ANWR, not on a whim, but after decades of robust debate and demonstrated environmental protection. Nearly all the arguments raised by those opposed to development within ANWR mirror those that were raised prior to the construction of the Trans-Alaska Pipeline System in the 1970s. Predictions of widespread or irreversible harm to wildlife, subsistence culture, and the environment are now definitively refuted. The reality was caribou populations increased, Alaska's economy flourished, and North Slope communities prospered—all while improving U.S. energy security.

This is why the overwhelming majority of Alaskans support an oil and gas leasing program within the 1002 Area. We've learned firsthand that resource development

and protection of the environment are not mutually exclusive goals. We also know that are few, if any, other viable economic activities within the state that have the same potential to deliver billions of dollars to state coffers that will support public services across Alaska as oil and gas production.

For these reasons, the State of Alaska stepped forward through the Alaska Industrial Development and Export Authority (AIDEA), to participate in the 1002 Area lease sale to ensure these resources were made available for further exploration. Our efforts, however, have been continuously thwarted by President Biden, who signaled that stopping development in ANWR was amongst his top priorities. And the President has been true to his word.

His administration has been indefatigable in frustrating the oil and gas program within the 1002 Area at every turn. The Executive Order and Secretarial Order that would be repealed by H.R. 6285 laid out the framework for this stonewalling strategy, as authorizations to explore on leases that had been validly acquired have been withheld and unfounded assertions of unidentified legal gaps in the analyses carrying out the lease sale used to justify suspensions of operations. More egregiously, Interior has canceled the leases obtained by AIDEA, without a basis in process or authority under law to do so. This legislation rightfully would put a stop to the panoply of hurdles employed by this administration to frustrate the intent of the Tax Cuts and Jobs Act.

The Coastal Plain Oil and Gas Leasing Program has Been Repeatedly and Severely Undermined

As recognized in H.R. 6285, SO 3401 and EO 13990 are the root of repeated efforts by the Biden Administration to sabotage the oil and gas leasing program in the Coastal Plain. They are the original source of yet-to-be-identified “defects” in the comprehensive environmental impact statement and record of decision that authorized the first lease sale in the 1002 Area. Instead, the Department of the Interior has spent two years re-creating those analyses while functionally excluding the State from its long-standing role as a cooperating agency.

Unsurprisingly, the process seems to be pre-ordained to justify selecting highly restrictive management approaches that have no basis in the statutory language authorizing the oil and gas leasing program and will likely make any development impossible. Interior has also refused to authorize activities on the leases that were issued under the program, or general exploration activities, both of which are needed to fulfill its statutory mandate to make the most prospective areas available for future leasing.

We would note that H.R. 6285 keeps the Department from being faced with a question for which they currently have no conceivable answer—if current federal law mandates that two lease sales occur in the Coastal Plain prior to 2024, and if, *arguendo*, that the first lease sale was so legally defective it was of no consequence (despite the absence of a basis in law or fact that has been specifically identified for canceling the leases that resulted), is the Department now out of compliance with the law and thus obligated to conduct two sales of at least 400,000 acres each in the next year?

There are Major Flaws in the Substance and Process Underlying the NPR-A Proposed Rulemaking

Pivoting now to the NPR-A Proposed Rulemaking, the overriding concerns shared by the State, local stakeholders, and community members necessitate legislative repeal. The process-to-date has been confusingly deficient, as The Bureau of Land Management (BLM) has scheduled and canceled public meetings on short notice, avoided consultation obligations, and attempted to avoid procedural safeguards that are meant to keep rulemakings of enormous public cost and consequence from being hastily and arbitrarily implemented. Neither comprehensive environmental nor economic reviews have been completed for a proposal that will dramatically change environmental and economic management in what may be the largest federal petroleum asset in the country.

Assertions that the rule is “administrative” or of limited economic consequence are patently false. At its core, the rule attempts to instate a presumption against development activities across millions of acres, in a statutorily designated *petroleum reserve*, where the resource potential has been assessed in the billions of barrels. As revenues from potential NPR-A developments are a cornerstone for the state and local governments, this rule threatens to preclude billions of dollars of public revenue—most of which is earmarked for the Alaska Native villages that are located within the NPR-A. We believe these impacts have not been explained in good faith to the impacted local communities and are inconsistent with both the Naval Petroleum Reserve Production Act and the Alaska National Interest Lands

Conservation Act. In just one example of defective process, the Department of the Interior's own NPR-A Working Group—established by the Department to consult on exactly this kind of highly-consequential management activity—learned about the proposal after it was publicly noticed without any input, or any information from BLM about how their concerns will be considered in the proposed rulemaking.

Development on the North Slope of Alaska is a National Asset—at a Time When Diverse Domestic Sources of Energy are More Important than Ever

Alaskans, like all Americans, are threatened by these kinds of actions that restrict our domestic energy production opportunities and make our entire country less energy secure. In this time of increasing geopolitical turmoil, we should be doing everything within our power to grow our national economy and boost development of our nation's energy resources today so we can continue to enjoy energy abundance tomorrow.

I don't need to detail for the Committee how sharply the last several years have brought energy security into focus on the world stage. Robust U.S. energy production has been the bulwark against what would otherwise be a near monopoly of the oil and gas market by the OPEC Plus consortium. Efforts to resolve the Ukrainian conflict, to support Israel as an ally in the Middle East, or to deter China from aggressive, expansionist aims are all underpinned by U.S. energy independence.

Development of the oil and gas resources within the 1002 Area and the NPR-A is a key element of our country's energy security. It is also critical to our country's national security as all of the significant infrastructure found in Alaska's Arctic—roads, airports, telecommunications, and ports are all attributable to the oil and gas industry or the revenue it provides to governments. The Biden Administration's dogmatic adherence to a conservation-above-all-else approach to Alaska is inapposite with preparing the U.S. to assert its sovereignty in the region.

This is not to say that the State of Alaska does not see and support a future where our energy security comes through diverse sources of energy in addition to hydrocarbon development. Governor Dunleavy is focused on utilizing all of our state's abundant resources such as solar, wind, hydro, geothermal and other kinds of renewable power. We are also aggressively pursuing carbon capture, utilization, and storage technologies as a tool to lessen the carbon intensity of existing energy production and to potentially serve as a global warehouse of CO₂ for our Asian allies.

And we shouldn't lose sight that some hydrocarbon production, particularly natural gas, is key to a sustainable and just energy transition. Increased U.S. natural gas production has enabled our country to lower its CO₂ emissions more than any other industrialized nation on earth. We see the same opportunity with the proposed Alaska LNG project to help reduce worldwide emissions by offsetting more carbon intense alternatives. These goals and objectives will only be furthered by allowing responsible development within ANWR or the NPR-A.

Anti-Alaskan, Anti-Energy Policies are Unfortunately the Biden Administration's Default

While this legislation before you is critical to fixing two major obstructionist actions by the Biden Administration, it does not ameliorate all of the harm inflicted upon the state over the past few years. Our fragile timber industry and Southeast Alaska communities continue to suffer due to the misguided policies that forestall nearly any logging across the 16.7 million acres of the Tongass National Forest. One of the largest known deposits of copper and other essential minerals in Western Alaska remains undeveloped thanks to the pre-emptive veto exercised by this administration's Environmental Protection Agency. Besides the policies already discussed, the Department of the Interior has neglected to hold any lease sales within the NPR-A and continues to obstruct progress on the Ambler access route which would facilitate the development of myriad critical mineral and rare earth resources.

In short, the State of Alaska has not seen a natural resource development prospect that this administration won't oppose to one degree or another. This leaves us with little recourse but to petition the courts or Congress for relief.

Conclusion

Thank you again for bringing forward this legislation. Alaska was admitted to the Union premised on our ability to utilize our natural resources for the collective benefit of the state. Without that development, we have no economy and no ability to provide for the 700,000 hardy souls that call Alaska home. We cannot sit idly by as a sacrifice on the altar of climate change and environmental idealism. Our

state, our country, and the world need the resources that we have to offer. Our hope is to see a government in Washington D.C. that recognizes that reality.

We ask the Committee to listen to Alaskans, listen to the community members who are here today, and listen to current law—all supporting H.R. 6285.

QUESTIONS SUBMITTED FOR THE RECORD TO JOHN BOYLE, COMMISSIONER, ALASKA
DEPARTMENT OF NATURAL RESOURCES

Mr. Boyle did not submit responses to the Committee by the appropriate deadline for inclusion in the printed record.

Questions Submitted by Representative Stauber

Question 1. How important to the State of Alaska has energy production in the NPR-A been and how important is it to the State that responsible energy production in the 1002 Area of ANWR be allowed?

Mr. STAUBER. Thank you, Commissioner Boyle. Our next witness is Ms. Doreen Leavitt. She is the Secretary of the Iñupiat community of the Arctic Slope located in Utqiagvik, Alaska.

Ms. Leavitt, you are now recognized for 5 minutes.

**STATEMENT OF DOREEN LEAVITT, SECRETARY, IÑUPIAT
COMMUNITY OF THE ARCTIC SLOPE, UTQIAGVIK, ALASKA**

Ms. LEAVITT. [Speaking Native language.] Good morning, Chairman Stauber, Ranking Member Ocasio-Cortez, and members of the Committee. Thank you for having me here today to discuss the bipartisan H.R. 6285, or Alaska's Right to Produce Act.

This legislation will restore Iñupiat self-determination within our ancestral homelands in the National Petroleum Reserve in Alaska, or NPR-A, and the Arctic National Wildlife Refuge, or ANWR.

The North Slope Iñupiat are the only Indigenous people that have continually inhabited these lands, yet our voices have been continuously dismissed. My name is Doreen Leavitt, and I am honored to serve my people as a Director of Natural Resources for the Iñupiat community of the Arctic Slope known as ICAS. I also serve in an elected capacity on the Tribal Council, and I am a resident of the North Slope Borough.

ICAS is a federally recognized regional Alaska Native Tribe that defends the aboriginal rights of our 13,000 Inupiaq members across eight different villages. We do this by providing critical governmental, social, and cultural services to our communities. The Tribe also oversees roughly 58 million acres, an area the size of the state of Minnesota, and 15 percent of Alaska's total land mass. This includes much of ANWR and NPR-A.

Our Tribe was created and governed by the Indian Reorganization Act of 1934 and the ICAS Constitution. Under this Act, the U.S. Secretary of the Interior is obligated to honor a government-to-government relationship with a federally recognized tribe like ICAS on policies and substantial direct effects on our land and our people. This legal obligation was created to strengthen Indigenous self-rule, and is vital to furthering Iñupiat self-determination. Yet, this legal obligation and our right to self-determination has historically been shamefully ignored by the Federal Government, a

disgraceful trend this Administration seems intent on continuing with its September 6 mandates affecting our homelands and NPR-A and ANWR.

Over the past 150 years, large tracts of our ancestral homelands have been cleaved away from the North Slope Iñupiat by the Federal Government. Among the 44 million acres of our land seized by the Federal and state governments are 23 million acres for NPR-A, 9 million acres for ANWR, 12 million acres conveyed to the state of Alaska after statehood. Despite the plainly-stated legal obligations outlined by the IRA defined as government-to-government dialogue between official representatives of tribes and Federal agencies to discuss Federal proposals, Washington carelessly discarded our rights while it carved up our ancestral homelands.

This Administration's September 6 announcements show that those who do not learn from history are doomed to repeat it. These actions will have a tremendous detrimental impact on our regional economy, the viability of our communities, and the future of our Iñupiat culture.

Our Tribe was not consulted in advance of the Federal Government's decisions, nor were our region's elected Native representatives, including the tribes, the Alaska Native Corporations, and local governments. Instead, we learned of it through the press.

Even more disgraceful has been the lack of engagement by the Federal Government with the five communities most affected by these announcements. To date, there have been zero meetings on the North Slope to discuss the Administration's draft SEIS for ANWR. Not even Kaktovik, the only Alaska Native community located with ANWR. You will be hearing more from my colleague from Kaktovik, Charles Lampe, here in a few minutes. We support the people of Kaktovik and their right to be heard.

From our perspective as the regional tribal government, the Federal Government has grossly mismanaged community engagements around the Section 1002 Area of ANWR. BLM hastily organized a public meeting in Utqiagvik on September 25 to discuss the draft SEIS affecting the 1002 Area in the midst of our fall subsistence activities. Despite multiple requests by our Tribe and other elected North Slope Iñupiat leaders to reschedule, BLM refused to move the meeting, citing the attendance of a single foreign reporter as grounds of continuing on with that meeting. The Federal Government should not prioritize the media over the voices of Alaska Native communities who will be directly affected by its policies.

Similarly, when pressed for an NPR-A public comment period extension by North Slope Iñupiat leaders, BLM officials refused and noted on the record that their timeline was designed explicitly to avoid the Congressional Review Act. The Federal Government is seeking to not only subvert the legal rights of the North Slope Iñupiat people, but oversight of this Committee, as well. This dereliction of duty and disregard for the rule of law cannot continue.

I am grateful to Chairman Stauber and Representative Mary Sattler Peltola for introducing H.R. 6285. I am also thankful to Senators Lisa Murkowski and Dan Sullivan for introducing the companion bill in the Senate.

It is unfortunate that this bill is necessary, but by supporting this legislation you are supporting our Inupiat rights to self-determination. ICAS strongly supports your efforts to address this bipartisan issue.

[Speaking Native language.]

[The prepared statement of Ms. Leavitt follows:]

PREPARED STATEMENT OF DOREEN LEAVITT, DIRECTOR OF NATURAL RESOURCES & TRIBAL COUNCIL SECRETARY, INUPIAT COMMUNITY OF THE ARCTIC SLOPE

ON H.R. 6285

Good morning, Chairman Stauber, Ranking Member Ocasio-Cortez, and members of the Committee. Quyanapqak, or “thank you very much” in Inupiaq, for welcoming me today to discuss the bipartisan H.R. 6285, “Alaska’s Right to Produce Act.” Thank you to Chairman Stauber, Alaska’s Representative Mary Sattler Peltola, and Representatives Kevin Hern and August Pfluger for introducing the bill earlier this month. Thank you as well to Senators Lisa Murkowski and Dan Sullivan of Alaska for introducing the companion bill in the Senate.

H.R. 6285 addresses both land rights and usage on the North Slope, both of which are essential to the self-determination of the Indigenous communities represented by the federally recognized tribe I am here to represent today. This proposed legislation is central to restoring access and benefits for local communities to two different tracts of federal land located within the North Slope region: The National Petroleum Reserve in Alaska (NPR-A) and the Arctic National Wildlife Refuge (ANWR).

I am Doreen Leavitt, Director of Natural Resources for the Inupiat Community of the Arctic Slope (ICAS). I also serve in an elected capacity as Secretary for the Tribal Council. I am a tribal citizen of ICAS and the Native Village of Barrow; a shareholder of Ukeagvik Inupiat Corporation, the Alaska Native village corporation of Utqiagvik, and Arctic Slope Regional Corporation, the North Slope’s regional Alaska Native corporation; and a resident of the North Slope Borough. I state these affiliations and memberships because some folks do not understand the complicated nature of Alaska Native governance and representation—nor the fact that it was this body, Congress, who fractured our representation with the Alaska Native Claims Settlement Act of 1971 (ANCSA).

Established in 1971, ICAS is one of two federally recognized regional Alaska Native tribes. Our tribal government was formed to defend the aboriginal rights of our 13,000 Inupiaq tribal citizens, who reside across eight different villages. We do this by establishing and carrying out justice systems pursuant to Inupiaq tribal law and custom, increasing the variety and quality of services provided to current tribal members and for our future generations, and conserving and retaining tribal resources, especially as they relate to subsistence and environmental issues.

In addition to the governmental, social, and cultural functions served by ICAS on the North Slope, we also oversee our North Slope ancestral homelands across in an area encompassing 89,000 square miles—15 percent of Alaska’s total land mass. This area includes much of ANWR and encompasses almost the entirety of the NPR-A. Among our eight communities is Kaktovik, the only community located within ANWR’s boundaries; as well as Utqiagvik, Wainwright, Nuiqsut, and Atkasuk, which are the only communities located within the NPR-A.

ICAS was created and is governed by the Indian Reorganization Act of 1934 and the ICAS Constitution; our leadership represents and is elected by the Inupiat of the North Slope region. Under the Indian Reorganization Act of 1934, we have a legally mandated government-to-government relationship with the federal government, entitling us to consultation on policy proposals with substantial, direct effects on our lands and people. The Indian Reorganization Act included this legal obligation to strengthen Indigenous self-rule, and as such, it is a critical tool for furthering Inupiaq self-determination.

We talk about self-determination for several reasons. For one, the North Slope Inupiat live in one of the most remote areas of the country, with none of our communities connected by a permanent road system to each other or to other municipalities in the state. This makes private and public investment very costly, so it is up to our people to seek out opportunities and partners to strengthen our regional economy. Without the foresight, courage, and advocacy of our leaders in the 1960s and 1970s, our people would not even have ownership over the lands our ancestors have called home for millennia; the lands on which we subsist and support development projects to sustain our families and our communities.

Before ANCSA was signed into law in 1971, our people faced a life expectancy of just 34 years. With the ability to tax oil and gas infrastructure, with access to modern amenities afforded to most other US citizens such as running water, and with the shareholder benefits from our new Alaska Native corporations created by Congress through ANCSA, life expectancy in the North Slope Borough soared to 65 by 1980. We have since forged a life of economic and social gains as a direct result of the revenues from resource development projects, and these revenues are being reinvested into our communities.

Today, it is now impossible to separate our traditional subsistence practices, which have sustained our people and forged the backbone of our culture for millennia, from the modern economy. We must avoid dichotomies that falsely state our subsistence traditions cannot co-exist with responsible resource development in our homelands. It is not a choice of one or the other, as they have co-existed to great effect for our people for the past 50 years.

We have gained much in the last half century thanks to this balance as well as the formalization of ICAS and other tribal representation entities dedicated to the advancement of Inupiat self-determination. Nevertheless, our self-determination is something to be fought for still to this day. This includes continuously reminding Washington about our legal rights—including calling out the administration for shirking its government-to-government consultative responsibilities to the North Slope Inupiat.

One only needs to look to this administration's recent, unprecedented actions affecting our lands and people in NPR-A and ANWR as an example of Washington's backpedaling. The unilateral actions that took place on September 6, without prior consultation with the only Indigenous group who calls the affected lands home, is not just a dereliction of duty, an issue of mere miscommunication, or disrespect for Indigenous voices—it is a violation of the rule of law.

Under the Indian Reorganization Act, the U.S. Secretary of the Interior is obligated to honor a government-to-government relationship with our federally recognized tribes, like the Inupiat Community of the Arctic Slope. And the current administration's January 2021 Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships made further commitments to Alaska Native Tribal Nations as sovereign governments—building upon Executive Order 13175 of November 6, 2000 (Consultation and Coordination With Indian Tribal Governments) which directs “*all executive departments and agencies with engaging in regular, meaningful, and robust consultation with Tribal officials in the development of Federal policies that have Tribal implications.*”

It's time for Washington to make good on not only its rhetoric but also its obligations. Policies crafted in our nation's capital, without the input of those that will be most impacted—like those announced by the Department of the Interior (DOI) on September 6 affecting NPR-A and ANWR—have direct, profound impacts on the North Slope Inupiat and our communities. The federal government must uphold its legal commitments to the North Slope Inupiat by creating a space for our voices at the policymaking table, starting now.

Brief North Slope History

The Inupiat have lived on Alaska's North Slope, one of America's harshest, most remote environments, for millennia. We have stewarded our lands since well before the creation of the State of Alaska, the DOI, or even the very idea of American independence. Our people are inseparable from these lands and the bounty they provide.

Yet over the past 150 years, large tracts of our ancestral homelands have been cleaved away from the North Slope Inupiat by the federal government, who gave little thought or care to the significant cultural value of our lands, the impact of their decisions on Alaska Native communities, or our self-determination. To begin, the Alaska Purchase in 1867 transferred possession of Alaska from the Russian Empire to the United States. The U.S. government paid \$7.2 million for the purchase of roughly 400 million acres of land, but Washington did not address aboriginal land rights as part of the purchase—it would take another 100 years.

Federal land grabs in our region began in earnest in 1923, when President Harding designated approximately 23 million acres of Inupiat land to create the Naval Petroleum Reserve Number 4, now known as the National Petroleum Reserve—Alaska. In 1959, President Eisenhower conveyed 104 million acres of land to the State of Alaska, 12 million acres of which were on the North Slope. A year later in 1960, President Eisenhower, at the behest of outside groups like the Sierra Club and the Wilderness Society, appropriated 8.9 million acres of our lands to create the Arctic National Wildlife Range.

Over 75 percent of the North Slope was claimed by the federal or state government before legitimate aboriginal land claims were resolved. For context, that 75

percent adds up to 44 million acres of land solely on the North Slope that had been claimed by the state and federal governments prior to the passage of ANCSA, including the extremely lucrative oil and gas fields of Prudhoe Bay. Yet 44 million acres also adds up to the *total* acreage returned to *all* Alaska Native people through ANCSA. The North Slope Iñupiat, through Arctic Slope Regional Corporation, would be conveyed just under five million acres of this total amount.

Seizure of Iñupiaq land by the state and federal governments did not stop there. When President Carter signed the Alaska National Interest Lands Conservation Act (ANILCA) into law in 1980, the Arctic National Wildlife Range became the Arctic National Wildlife Refuge and was more than doubled in size. ANILCA included a provision, Section 1002, that set aside 1.5 million acres of the Coastal Plain to be assessed for development potential. In 1987, DOI recommended that this area, which represented only 7.8 percent of ANWR's total land area, be opened to exploration and potential responsible development projects.

Each of these decisions are connected by a sordid throughline: At no point did Washington consult with the North Slope Iñupiat or consider the impact of its policy proposals on our communities. The federal government neither cared for the governmental authority of organizations like ICAS nor did it respect the obvious "public interest" in the lands of ANWR of communities like the Iñupiat village of Kaktovik, the sole community located in the Section 1002 area and the over 19 million acres of ANWR.

These actions directly contravened the Indian Reorganization Act, which demands tribal consultation, defined as "*government-to-government dialogue between official representatives of Tribes and Federal agencies to discuss Federal proposals*," any time a proposed agency action could have substantial direct effects on a federally recognized tribe. The law also notes that it is sometimes necessary to communicate with tribal governments in advance of policy decisions to determine whether or not it will have a substantial, direct effect on our lands and people. Yet Washington shamefully ignored its legal obligations while it carved up our ancestral homelands.

Inadequate Consultation with the North Slope Iñupiat

This brings us to today and the federal government's September 6 announcements about ANWR and NPR-A, both of which will profoundly affect the North Slope Iñupiat and our five communities located within the boundaries of these federal tracts located on our ancestral homelands.

If those who do not learn from history are doomed to repeat it, then the federal government has clearly learned nothing from its dealings with the North Slope Iñupiat over the past 150 years. As ICAS and other North Slope organizations and elected leadership have highlighted before this committee earlier this year, this administration developed its new policies on ANWR and NPR-A without first consulting with Alaska Native communities about their potential impacts, positive or negative.

Just as throughout history, the administration's actions are an affront to the rule of law as outlined in the Indian Reorganization Act and described above. The federal government's rulings on our ancestral homelands will have a tremendous impact on our regional economy, the viability of our communities, and the future of our Iñupiaq culture, as there is no daylight between the three: economy, community, and culture. Yet ICAS was not consulted in advance of DOI's sweeping September 6 mandates. Instead, like many others on the North Slope, we found out through the press.

According to the Bureau of Indian Affairs, tribal consultations are required to include at least 30 days' notice, a discussion between the tribal government and relevant federal agencies, and a federal response to tribes highlighting how their feedback was incorporated into a final decision. To date, the federal government has not followed through on all of these steps on decisions concerning Iñupiat lands affected by the ANWR and NPR-A announcements. Making matters worse, ICAS has sent multiple entreaties and invitations to Secretary Deb Haaland for formal consultation to which we have never received a written response. The Secretary and DOI are seemingly intent on ignoring or avoiding their government-to-government obligations to ICAS.

Even more disgraceful has been the lack of engagement by the federal government with the five communities targeted by these two separate announcements. To date, there have been **zero** public meetings on the North Slope, not even in Kaktovik, to discuss the administration's draft Supplemental Environmental Impact Statement for ANWR and the Section 1002 area. There have been only two public meetings on the North Slope with regard to the proposed NPR-A rule. This negligent approach not only defies the law but disagrees with Secretary Haaland's highly publicized recent comments at the Alaska Federation of Natives 2023

Conference as well as White House policy memorandums, Executive Order 13175, and the White House National Strategy for the Arctic.

Had the administration acted according to the Indian Reorganization Act or its own orders, its leadership and staff would have made allowance for the fact that ICAS, alongside many other North Slope tribes and entities like the Native Village of Kaktovik, Voice of the Arctic Inupiat, Arctic Slope Regional Corporation, and more, have a long history of supporting responsible resource development projects in ANWR. The Voice of the Arctic Inupiat, of which ICAS is a member, has a standing resolution supporting the responsible exploration and development of the 1002 area of ANWR.

It is equally important that DOI engage directly with Kaktovik, the only Alaska Native community located within ANWR. ICAS supports Kaktovik and its efforts, without reservation, to engage DOI on the sweeping September 6 mandates, and we are grateful that the people most affected are represented today in this hearing by Charles Lampe, President of the Kaktovik Inupiat Corporation. We have traveled here from our communities located within ANWR and NPR-A to speak before this committee and other groups in Washington to ensure that the federal government hears our message and that past mistakes do not continue to be repeated.

The National Petroleum Reserve in Alaska (NPR-A)

ICAS would also like to voice deep concern with the federal government's historic approach to NPR-A, which covers 23 million acres and has been home to the North Slope Inupiat for more than 10,000 years.

Following the discovery of oil in Prudhoe Bay in 1968, Congress passed the Naval Petroleum Reserves Production Act (NPRPA) in 1976 to authorize full commercial development of America's strategic fuel reserves. This included the Naval Petroleum Reserve Number 4, which was renamed as NPR-A and transferred from the Navy to the Bureau of Land Management (BLM). The NPRPA defined how NPR-A would be managed, including the establishment of five Special Areas within NPR-A, but it gave little thought to the North Slope Inupiat who have called these lands home for millennia.

Today, four of the eight villages represented by ICAS are within NPR-A, including Nuiqsut, Atkasuk, Utqiagvik, and Wainwright. Two other North Slope Inupiat communities, Point Lay and Anaktuvuk Pass, are adjacent and use NPR-A for subsistence purposes. And a 1977 study identified 119 traditional Inupiat land use sites in the area.

All eight North Slope communities depend on the taxation of infrastructure for services that everyone here in Washington, DC, and in your home districts expect as the baseline for first-world conditions, such as running water, flush toilets, schools, power, and heat.

Despite the governmental authority of ICAS, codified by the Indian Reorganization Act, as well as our historic claims to the land, Washington has failed to observe its government-to-government obligations or consider the possibility of co-management of our lands. In 2013, the BLM released an Integrated Activity Plan (IAP) to prohibit development on 11 million acres in NPR-A—nearly 50% of its total land area, further limiting the ability of the North Slope Inupiat to determine our future in our ancestral homelands.

A few years later, then-Interior Secretary Bernhardt issued a new IAP in June 2020 that increased the total land area for development within NPR-A from 11.8 million acres to 18.6 million acres. Further, the 2020 IAP allowed community infrastructure to be considered anywhere in the NPR-A. Community infrastructure is defined as an infrastructure project that responds to community needs, such as roads, power lines, fuel pipelines, and communications systems, and is owned and maintained by or on behalf of the North Slope Borough (NSB), city government, the State of Alaska, a tribe, or an ANCSA corporation. This provision applies across the NPR-A unless otherwise noted in specific areas. It is difficult to predict what infrastructure needs North Slope communities may have in the next 20 plus years as their demographics shift and they respond to a changing climate, and this decision ensures the BLM will have the flexibility to be responsive to local needs.

Our voice, it seemed, was finally being heard in Washington.

Inconsistent Engagement

Yet when President Biden was sworn into office, he immediately issued an executive order suspending all drilling leases in ANWR, including those in the Section 1002 area. One and a half years later, in January 2022, the Biden administration's BLM announced that it would stop using the 2020 Integrated Activity Plan (IAP) for NPR-A and would revert back to the 2013 IAP restricting development, including

community infrastructure such as utility lines or roads, to only 11.8 million acres within NPR-A.

Naturally, the Biden administration's decisions were deeply concerning for ICAS as a tribal government and the North Slope Iñupiat communities it represents. Responsible resource development projects that proceed with the engagement and inclusion of the North Slope Iñupiat are the cornerstone of our regional economy, our health, and our social well-being. By curtailing land available for these projects, the federal government was also foreclosing any economic opportunities that would provide stability for our communities and culture.

When the Biden administration re-approved the Willow Project earlier this year, it seemed as if our voices were finally breaking through to this administration. We were grateful to be consulted by Washington throughout the re-approval process, with our voices clearly heard, and we looked forward to engaging with BLM to develop practical protections in other areas of our ancestral homelands.

This further consultation never materialized. On September 6, ICAS and all other North Slope tribes, cities, ANCSA corporations, non-profits, schools, and the collective regional elected leadership were blindsided by this administration's decision to ban development in ANWR, cancel all existing leases in the area, and further restrict development in NPR-A to more than 13 million acres.

Despite ICAS' legal right to tribal consultation and its government-to-government relationship with federal agencies in Washington, we received no advanced warning of these decisions. Nor did the administration consider its unprecedented impact on villages we represent within and adjacent to NPR-A and ANWR.

Instead, DOI hastily scheduled a "public meeting" to discuss the proposed rules affecting ANWR with only a few days' notice and in the midst of our fall subsistence season. Despite numerous requests from ICAS and other North Slope elected leaders, this meeting went ahead and yielded insufficient public engagement. DOI since promised to reschedule, though it never held another public meeting on the North Slope for the draft ANWR Supplemental Environmental Impact Statement (SEIS) and DOI cannot call for another public meeting because the comment period closed on November 7.

In response, ICAS and other North Slope entities repeatedly pressed BLM for a 120-day extension of the comment period to allow the public to review the 1,400-page Draft SEIS for governing the area. We received a 15-day extension—a fraction of our requested delay. ICAS and other North Slope leaders traveled to Washington to meet directly with the White House and other federal agencies about the issue and to also request an extension for the ANWR Draft SEIS—of which none was granted.

These comment periods do not allow enough time for our communities to meaningfully review or provide feedback on the administration's proposed rule for NPR-A or the Draft SEIS for ANWR. It also fundamentally ignores our requests—and Washington's legal obligations—for greater consultation by leading officials like Secretary Haaland, who has ignored or denied at least eight meeting requests from ICAS and other North Slope entities since taking office.

Alaska's Right to Produce Act of 2023

Despite our struggles with the federal government, we are thankful that members of Congress are championing our cause. In September, Nagruk Harcharek, President of Voice of the Arctic Iñupiat, testified before this committee about the administration's disregard for North Slope Iñupiat voices and disinterest in including us at the policymaking table. At the time, Chairman Pete Stauber commented that, "as long as I am privileged to be chair of this committee, your community will be represented."

Earlier this month, he and Congresswoman Mary Sattler Peltola put these words into action by introducing the bipartisan Alaska's Right to Produce Act of 2023. Senators Dan Sullivan and Lisa Murkowski have introduced its companion bill in the Senate.

This legislation would reverse this administration's sweeping September 6 announcements that restrict development on 13 million acres in NPR-A and reinstate resource development leases in the ANWR. ICAS strongly supports this legislation and thanks you for working to address this bipartisan issue.

As mentioned earlier, ICAS supports responsible resource development in our region. We have a 50-year relationship with industry. Why? Because it was the federal government that wanted access to the resources within our ancestral homelands. We have forced a seat at the table to ensure our communities would not be left behind.

Our tribes, Alaska Native corporations, and municipal governments are engaged in the planning processes of projects and support those projects that take into

account the needs of our people and our communities. Without an economy, our communities are not sustainable; without our communities, our culture begins to die as more and more of our people are forced to leave to find economic opportunity elsewhere.

Thank you, Chairman Stauber and Representative Peltola for your continued support and advocacy on behalf the North Slope Iñupiat, including the introduction of H.R. 6285 and the chance to testify in support of the bill here today in front of the committee.

Thank you for the opportunity to provide comments today. Quyanapqak.

QUESTIONS SUBMITTED FOR THE RECORD TO DOREEN LEAVITT, SECRETARY, INUPIAT COMMUNITY OF THE ARCTIC SLOPE

Ms. Leavitt did not submit responses to the Committee by the appropriate deadline for inclusion in the printed record.

Questions Submitted by Representative Stauber

Question 1. You made mention in your testimony that you were handed the 1,400 page, ANWR draft SEIS in-person on September 25th then asked to consult on it the next day.

1a) Can you expand upon that story? Why do you think DOI was in such a hurry?

1b) Has the public meeting from September 25th been rescheduled?

1c) Have there been any legitimate public meetings in region on the ANWR Draft SEIS?

Mr. STAUBER. Thank you very much. Our next witness is Mr. Karlin Itchoak. He is the Alaska Director for the Wilderness Society located in Anchorage, Alaska.

Mr. Itchoak, you are now recognized for 5 minutes.

STATEMENT OF KARLIN ITCHOAK, ALASKA STATE DIRECTOR, THE WILDERNESS SOCIETY, ANCHORAGE, ALASKA

Mr. ITCHOAK. Thank you, Chairman Stauber, Ranking Member Ocasio-Cortez, and also my Congressman, Representative Peltola, and members of the Subcommittee. Thank you for your invitation to testify today. My name is Karlin Itchoak. I was born and raised in Nome, Alaska, and currently live and work in Anchorage, Alaska.

I would like to acknowledge that we are currently on the unceded lands of the Piscataway Conoy Tribal Nations and the Nacotchtank peoples.

I join you today both as a proud Alaskan and in my capacity as the Alaska State Regional Director for the Wilderness Society. The Wilderness Society unites people to protect America's wild places. 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 Refuge and Western Arctic Reserve represent one of the most ecologically and culturally significant undeveloped landscapes in North America. The Wilderness Society has a long history of working to protect these fragile ecosystems. This work is a matter of basic human rights, because the Indigenous Gwich'in and Inupiaq peoples have relied on these

lands for their cultural, spiritual, and physical survival for countless generations.

This work is also 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 resources disappearing, these landscapes are global treasures, and we have a moral obligation to protect them, which is why the Wilderness Society opposes H.R. 6285.

This bill mandates the Federal Government prioritize resource extraction over all else in the landscapes, including conservation, protection of wildlife habitats, stewardship of sacred cultural resources, the public health of nearby communities, and climate.

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 these lands and waters for millennia, and preserve space for future Indigenous-led conservation and co-stewardship.

More broadly, this bill is a dangerous end-run around bedrock environmental laws and the authority of our executive and judicial branches to perform constitutionally distinct governmental functions, raising grave questions about separation of powers.

Finally, this bill pushes the false premise that unmitigated oil and gas development is the only path to economic stability for Alaska. Instead, the Wilderness Society has helped shaping a vision for the future of Alaska's Arctic through what I already mentioned, our IMAGO initiative.

IMAGO is a transformative movement that recognizes the relationships between the Arctic landscape and its Indigenous communities. By bringing together Inupiaq and Gwich'in peoples, sparking dialogue, fostering trust, and healing historical wounds inflicted by the dispossession of land and culture, IMAGO seeks pathways for Indigenous-led protection and management of Alaska's Arctic.

IMAGO seeks a just transition from a fossil-fuel-based economy to a more sustainable rural development. It is a platform to co-create and advance strategies to support Indigenous management, access, stewardship, and conservation on the land in perpetuity.

I have already said this, but I will say it again. 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 these lands and waters for millennia, and preserve space for future Indigenous-led conservation and co-stewardship.

Generations of Indigenous people have stewarded these lands since time immemorial, and generations of Americans have opposed drilling these lands. Now, we must continue protecting them against H.R. 6285.

[Speaking Native language.] Thank you. I look forward to your questions.

[The prepared statement of Mr. Itchoak follows:]

PREPARED STATEMENT OF KARLIN ITCHOAK, SENIOR REGIONAL DIRECTOR, ALASKA
REGION, THE WILDERNESS SOCIETY
ON H.R. 6285

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

Pagalagivsi, Inupiaqsingaa Nageak Itchuagaaq, Sitnasuaqmun, akagaa Cora Itchuagaaq, 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 Itchuagaaq from Utqiagvik and Norman and Margaret 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 2019 as the Alaska State Director. I previously worked for the Ukpiaq 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 Inupiat 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. 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 Inupiat 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, common-sense 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 Inupiat 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 co-exist 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 grass-roots 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.

Mr. STAUBER. Thank you very much. Our final witness is Mr. Charles Lampe, who is the President of the Kaktovik Iñupiat Corporation located in Kaktovik, Alaska.

Mr. Lampe, you are now recognized for 5 minutes.

**STATEMENT OF CHARLES LAMPE, PRESIDENT, KAKTOVIK
IÑUPIAT CORPORATION, KAKTOVIK, ALASKA**

Mr. LAMPE. Good morning. Thank you, Chairman Westerman, Chairman Stauber, Ranking Member Ocasio-Cortez, and to the awesome Mrs. Peltola. Thank you for being here.

My name is Charles Lampe, and I represent the Native village of Kaktovik, where my relatives live, and I live, and have lived for many generations. I am a whaling captain and subsistence hunter, and I am here to show that we, the Iñupiat of Kaktovik, exist.

I am here to continue the legacy of our past leaders to fight for what is rightfully ours. Congress created the Iñupiat Corporation to provide economic opportunities from our land. Yet, for Kaktovik, that was counter legislation of ANILCA that locked us inside a National Wildlife Refuge in 1980. It has taken 37 years to finally open the area to oil and gas leasing. We thought we finally won our battle in 2017 through section 20001 with the TCJ Act, which was enacted with the support of our community. Yet, here I am again today to continue the fight.

The Coastal Plain draft SEIS and Secretary Haaland's abrupt notice to cancel the AIDEA leases occurred on the same day, September 6. This was the day our community began our whaling season and caught our first whale of the season. The notice was issued without any consultation with our Tribe. For an administration that touts the importance of tribal consultation, it does not appear to follow its own guidelines. To us, this reflects the tone-deaf nature of this Department to the people who live on the Coastal Plain.

Mr. Chairman, I want to thank you and Alaska Representative Peltola for introducing H.R. 6285, Alaska's Right to Produce Act of 2023. This means that we are being heard. We, of course, support your bill.

H.R. 6285 should not be necessary, but we are experiencing the same patterns of discrimination we have suffered since 1980 after ANILCA. The 2017 tax bill gave us hope. This bill restores a sense of hope for our community.

In Kaktovik, we know how we have come to this moment and needing additional legislation to implement Section 20001. The Department is currently filled with the same people who in 2017 opposed us. We know because then-Representative Haaland testified before this very Subcommittee on H.R. 1146 in September 2019, and voted against our inclusion into the bill's language. We know because Executive Order 13990, section 4, states there are alleged legal deficiencies, and accused the BLM of performing an inadequate NEPA review.

All this ignores our Tribe's and the North Slope's participation in the 2020 EIS process. It ignores that BLM has performed more NEPA on the North Slope of Alaska than any other Interior agency, and ignores us as the residents of the Coastal Plain.

My community unapologetically supports the leasing program.

Many people try to steer the debate to caribou. For Kaktovik, it is about our people and having an economy to survive. We also depend on the caribou. They are an important subsistence resource. We worked hard on the 2020 EIS to provide critical protection for the calving and insect relief areas. We agreed to withdraw several leases from the first lease sale deemed important to calving. We are good stewards of our lands and resources, and we have been for millennia.

To carry out our culture and heritage into future generations we need to embrace change like our forefathers to realize self-determination, something this Administration strongly advocates but fails to provide if you disagree with it.

The elected leadership of Kaktovik, including those of the Native village of Kaktovik, the Kaktovik Iñupiat Corporation, the City of Kaktovik firmly stand behind the 2020 EIS alternative. We were engaged and involved in its development. We feel that it went through a robust NEPA process with a wide range of alternatives.

The Department needs to rescind its cancellation of the leases and allow exploration. This will decide what happens next. Congress needs to fulfill its promises made to us over 40 years ago. We will not succumb to eco-colonialism and become conservation refugees on our own land. The Iñupiat people have every right to pursue economic, social, and cultural self-determination. The laws

of the United States should support Indigenous populations, not interfere with these basic human and political rights.

Thank you for listening to me today.

[The prepared statement of Mr. Lampe follows:]

PREPARED STATEMENT OF CHARLES LAMPE, PRESIDENT,
KAKTOVIK IÑUPIAT CORPORATION

ON H.R. 6285

Thank you, Chairman Stauber, Ranking Member Ocasio-Cortez, Members of this Subcommittee.

Thank you for inviting me to speak and represent my community of Kaktovik, Alaska. My name is Charles Lampe and I come to you from the native village of Qaaktugvik where I was born and raised and continue to raise my family—I am a whaling captain, and subsistence hunter. **But most importantly, I am Iñupiaq and I am here to show that we exist!** Qaaktugvik is located 280 miles southeast of Utqiagvik, the seat of our municipal government, the North Slope Borough, however we are only 90 miles west of the Canadian border. Our village borders the Beaufort Sea and is situated on Barter Island along the coast of the Arctic National Wildlife Refuge (ANWR).

I am President of Kaktovik Iñupiat Corporation (KIC), I am a member of the Native Village of Kaktovik (NVK) and a resident and voter in the City of Kaktovik (City). We are a community locked inside the Arctic National Wildlife Refuge—not at our doing but through the various acts of Congress.

KIC owns approximately 92,000 acres of surface lands in and around our community that we received pursuant to the 1971 Alaska Native Claims Settlement Act (ANCSA). Nine years after the passage of ANCSA Congress passed the 1980 Alaska National Interest Lands Conservation Act (ANILCA) which expanded the Arctic National Wildlife Range to include federal land around the KIC lands—since then we have been surrounded by the federal lands of ANWR. We are an island in the middle of the largest wildlife refuge in America. Spanning more than 19 million acres, ANWR's lands cover an area larger than 10 States.

We have been given many promises through these various congressional actions and because we are Iñupiaq we are always hopeful is that we will realize those promises—yet here we are again fighting for the rights that Congress promised us both in 1971 and then again in 1980. The debate over opening ANWR to oil drilling gained national attention in 1980, when the Congress set aside **less than 8 percent** of the newly formed Refuge for potential oil and gas development. This section of ANWR became known as the 1002 Area, after Section 1002 of ANILCA. Unstated in ANILCA is that these lands are home to the Kaktovikmiut.

Mr. Chairman, I want to thank you and Alaska's Representative Peltola for introducing H.R. 6285—**“Alaska's Right to Produce Act of 2023”**. This is meaningful to us, and it means that we are being heard—we support your bill. I am here to continue the legacy of our past leaders to fight for what is rightfully ours—these are our homelands. We fought to have the Coastal Plain open for oil and gas leasing many times in the past and we continue that fight today.

Since 1980, we have fought to open the 1002 Area, also known as the Coastal Plain to oil drilling to pursue the economic freedom provided to us under ANCSA. Since the passage of ANILCA, some Lower 48 lawmakers and special interest groups across the country have waged war on the idea of oil drilling within our homelands, citing the disruption of wildlife and the pristine Arctic environment. Through these efforts, over time, several misconceptions have been generated about caribou and development. We were finally successful in getting the 1002 Area open under the 2017 Tax Cuts and Jobs Act (TCJA). This took us almost 40 years after the passage of ANILCA.

We do not approve of these efforts to turn our homeland into one giant national park, which literally guarantees us a fate with no economy, no jobs, reduced subsistence, and no hope for the future of our people. We are already being impacted by restrictions of access to the federal lands for subsistence purposes—this is really disturbing to us since we have lived here long before there ever was a refuge designated.

Since all these federal actions we have been subjected to eco-colonialism—we are treated as colonists on our own lands and are subject to federal approvals for almost everything we need. Forty years after ANILCA there are several provisions not related to oil and gas that we are still fighting to be implemented: Sections 811 related to our traditional access to the lands before 1980, 1110(b) this is the promise

of rights of access across the Refuge to our KIC lands, and 1307 related to commercial activities within our region such as tourism.

Our experience is that living inside the Refuge is one of paternalist behavior by the federal agencies. Yet, as Al Gore would say we are an ‘inconvenient truth’ because we are here, and we will not give up on our rights as Indigenous people and the federal government has an obligation to us through the laws of ANCSA and ANILCA.

KIC along with NVK and the City all submitted letters with our comments during the October 2021 Public Scoping for the Supplement Environmental Impact Statement (SEIS) opposing the actions of the Secretary. Our community had already participated in a long and arduous EIS process that we considered fair in its protection of the natural habitat that we belong to. This turn-around by the Secretary again displays the tone-deaf nature of the Administration despite all their focus on strengthening ties with Indigenous Americans.

At the time we stated the following “KIC is opposed to conducting a Supplemental Environmental Impact Statement (SEIS) for the Leasing Program. We feel that the Bureau of Land Management (BLM) performed a full-scale review as required under the National Environmental Protection Act (NEPA) of a wide range of potential impacts from leasing in the 1002 Area and gave special attention to the impacts to the local village of Kaktovik and the people of Kaktovik, the Kaktovikmiut. To perform a Supplemental EIS, undermines our participation throughout the NEPA process for the 2019 FEIS and 2020 ROD. We are extremely frustrated that our small corporation—the only private landowner in the Coastal Plain must again expend our limited resources to participate in this effort with no acknowledgement of the burdens the Notice of Intent places on our community. With the Biden Administrations focus on tribal and Indigenous rights and shoring up underserved communities by providing them with economic opportunities, we are perplexed by this decision.” **Nothing has changed in our opinion of the process—the current draft SEIS is set up to dissuade any serious company from attending the lease sale.**

The Coastal Plain Draft SEIS (DSEIS) and the Secretary Haaland’s abrupt notice of the cancellation of the Alaska Industrial Development Export Authority’s (AIDEA) leases occurred on the same day, September 6, 2023. This was the same day that our community began whaling and caught our first whale of the season. To us this reflects the tone-deaf nature of this Department to the people who live in the Coastal Plain. On September 19, 2023, KIC, NVK, and the City submitted a single letter to this Committee to show unity within our community expressing our frustration of the Departments continuing avoidance of us as a people.

The AIDEA leases were obtained under the 2020 Coastal Plain Oil and Gas lease sale. These are valid contracts with the federal government, and they were canceled with no explanation! My corporation was in discussions with AIDEA pre- and post-moratorium on contracting opportunities. Due to the cancellation, we are without the means to develop our economic freedoms as spelled out under ANSCA. KIC was financially impacted in a meaningful way by the Secretary’s actions.

Our question is “Did the first lease sale really happen?” The TCJA requires the Secretary to hold two lease sales on not less than 400,000 acres each. The first sale was to have happened within four years of enactment of the Act—the AIDEA leases were acquired within that timeframe but it has now passed. The cancellation of the leases based on the Secretary’s arguments begs the question of whether it actually occurred. If not, then the Secretary has missed the schedule and the 400,000 acre requirement. The second lease sale is also required to have 400,000 acres and needs to occur no later than December 2024.

Our review of the new Alternatives in the DSEIS indicates that the only Alternative that can meet the 400,000 acre requirement (is this now 400,000 acres times two?) is Alternative B which was the Preferred Alternative in the 2020 Record of Decision. Alternative B was our preferred Alternative and remains so despite all the additional work, time, cost, and effort the SEIS has created.

H.R. 6285 should not be necessary but what we are experiencing under this Administration is a continuation of the pattern of injustice we have suffered since the formation of ANWR under the ANILCA, in that it erases our hundreds of years of existence on our land. Section 20001 of the 2017 Tax Cuts and Jobs Act is written in plain English—it is only four-pages long. To some it may seem tough to understand why Secretary Haaland and her staff are having such a difficult time interpreting those four-pages.

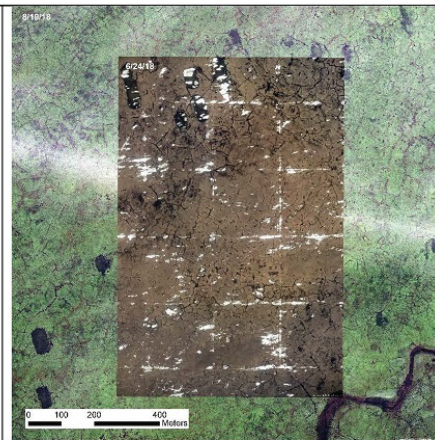
To us it is very clear how we have come to this moment of needing a second piece of legislation to direct the Department of Interior to implement the Coastal Plain leasing program. The Department is filled with the same people who opposed Section 20001 from Secretary Haaland to many others currently imbedded inside

the Department. We know this because these are the very people who opposed us back in 2017! We know because then-Representative Haaland was very clear in her comments about my community when she testified before this very Committee on H.R. 1146 on September 12, 2019, and voted against our inclusion. We know because Executive Order 13990—“Protecting Public Health and the Environment and Restoring Science To Tackle the Climate Crisis” was issued on January 20, 2021, and Section 4 mentioned “alleged legal deficiencies” and accused the Bureau of Land Management (BLM) of performing an inadequate NEPA review with respect to the Coastal Plain.

The BLM has performed more NEPA on the North Slope of Alaska than any other Interior agency and has built trust amongst the Iñupiat across the region—we were stunned by this finding and yet when we asked multiple times following the Executive Order and subsequent Secretarial Orders 3395 and 3401, what the “alleged legal deficiencies” were we could not get a definitive answer. Now after two years it appears that it is mostly about the “up to 2,000 acres of gravel” that was allowed under the 2017 TCJA. This seems to be much ado about nothing because this is gravel that may never be used to develop production infrastructure. Plus, the leases require the operator to submit a Plan of Development (POD) for production facilities should there be a commercial discovery made in the Coastal Plain. This POD would require its own Environmental Impact Statement (EIS) to fill wetlands. What is needed is sufficient exploration through low-impact seismic and winter exploratory drilling.

There is a lot of fear about seismic in the general public but on the North Slope of Alaska it is conducted during the winter months using low impact equipment that essentially leaves no trace following ‘green-up’ of the tundra. KIC has been involved in several attempts to permit seismic in the Coastal Plain and feel its is important for this Committee to understand what low-impact seismic really means. This is satellite imagery over the same location at two different times the same summer. This location of this image is approximately 60 miles west of my community and was taken following a seismic program in 2018.

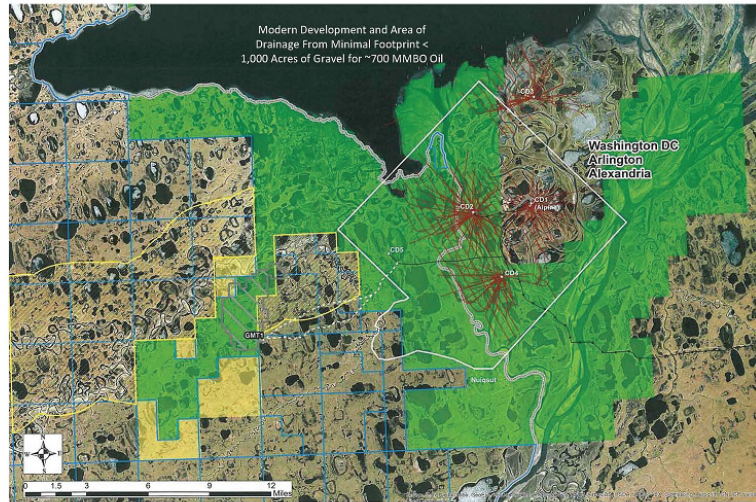
In this image you can see the compressed snow pattern for the 3D seismic program in mid-June 2018. The same area is shown in August 2018. As you can see the compressed lines are not visible in August. This is due to the strict regulatory compliance of the seismic industry by the State of Alaska and the many years of analysis of the best available technology for low impact acquisition.



We Iñupiat understand this because we have been instrumental in gravel reduction across the North Slope since the discovery of Prudhoe Bay through our municipal government, the North Slope Borough, and the State of Alaska. In fact, our region can access more resource from the smallest gravel footprint compared to any other State in the country, including New Mexico. The gravel footprint continues to shrink and as an example the Nanushuk Development Project, on State lands, plans to access 700 million barrels of recoverable oil with a gravel footprint of 254 acres of gravel. Gravel is not the issue.

As an example of the area of drainage from minimal gravel one just needs to look at development in the Colville River Delta. This is an image that shows the development wells from less than 500 acres of gravel with respect to Washington DC, Alexandria, and Arlington superimposed with the white box. The green is Kuukpik Corporation Lands. The red lines are development wells in the Alpine Field

Development. The image shows that with less than 500 acres of gravel and three pad, a location the size of all three cities can safely be developed.



The issue and goal of this Administration seems to be to erase us from the landscape! We will not become conservation refugees at the behest of the environmental corporations from the lower-48 states that are trying to “protect us from ourselves”.

It was Congress that created my corporation under the 1971 Alaska Native Claims Settlement Act (ANCSA) with the intent to stimulate economic development and opportunities for Alaska Native communities. Yet for Kaktovik, at every turn, there is counter-legislation like the 1980 Alaska National Interest Lands Conservation Act (ANILCA) that locked us inside a National Wildlife Refuge. It took 37 years following ANILCA to finally open the Coastal Plain to oil and gas leasing. This is our right and it implements the intent of ANCSA! This is our destiny and our economic freedoms that were promised by Congress. For our survival we need these economic opportunities—does anyone here know how much a gallon of milk costs in my community? First, we don’t sell milk in gallons because it’s too expensive but a quart of milk costs \$6.25 and the math says that one-gallon costs \$25! Due to the cancellation of the AIDEA leases, we are without the means to develop our economic freedoms as spelled out under ANCSA—this creates not only economic hardship for KIC as a corporation but for our people who need a paycheck.

Until exploration occurs, we will never know if there is even a need for gravel or what the extent of gravel volumes required for development and production may be. KIC needs the contracts, and our community needs the jobs that come with exploration. The operators of the leases need subsistence representatives, polar bear guards, cultural resource experts—this is what we can provide. These are important opportunities for our people.

We understand that without a significant discovery these jobs could be ephemeral but people in Kaktovik need these opportunities to build resumes and to work with outside companies to grow their capabilities and capacities. Why does this Administration insist on shutting us down?

This decision to cancel the leases was made without any consultation with the Native Village of Kaktovik despite what was represented in your September 19, 2023 hearing. They were involved in the 2020 EIS and are currently engaged in government-to-government consultation on the draft SEIS. For an Administration that touts the importance of tribal consultation it seems to pick and choose when to do so at its convenience and does not follow any of its own guidelines for doing so.

My community UNAPOLOGETICALLY supports the oil and gas leasing program in the Coastal Plain. Many people try to steer the debate about caribou, specifically the Porcupine Caribou Herd (PCH). I am here to tell you it is about PEOPLE and having an ECOMONY to survive. My people also utilize the caribou and it’s an

important subsistence resource—we were instrumental in the 2020 EIS to provide critical protections for their calving and insect relief areas, we agreed to BLM withdrawing several leases from the 2020 lease sale that have historically been important to calving. We are good stewards of our lands and resources.

The PCH are a migratory mammal and as such they do not always calve in the same area year-to-year. Sometimes they calve in the United States north of the Brooks Range, however in the last several years they have been calving in Canada—sometimes in and around Canadian oil development and infrastructure—but that is not generally discussed. After 50 years of observations our people can tell you that caribou like gravel and infrastructure. They use it for insect relief because it is off the tundra, and they use it for calf protection because where there is infrastructure it provides predator abatement. Caribou have now been living with gravel and infrastructure through many generations and it has become a natural part of their annual movements.

If you studied Indigenous knowledge, you would know that the phrase “The Sacred Place Where Life Begins” only became popular post-ANILCA! It was not a phrase that was used prior to that—because there was no Section 1002 and no potential for oil and gas leasing in the 1002 Area to be alarmed about. This phrase is not about people—it’s about caribou—a point that is probably lost on the general public. We find it ironic that the phrase is only applied to the 1002 Area which indicates to us that it was politically driven. We won’t argue that caribou are not important for ours and other cultures and we have been involved in protections for them as already mentioned—however this phrase is offensive to our people because we are the ones who live here.

Our ancestors settled in the area hundreds of years ago. They settled here because the land provides for us through its plants, animals, birds, and abundance. We now want to pursue continued use of our land. We will not apologize for our presence, existence, or desires. It is our ancestors who are buried here, our children are born here, and to carry our culture and heritage into future generations we need to realize the SELF-DETERMINATION that this Secretary so strongly advocates for but refuses to provide it if you disagree with her.

Ironically, this Administration applauds its progressive policies in all things, but it is the North Slope of Alaska that is THE MOST PROGRESSIVE region in the country through our regional municipal government, the North Slope Borough. We are not a region that is dependent on federal or state transfers. Our founders saw the opportunity to tax the infrastructure at Prudhoe Bay and through that revenue source moved our communities from 3rd world conditions to 1st world conditions. This has increased our peoples’ life spans by more than 13 years over the last 40 years. WHY SHOULD WE BE OSTRACIZED FOR OUR OWN SELF-DETERMINATION.

We openly admit that oil is critical to our region. It is the tool that we used to bring us into modern society. We have had many environmental corporations, yes corporations, challenge our advocacy of oil development in our region. Our response over the years has been to provide us with some of your multimillion-dollar revenue—enough that can pay for the infrastructure we need to live in the Arctic then maybe we would change our position. We ask what ideas they have to replace our economy, or should we become wards of the federal government for all our needs? We have suggested that the outdoor clothing companies develop a “Qaaktugvik” product that we could financially benefit from but to no avail. We never get a solution on how we can fix their problem.

It is ironic to us that November is National Native American Heritage Month and that the 2023 theme is ‘Celebrating Tribal Sovereignty and Identity’—stating that “Tribal sovereignty ensures that any decisions about Tribes with regard to their property and citizens are made with their participation and consent.” The federal trust responsibility is a legal obligation under which the United States “has charged itself with moral obligations of the highest responsibility and trust toward Indian tribes”. We find this to be almost satirical because this year’s theme is exactly the opposite of what the current Administration is doing to our people and community. Instead of lifting us up, we are being “stepped on” yet again from the Department that is supposed to find ways to support us.

KIC, NVK and the City firmly stand behind the 2020 EIS. We were engaged and involved in its development. We feel that it went through a robust NEPA process with a wide range of Alternatives. **We supported Alternative B in the 2020 EIS and we continue to support it today. The Department needs to rescind its cancellation of the AIDEA leases to allow our community the opportunities promised to us over the last 50 years.**

Lastly, I want to comment briefly on the Proposed Rule on the Management and Protection of the National Petroleum Reserve in Alaska. We, in Kaktovik, are

concerned about the implications of the proposed rule—it seems—at its surface to provide the Secretary of Interior more authority to designate ‘Special Areas’ which are essentially conservation units. The deal that Congress made with Alaska through ANILCA, was a ‘No More’ clause which means no more conservation units in Alaska. Kaktovik’s concern is that this Administration wants to use this as a vehicle for more conservation not only in the National Petroleum Reserve—Alaska (NPR-A) but also in the Coastal Plain area of the Arctic National Wildlife Refuge since the Department is to manage the Coastal Plain in a manner “similar to” the NPR-A.

This would **double down** on conservation within our homelands and is unacceptable to us as the only people who live there.

We Iñupiat, have every right to pursue economic, social, and cultural self-determination. The laws of the U.S. should support Indigenous populations, not interfere with these basic human rights.

Thank you for listening to me today. I submit this testimony for the record.

QUESTIONS SUBMITTED FOR THE RECORD TO CHARLES LAMPE, PRESIDENT, KAKTOVIK
IÑUPIAT CORPORATION

Questions Submitted by Representative Stauber

Question 1. In 2016, the North Slope Borough received \$373 million in oil and gas property taxes, accounting for 97% of the \$386 million in total property taxes collected by the borough that year. In 2017, that number was 95%.

1a) How will the Department’s decision to cancel the leases issued in ANWR impact KIC and North Slope communities as a whole?

Answer. While it is important to note that we cannot speak on behalf of the North Slope Borough, it is crucial to highlight the significant role that oil and gas tax revenue plays in sustaining public services and tribal initiatives in our region.

The decision to cancel leases in ANWR has direct implications for Kaktovik Iñupiat Corporation and the North Slope community we serve. In Kaktovik, we rely on these oil and gas tax revenues to maintain essential public services and support tribal initiatives. These funds play a crucial role in providing essential infrastructure, healthcare, education, and other vital services that contribute to the well-being of our community.

Furthermore, the cancellation of leases jeopardized potential business opportunities for our corporation, impacting our ability to engage in sustainable, long-term ventures. The delay in realizing tax revenue from development is of major concern. It underscores the importance of a stable and predictable economic environment for local businesses and Alaska Native Corporations like ours, which benefits not only our local community but also shareholders worldwide.

In conclusion, the decision to cancel ANWR leases has immediate and long-term ramifications for Kaktovik Iñupiat Corporation and the North Slope community’s ability to sustain long-term self-governance. We urge thoughtful consideration of the broader implications and emphasize the critical role that oil and gas tax revenue plays in sustaining our local community and fostering opportunities for our shareholders and residents of the only inhabited Indigenous village in the Arctic National Wildlife Refuge.

Quyanaq (Thank you).

Mr. STAUBER. Thank you very much for your testimony. I want to thank all the witnesses for their testimony, and we appreciate all of you being here today.

The Chair will now recognize Members for 5 minutes of questions. And at the Chair’s prerogative I am going to allow Representative Huffman from the great state of California for 5 minutes.

Mr. HUFFMAN. Thank you, Mr. Chairman, for graciously allowing me to go because I have another commitment. I want to welcome

all the witnesses from Alaska, especially the Indigenous voices, and I appreciate hearing from the gentleman from Kaktovik.

The Native community in Alaska is certainly not a monolith. It is a complex, diverse set of Indigenous communities with all sorts of different perspectives. And in the NPR-A alone we have 40 Indigenous communities depending on subsistence activities. We hear all sorts of different views and perspectives when we engage with Alaska Natives on these issues.

And today, we are hearing a lot of criticism from my friends across the aisle and some of the witnesses for the Biden administration not doing enough consultation with Native voices in reaching decisions that conserved lands. But I think we have to recognize that this Native consultation issue cuts both ways.

We are in this conversation talking about a piece of legislation that would call for zero Native consultation, that would just legislatively greenlight all sorts of oil and gas development, would do so without any environmental review whatsoever. It would just rubber-stamp all the different permits and approvals necessary, and off we go to develop fossil fuels without any Native consultation at all.

And let's think also about how we got here with the 2017 leasing mandate in the Republican tax scam legislation. There was no Native consultation. It was a deeply unpopular policy to open up ANWR after decades of debate and impasse, to just slip it into a tax cut bill without any process, without any consultation with Natives. So, it is a little rich, I think, to suggest that this Native consultation issue favors one side or the other. There is no high ground here for my friends across the aisle or for the fossil fuel enthusiasts who are behind this legislation.

But it is important to remember that we are talking about a really unique, pristine, and special place that would be despoiled by oil and gas development. So, I want to bring us back to that.

Mr. Itchoak, most of us sitting in this room will never set foot north of the Arctic Circle. I am fortunate to have been able to do that, and to travel to most of the places that we are talking about here today. It is an incredibly special landscape, and I wonder if you could just take a moment to remind us why protecting America's Arctic is so important to you.

Mr. ITCHOAK. Thank you, Representative Huffman. I am here representing the Wilderness Society, but I too am also of Inupiaq descent. My grandfather and grandmother, Wilbur and Cora Itchuagoq, are from the Colville River. My father, Tommy Itchuagoq, was from Utqiugvik. I was born and raised in Nome. I have been going back to the Arctic every year for many years. When I was younger, I was part of a whaling crew, and probably the only person in the conservation movement that has harpooned a whale. And this place is special to me because of my family ties.

It is also important because my daughter, Cedar Rose, I want her to have this place to go to when she gets older.

And I don't live in the Arctic; I live in Anchorage. But this place is so pristine, not only because of its ecological value and the biodiversity that it has, but because of the people that live there. These people next to me, they are families, and we have to protect the land and the resources for our next seven generations.

There is never going to be another place like the Arctic. And the way that we are moving forward with the exacerbation of the climate crisis, we are not going to have the Arctic for much longer. The climate crisis is only a small part of the things that are impacting the Arctic. We have to take care of what we have. It doesn't belong to us, we belong to the land. We have a reciprocal relationship to take care of all of the animals in the nuna, the land, and it will take care of us. And the people next to me will tell you that better than I can and that is why we need to protect it.

Mr. HUFFMAN. Thank you. And that is why I am proud to have led for the last several Congresses the legislative effort to permanently protect the Coastal Plain of the Arctic National Wildlife Refuge, and I will continue to do that.

In just a few seconds, Mr. Itchoak, could you just also explain how climate change is creating impacts that you are seeing right now in the Arctic, and how fossil fuel development would compound that problem?

Mr. ITCHOAK. Yes, Representative Huffman. I think the climate crisis, we have been seeing it. The science is there. The loss of sea ice extent is happening. We are warming at four times anywhere else in the world. We see it with the tundra, where the moss and the lichen that the caribou rely on is being overtaken by shrubs. We see it by the increased CO₂ levels since they have been monitoring the levels in the 1970s. We see it with the soil thermal degradation and the permafrost issues that we have.

Over 50 communities are looking at forced relocation because the permafrost is melting. The cryosphere is being impacted. The rain on snow events, even when I left Alaska, we were having rain. And these issues are just getting worse. And when our house is on fire, it doesn't make sense to set another fire on the other side.

Mr. HUFFMAN. Thank you very much, and Mr. Chairman, thank you for your indulgence. I yield back.

Mr. STAUBER. You are welcome. I will now recognize myself for 5 minutes.

Commissioner Boyle, the draft NPR-A rule says that, "In the NPR-A, Congress sought to strike a balance between exploration and the protection of environmental values." Do you believe that this proposed rule strikes this balance for the National Petroleum Reserve?

Mr. BOYLE. Yes. Thank you, Mr. Chairman. We do not. We believe that this rule, in fact, values conservation above all other uses.

As it is, the NPR-A is already being managed to where well over 50 percent of the Petroleum Reserve is off limits to either oil and gas development or infrastructure development. This rule just continues to exacerbate that by pretty much preventing any additional oil and gas development beyond the limited amount that has been currently permitted.

Mr. STAUBER. So, in a follow-up, how will this rule prevent production at NPR-A? Will it be reduced?

Mr. BOYLE. This rule generally sets aside most of the areas that are most prospective to oil and gas development. The limitations that it puts into place, I think, for any prospective development would pretty much make it technologically infeasible for any

company to put together a development plan that would comply with some of the requirements of this rule.

Mr. STAUBER. What will this decline in production to Alaska's economy, to your state budget, how will it affect your state budget, schools, et cetera?

Mr. BOYLE. Well, it has a huge impact on our state economy. Oil and gas revenue comprise the largest component of tax revenue that the state derives. So, any decline in oil and gas revenue has an immediate impact because Alaska, unlike other states, we own our mineral resource collectively. The state owns the resources that is comprised in our state land.

Of course, in instances like the NPR-A, that split is broken up between a share for the Federal Government and a share for the NPR-A impacted communities. So, as you talk about decreasing production or decreasing activity, what you are really saying is you are taking money away from the public coffers. So, this directly ties to school, this directly ties to—

Mr. STAUBER. In other words, this will directly affect schools, law enforcement, the roads and bridges from Fairbanks to Anchorage to Nome to the North Slope. Is that correct?

Mr. BOYLE. Unquestionably.

Mr. STAUBER. Ms. Leavitt, how will decreased energy production in the NPR-A impact Alaska Natives and your local communities?

Ms. LEAVITT. Thank you, sir. So, 95 percent of the borough's tax revenue comes from infrastructure development projects in the region. So, just like with the state, we fund our own schools, search and rescue, ambulance, hospital, clinics in every single village. We won't be able to sustain that.

And also, Alaska's only tribal college in the state is funded directly through that income.

Mr. STAUBER. It will have a devastating effect. And in the case of a whaling captain who had a mishap out in the seas, that individual would probably not have received the attention that he deserved when he needed it without the local hospitals, the air ambulance, and the flights, et cetera. Would that be correct?

Ms. LEAVITT. Correct.

Mr. STAUBER. He is probably alive today because of that.

Ms. Leavitt, Dr. Feldgus said that tribes were consulted prior to these actions. Do you agree with that statement?

Ms. LEAVITT. No, sir, I do not.

Mr. STAUBER. Mr. Lampe, Dr. Feldgus said that Alaska Native Corporations were consulted prior to these actions. Do you agree with that statement?

Mr. LAMPE. No, I do not.

Mr. STAUBER. And that is one of the reasons I wanted Dr. Feldgus to stay here and listen, because the first panel, he is facing us, I saw you folks shaking your head no when he was asked whether there was appropriate consultation. And I also spoke to you earlier about the eight times that you requested the Secretary of the Interior to meet with you with no response. And I think that is unacceptable.

Mr. Lampe, recognizing that you are not here to officially testify on behalf of the Native Village of Kaktovik, are you aware if the

Village of Kaktovik has been consulted with respect to the ANWR draft Supplemental EIS?

Mr. LAMPE. To my knowledge, no. I am a tribal member, but I am not here on behalf of the Native Village of Kaktovik. I am representing KIC, the Kaktovik Iñupiat Corporation.

Mr. STAUBER. The lack of consultation, to me, is a real shame. And I truly believe that this Administration owes each of you and the communities you represented an apology.

Yet again, we are seeing the blatant hypocrisy of this Administration. This Administration claims to be the most tribal-friendly administration in history, but in reality, they only listen to Native communities when it fits their anti-mining, anti-oil and gas, and anti-energy agenda.

I will now yield to Ranking Member Ocasio-Cortez for 5 minutes. You are recognized.

Ms. OCASIO-CORTEZ. Thank you so much, Mr. Chair.

On leases in the Arctic Refuge, it is well established that the Secretary of the Interior has authority to cancel leases that were issued in violation of statute or regulation. And as mentioned previously, the Interior Department recently found that the Alaska Industrial Development and Export Authority's leases were issued with serious legal deficiencies in the underlying analyses.

Mr. Itchoak, can you talk about what impacts that flawed or faulty analyses might have on communities that would experience the impacts of oil and gas development? What is at stake here?

Mr. ITCHOAK. Thank you, Ranking Member Ocasio-Cortez. I think I could talk about this all day, but I will offer two examples.

First, the failure to fully account for climate emissions associated with Arctic drilling is having and will continue to have very real impacts on Arctic communities. We know the Arctic is warming, as I said earlier, four times faster than the rest of the planet. Changing weather patterns are threatening traditional food sources. For instance, rain and ice events have caused caribou die-offs from ingesting ice shards. Thawing permafrost is threatening infrastructure and the ability to safely store traditional food sources.

Secondly and relatedly, the failure to fully analyze the impacts of development on access to traditional food sources has very real consequences on the physical health and cultural well-being of communities whose very existence depends on the healthy porcupine herd, and all of the animals and wildlife within the Refuge.

Ms. OCASIO-CORTEZ. And as you had alluded to, many of these communities that bear the burden of both the development and the impacts of climate change too often become sacrifice zones for the rest of the country. Some of our most vulnerable communities are also the ones that are at shorelines or exposed to very vulnerable habitats, as well.

In the context of fossil fuel development, we often hear the argument that these communities must allow the development of their oil and gas resources in order to thrive, that there is simply no other way. Do you agree with that general argument or assessment? And if not, why?

Mr. ITCHOAK. No, I don't believe with that general assessment. And I need to disclose that I am a shareholder of the Arctic Slope

Regional Corporation. I am a shareholder of the Doyon Corporation. I referenced earlier that I am of Inupiaq descent. I am not here representing the Inupiaq people or the people of the North Slope. I am here representing the conservation communities and the Wilderness Society.

But to answer your question, as a person that grew up in Alaska and have been involved with subsistence hunting for walrus, seals, caribou, and whales, and also have worked for a Native Corporation, I do believe that those resources are not needed for us to survive. We have some of the highest rates of suicide, heart disease per capita. We have all these other ailments that our current systems are failing to provide adequate resources.

I don't see how more drilling and more money is going to improve those services, considering that we are already at the peak performance and leading the production of oil and gas, and our people have been living in the Arctic and are adaptive and resilient, and have shown by living there since time immemorial that we can survive without these resources. Thank you.

Ms. OCASIO-CORTEZ. Thank you. I yield back to the Chair.

Mr. FULCHER [presiding]. Thank you to the Ranking Member and Mr. Itchoak for that.

And just for the record here, I wanted to thank the panel but also communicate that if some of these questions are repeats because some of us are doing the Committee hop, bouncing between different Committees. I am going to recognize myself for 5 minutes. I need to follow up with the commentary and the questioning that Chairman Stauber was doing with Mr. Lampe.

And he had asked you, were you consulted adequately for the 2020 EIS, and I believe your response to that was no. Is that correct?

Mr. LAMPE. Actually, I may have misheard him. On the 2020 EIS, we were consulted, and there was an extensive consultation on the first draft EIS, and we had the Native Village of Kaktovik, Kaktovik Inupiat Corporation, and the city and the community actually worked extensively with consultation with that draft EIS. And we totally supported that draft EIS.

Mr. FULCHER. OK. Then do you believe that in that 2020 EIS, that the Department of the Interior was sufficient in protecting wildlife?

Mr. LAMPE. Yes, I do, because they actually engaged with our community for that first draft EIS. This current draft EIS now, they are trying to, we have had no consultation whatsoever. So, we—

Mr. FULCHER. OK. Is that the supplemental? Because there—

Mr. LAMPE. Yes, yes.

Mr. FULCHER. I think there is a supplemental.

Mr. LAMPE. Yes.

Mr. FULCHER. So, speak to that for a second.

Mr. LAMPE. We just have had no consultation on that, on the current draft EIS or supplemental EIS.

Mr. FULCHER. OK. I am going to just go on the record here. The other questions that I was going to ask you have been asked, and you clarified that. But I just want to go on the record with a

statement on this, and I want to recognize the Chairman Stauber for just, frankly, putting the voice of sanity into this.

H.R. 6285 is, of course, the bill that we are talking about here. And in this nation, we have been blessed with a tremendous amount of abundance when it comes to energy, and also the technology to harvest it cleanly. Yet, so much of the time what we battle here on this Committee with a lot of our colleagues in the White House is a policy or policy ideas that are bent on facilitating a bankrupt philosophy that is neither economically viable or environmentally sensible, when you consider the end-to-end production and generation of some of these energy sources.

So, I just want to go on the record of stating that H.R. 6285 very rightfully puts some sanity back into the energy policy in Alaska, and empowers some of our locals. So, that is just a statement for the record.

With that, I yield and recognize Mrs. Peltola for 5 minutes.

Mrs. PELTOLA. Thank you, Chairman Fulcher.

I am so thankful that each of you flew the 4,000 miles to come here today. John, Doreen, Karlin, Charlie, making sure that Alaskans are heard about issues that directly affect each and every one of us, I think, is critical. So often we are left out of those conversations, either by distance or unintentional acts or intentional acts.

There have been a lot of accusations levied in all directions. I think we can always do better on consultation. And I do want to say that I have not been 100 percent pleased with all interactions with the Administration, but I think that this Administration has shown Alaskans some deference in terms of Willow, the largest oil project that our state, our nation has seen in decades. We felt like this was a step in the right direction, and I think it is unfortunate that people of the North Slope were not invited to have a discussion, or no responses were given when overtures were made.

But in order to get back on track, I think that it would be good to hear some constructive thoughts, and I would love to hear from each of you on how we can do a better job, as Alaskans, making sure that industry, Native people, and environmental folks can collaborate and work together. And that is the only way we are going to get anywhere. No one is coming to save us.

And we do have a lot of concerns. And Alaska really does see firsthand concerning environmental issues. And it is warming, but it is also marine debris, marine traffic. I mean, we are really seeing a new level of encroachment that we haven't felt this firsthand before in any generation in Alaska.

So, Commissioner, if you would like to start. And I don't mean to put anybody on the spot, but this is really a longer conversation I think we all need to be having on how we can work better together.

Mr. BOYLE. Yes. Thank you, Congresswoman Peltola. It is great to see a friendly and a familiar face behind the dais.

As you know, Alaska is all about working together. I mean, all of us here at this table, we might disagree on particular policy points, but if we see somebody stuck in the snow or we know somebody's freezer isn't full of enough salmon, or caribou, or whale

meat, I can't provide that, but we are happy to share amongst ourselves, right? We want to make sure that we have enough.

And I think Alaska has demonstrated a track record of working together. As you look at focusing on development on the North Slope, I look at the relationships that we have seen exist between our local communities and the companies interested in developing the resources.

Santos, for instance, is developing the Pikka Project. Part of that project involves them upgrading the wastewater treatment plant for Nuiqsut so they don't have to take honey buckets and dump them in a sewage lagoon.

They are also improving subsistence access through improving a boat ramp on both the east and west side of the Colville River, so that the residents of Nuiqsut have the opportunity to get out and conduct more subsistence hunting activities.

That is just one area where you see that level of cooperation between a developer and the local communities. And I believe that all of us feel that way when it comes to these Federal or state decision-making, that it should be done in consultations to where the local communities can see the benefit from those activities, and that any concerns that the local communities have, or mitigation measures that need to be taken into place can be considered and implemented so that, again, we all benefit from the underlying activity.

Mr. ITCHOAK. Thank you, Representative Peltola. I think this is the reason why I joined the conservation movement is because, as an Indigenous person, I know that environmentalists, conservationists, and Indigenous people have more in common than not. We all care about the land. We all want to protect the land.

And I wanted to see the conservation movements make a paradigm shift, rather than looking at protected areas as exclusively uninhabited areas, why can't we do better? Why can't we sit down on the land with the people, with the Inupiaq, the Gwich'in, all of the Indigenous people, bring our conservation partners, our agencies, our industry leaders, all of us come together on the land to have place-based dialogues to come up with a new way of protecting the land.

We did a comparative analysis of over 34 Indigenous protected conserved areas around the world. There are a lot of best practices out there. They have created Indigenous subsistence and conservation economies. Canada put in over \$28 million to pay the Indigenous people as frontline observers, to co-steward the land. You have heard about guardianship programs, sentinel programs. Why can't we do that in the North Slope? Why can't the experts who live there, the Indigenous people, be compensated and be at the table for making these co-stewardship decisions?

But we all need to come together on the land and to brainstorm new ways of looking at land protections through an Indigenous worldview, because this Western worldview is not getting us anywhere.

And on December 17, 1971, Indigenous people held aboriginal title to over 325 million acres of land; 24 hours later, on December 18, we had 44 million acres.

Mr. FULCHER. Mr. Itchoak, the time has expired. If you could wrap, please.

Mr. ITCHOAK. Thank you. That dispossession of the land has built a trust issue. We have to rebuild that trust. Thank you.

Mrs. PELTOLA. Mr. Chairman, thank you for letting the panel go over a little bit. And I apologize to Doreen and Charlie, but this is a longer conversation. Thank you.

Mr. FULCHER. Thank you to my colleague from Alaska, and the Chair recognizes my friend from Montana, Mr. Rosendale, for 5 minutes.

Mr. ROSENDALE. Thank you very much, Mr. Chair. I appreciate it.

Thank you all, panel, for traveling so far to get here. I travel about half of that distance every week or so, so I have a great appreciation for the 4,000 miles. I am at about 2,000 a week.

Mr. Boyle, during your tenure as commissioner, have there been any incidents related to the production of natural resources that posed a threat to or had a serious impact on the natural habitat surrounding ANWR, particularly the Coastal Plain?

Mr. BOYLE. No.

Mr. ROSENDALE. Thank you very much. That is the most direct answer we have had all day.

In regards to the leases that we have been hearing about for NPR-A, while my colleagues act as if this lack of interest that was demonstrated is simply a natural market condition, would you agree that the lease sale was impacted by the anticipation of the regulatory change, by the change of leadership at that time to one which is openly hostile to the development of domestic energy?

Mr. BOYLE. Absolutely. I mean, I think when you hear the President of the United States saying that one of the first things I am going to do as soon as I get into office is stop development in this region and I am going to appoint people that have a particular worldview that is very contrary to the nature of resource development, companies take note of that.

Mr. ROSENDALE. Exactly. I really appreciate that because we hear time and time again, whether it is in coal production, where it has been reduced by 900,000 tons in Montana, or the oil production in Alaska or other states, that this is just simply a market condition. And my colleagues seem to ignore the fact that the demand is still there, it is just that the risk and reward problems and ratios become very big, which is what I am going to go to.

Markets are pretty simple, OK? As a businessman, you have supply and demand, risk and reward, and profit and loss. Supply and demand are very predictable. We can go out and look at a resource and see what the demand in the marketplace is. Very, very predictable. Risk and reward changes with administrations and the politics that go along with them. And then profit and loss become impacted directly because of that administration, because of the risk and reward. These are all directly related.

So, when my colleagues start talking about the risk management, and this is why people did not come out and participate in these leases, well, they are correct. There is risk management, but not because of the unknowns from developing that resource. It is the unknowns from the political risk and the ESG standards that

are a true and real impact on the ability for them to get the resources they need, the financial resources, to develop those other in-the-ground resources.

The SEC and other agencies are absolutely abusing their regulatory authority to dramatically increase risk by imposing higher risk levels on products and resources that simply don't comply with their vision of the world, and this chokes out investment. It makes it very difficult for the folks that are drilling for these resources to get the financial need of resources that they need. So, you don't have to prohibit development of resources. All you have to do is eliminate the ability for them to access funding or to delay, to delay, and to delay the development of it.

Could you quantify or provide a rough estimate to the total economic impact to your state resulting from the obstruction or the production on these lands?

Mr. BOYLE. Well, if we look at ANWR, the USGS estimate for resource potential in ANWR is roughly over 10 billion barrels. If you take a conservative approach in terms of what is likely to be technologically or economically recoverable, you have 95 percent confidence that at least 4 billion barrels could be produced economically, right?

So, we are talking billions and tens of billions of dollars of revenue to both the state and Federal Government, just looking at ANWR alone. When you look at NPR-A, if you model out development similar in size to Willow, continuing each one of those types of projects again will net the state from \$2 to \$4 billion in revenue over a 20- or 30-year life span. So, there are a lot of those types of opportunities that are available within the National Petroleum Reserve.

Mr. ROSENDALE. Thank you very much, Mr. Boyle. And clearly, that is going to impact not only your local schools, hospitals, law enforcement, roads, but it also affects every taxpayer across the nation because those are Federal revenues that are lost, as well.

Thank you so much, all of you, again for coming out.

Mr. Chair, I yield back.

Mr. FULCHER. Thank you, and the Chair now recognizes the gentleman from California, Mr. Duarte, for 5 minutes.

Mr. DUARTE. Thank you, Mr. Chairman. Thank you to the panel for being here today.

Some question of voices being heard and who gets to participate in these kinds of democratic processes on the local, state, and Federal level. Mr. Lampe, you are a corporation leader. Is there a democratic process for you to become such a leader of the Kaktovik Iñupiat Corporation? I apologize if I didn't pronounce that correctly.

Mr. LAMPE. Oh, no problem. Yes, there actually is, because our corporation was comprised by a group of shareholders when the corporation was incorporated and then the shares were passed down. So, yes, there is an elected process where I was elected to the Kaktovik Iñupiat Corporation Board of Directors, and then the Board of Directors appointed me as President CEO just recently to the corporation.

Mr. DUARTE. Excellent, thank you. Congratulations.

Mr. LAMPE. Thank you.

Mr. DUARTE. Ms. Leavitt, you are from the Iñupiat community of the Arctic Slope. I assume you are in a political leadership position.

Ms. LEAVITT. Yes, I am. I was elected by our tribal citizens to be on the Council and act as a Tribal Secretary, as well.

Mr. DUARTE. Thank you. That is excellent. Congratulations there.

And Mr. Boyle, you are the Alaska Department of Natural Resources. How did you come about your position in government?

Mr. BOYLE. I was appointed by our Governor, Michael Dunleavy, and then I was confirmed by the entirety of our legislature.

Mr. DUARTE. Excellent. Congratulations.

Mr. Itchoak, you are the Alaska representative for the Wilderness Society. By what, if any, democratic process did you become the Alaska representative for the Wilderness Society?

And why should we attribute your voice to be one that is reflective of the political voice of those concerned in these matters?

Mr. ITCHOAK. I don't think I am here in the capacity for my voice to be reflective politically at all. I was hired by an NGO through their internal democratic process, and I won out over 100 candidates, and that is how I got here.

Mr. DUARTE. Thank you. It is as I suspected.

And is it true also that the entire Federal delegation in Senate and Congress, Mr. Boyle, supports these gas leases and the ability of your local communities to issue these gas leases and develop these resources?

Mr. BOYLE. That is correct.

Mr. DUARTE. Do any of the democratically-elected leaders, community leaders or state leaders who were appointed by democratically-elected Governor and legislature sense of political will or interest on the part of the Northern Alaskan communities to bear the burdens of global warming, and not develop your resources such that others outside your communities can perhaps enjoy a cooler planet? Do you want a cooler planet up there?

Go ahead, please, Mr. Lampe.

Mr. LAMPE. I am actually kind of liking this warmer weather. We, as Iñupiat, especially in Alaska and the Arctic, I mean, we, the Kaktovik Iñupiat, are the only people that live in the area known as the Arctic National Wildlife Refuge. And yes, I like the warmer weather, but we adapt to it.

Mr. DUARTE. Sorry. I just heard the caribou can't eat, or there is not enough moss lichen on the rocks anymore.

Mr. LAMPE. No, that is not what we see, and that is, for being there as a hunter and our family hunters, that is not what we see. And we adapt to change. We have done it for millennia, and we will keep on doing that. The animals have done it since they have been up there. I mean, it is what happens.

Mr. DUARTE. Ms. Leavitt, are you getting a sense of the community being concerned with global warming and disturbing the natural resources and abundance of your lands?

Ms. LEAVITT. Thank you for that question, sir. Yes, I think we are all concerned about it. But development within our region is not the cause of climate change. There are other reasons, as well.

And like I said, our rights to self-determination and access to our resources is what I am here for. Thank you.

Mr. DUARTE. As a subsistence economy to some extent, perhaps more than you wish at this point, what is the availability of, I mean, we talked about health and welfare of the people. What is the availability of a diverse diet? Produce, protein, leafy greens. How is that going up in the northern slope of Alaska?

Mr. LAMPE. I can speak to that. It is like I said, we are a subsistence-based people. We have done it for millennia. There is nothing that is going to stop us from traditionally hunting our caribou and living off the resources. I myself, like I said, I am a whaling captain.

And Mr. Stauber kind of touched on something that he said there was a whaling captain that got hurt. And that may be because if we didn't have the infrastructure that we have because of a tax-based infrastructure, that maybe that person wouldn't survive. That person was actually me. Two months ago, when we were out hunting, a pusher shell went through my hand and blew out the back of my hand. Fortunately, we had the means provided by our local North Slope borough to have a health care system to where I was able to get on shore safely, get on a flight to Anchorage, and it pretty much just saved my life.

And along the lines as food, the cost of living up there is so high that, I mean, we rather prefer our natural foods, anyway. But it did cost a lot. And without the infrastructure to provide jobs and an economy for us, and then with the stopping of the development of our natural resources to provide a future economy, it affects our people greatly.

Mr. DUARTE. Thank you.

Mr. Chairman, I will yield back.

Mr. FULCHER. Thank you, Mr. Chairman. And to my friend from Wisconsin, Mr. Tiffany, for 5 minutes, please.

Mr. TIFFANY. Thank you, Mr. Chairman. I asked a question earlier. You were here and heard it. I will ask this to Ms. Leavitt.

Is there still an abundance of wildlife up in ANWR and the North Slope and up in the region where you live?

Ms. LEAVITT. Yes, sir, there is. And our Tribe actually has a hunter-gatherers program, where we provide caribou, fish, whatever foods we can provide to our elders and our disabled across the North Slope.

Mr. TIFFANY. What was the first year that oil was produced up in Alaska? Do you remember that?

Maybe I can ask Mr. Boyle that. Do you know what the first year was? Was it the 1970s?

Mr. BOYLE. Mr. Boyle should know that right off the top of his head, but yes, I believe the 1970s is correct.

Mr. TIFFANY. Ms. Leavitt, have you seen a diminishment in wildlife since the 1970s up in your region?

Ms. LEAVITT. Thank you, Mr. Tiffany. Well, I was born in the 1970s, so I don't know if I saw it all the way, but we still have an abundance, and we have a great science program within the North Slope borough that is funded by tax base to do our own wildlife studies, as well with scientists, and not seeing a decrease. Thank you.

Mr. TIFFANY. Am I saying your name correctly, Mr. Lampe? Is that correct?

You talked about the injury that you had?

Mr. LAMPE. Yes.

Mr. TIFFANY. And that was how long ago?

Mr. LAMPE. It was a little over 2 months ago.

Mr. TIFFANY. A little over 2 months ago. Was the health care system in place 40 to 50 years ago to be able to, what I heard from you is that it saved your life?

Mr. LAMPE. No, definitely not. I believe that without the current health system that we have right now and the ability to have medivac flights and stuff, and then the health clinic that we have locally with the ambulance system and the training that our people get to provide such great health care, all that is provided by tax income from the borough, or from infrastructure from the oil industry going to the borough. And they provide schools, health care, and I honestly believe that, I mean, I was truly lucky to still have my life.

And I wanted to be here 3 weeks ago to be with the rest of the group on the trip that they took here. But, unfortunately, I was still in the hospital. I am still recovering. It is going to take 1 to 2 years to recover, but it is not going to stop me from going out and whaling and providing for my community, because that is what we are as Iñupiat people, we take care of our people.

Mr. TIFFANY. So, the wealth that was created from the production of oil is in part, or mostly, what has helped a health care system be in place that may have saved your life?

Mr. LAMPE. Yes, I definitely think so. And then since the incorporation of the borough, I mean, the Iñupiat people, our life span has increased by 12 years. So, we live longer because of the better health care system.

Mr. TIFFANY. So, that meeting that you missed, they said 13 years, which is right, 12 or 13?

Mr. LAMPE. Oh, 13, I am sorry, yes. I think it is, well, 12 or 13. So, yes.

Mr. TIFFANY. Mr. Chairman, I just hope everyone on this Committee fully understands an increase in life expectancy since 1980 of 13 years. I don't think we can repeat that enough. This is what happens when you have prosperity in a community.

So, to either one of you, Ms. Leavitt or Mr. Lampe, I asked Dr. Feldgus the question, "Do you believe that there was adequate consultation from the Federal Government with Alaska Natives in this Administration's decision regarding ANWR?" He said yes. Do you agree with that answer?

Mr. LAMPE. No, I definitely do not agree with that. The consultation before on the 2020 EIS, yes, I agree that there was adequate consultation with the Tribe and the community of Kaktovik.

Like I said, the only Indigenous Iñupiat people of the Coastal Plain and the only community located inside the area that is always talked about as the Arctic National Wildlife Refuge, our families and our community have lived in this area and thrived in this area for thousands of years, and will continue to do so.

Mr. TIFFANY. Ms. Leavitt, do you agree with that characterization that they did not adequately consult with you?

Ms. LEAVITT. They did not adequately consult with us. And in fact, in my testimony, BLM hosted a public meeting on September 25, and handed me that 1,400-page document, and then asked me to consult 2 days later. And I am a department of one person.

Mr. TIFFANY. So, clearly, the Biden administration failed in consulting with you folks, right?

Ms. LEAVITT. In my opinion, yes.

Mr. TIFFANY. Final question, Mr. Chairman.

Who worked better with you on these issues, this administration or the previous administration in terms of consultation?

Mr. LAMPE. I think 100 percent the previous administration.

Mr. TIFFANY. Ms. Leavitt?

Ms. LEAVITT. I wasn't in this position at that time, so I wasn't involved in the 2020 consultation.

Mr. TIFFANY. OK. But you say, Mr. Lampe, it was clearly the previous administration.

Mr. LAMPE. Yes, definitely. I was a Board Member at that time and Vice President, and yes, definitely.

Mr. TIFFANY. Good information to have, Mr. Chairman. I yield back.

Mr. STAUBER [presiding]. Thank you, Representative Tiffany.

I want to thank all the witnesses for your valuable testimony, and all the Members for their questions, as well.

The members of the Subcommittee may have some additional questions for the witnesses, and we will ask you to respond in writing.

Under Committee Rule 3, members of the Committee must submit questions to the Subcommittee Clerk by 5 p.m. on Monday, December 4. The hearing record will be held open for 10 business days for these responses.

If there is no further business, without objection, the Committee stands adjourned.

[Whereupon, at 1:03 p.m., the Subcommittee was adjourned.]

[ADDITIONAL MATERIALS SUBMITTED FOR THE RECORD]

Submissions for the Record by Rep. Ocasio-Cortez

**ENVIRONMENT AMERICA
Research & Policy Center**

November 29, 2023

Hon. Pete Stauber, Chairman
Hon. Alexandria Ocasio-Cortez, Ranking Member
House Natural Resources Committee
Subcommittee on Energy and Mineral Resources
1324 Longworth House Office Building
Washington, DC 20515

Dear Chairman Stauber, Ranking Member Ocasio-Cortez and members of the Subcommittee on Energy and Mineral Resources:

The Arctic region of Alaska boasts vast landscapes that are home to thousands of species of wildlife. Indigenous people have lived on this land for centuries, relying on caribou and other animals for food, clothing and spiritual connection. Arctic wildlife are already struggling with climate change and needing to adjust to warmer, changing habitats. To give them a fighting chance at long-term survival, we need to safeguard what's left of their home. That requires no leasing and no drilling.

The Biden administration has taken important steps toward protecting this critical region including canceling the Alaska Industrial Development and Export Authority's (AIDEA) leases in the Arctic National Wildlife Refuge and kicking off a rulemaking process to protect more than 13 million acres of critical habitat in the Western Arctic Reserve. We are writing to oppose the "Alaska's Right to Produce Act of 2023" (H.R. 6285) which would reverse this progress and take us in the wrong direction. As our nation and the world transition toward clean energy sources, millions of acres set aside for nature will be a gift to future generations. We must not destroy it by drilling for the last drops of oil.

Sincerely,

Lisa Frank, Executive Director,
Washington Legislative Office

Ellen Montgomery,
Public Lands Campaign Director

Statement for the Record

**Bernadette Demientieff
Executive Director, Gwich'in Steering Committee**

My name is Bernadette Demientieff, I am the Executive Director of the Gwich'in Steering Committee, an organization founded in 1988, by the Elders and Chiefs of the Gwich'in Nation. I work tirelessly to protect the calving grounds of the Porcupine Caribou Herd in the Arctic National Wildlife Refuge, and the Gwich'in way of life. This work is very personal to me: it is about our cultural and spiritual connection that we have with our land, water, and animals. It is about our children and our future generations. I have 5 children and 7 beautiful grandchildren who deserve the assurance from the US government that our culture, traditions, and connections to our sacred land and its animals will not be infringed on. They deserve to live and thrive off the land that the Creator blessed us with.

The Gwich'in Nation has been unified in our voice against oil development in the sacred lands of the Arctic National Wildlife Refuge for decades—in 1988 we signed a formal resolution, the Gwich'in Niintsyaa, to protect the coastal plain of the Arctic Refuge. Our Elders recognized that oil development in caribou calving grounds was a threat to the very heart of our people. Since that time, as a people we have presented testimony in front of the US Congress, the United Nations Special Rapporteur on Indigenous Peoples, and public hearings to protect our sacred lands and use our voices not just for ourselves but for the caribou.

That is why when the Biden administration canceled the last remaining lease in the Arctic Refuge, the Gwich'in people had tears of joy and relief. We understand that there is a lot of work that still needs to happen but with the weight of uncertainty lifted around imminent development, if only for a while, we received a reprieve from the single-minded pursuit of profit at the expense of nature and our culture. We have celebrated the administration's actions and a temporary break from the relentless threat to the Porcupine Caribou Herd and the Gwich'in way of life.

The Gwich'in and other Indigenous Peoples have been stewards of the Arctic for millennia. The push to sell our sacred lands for corporate profit disregards this legacy of stewardship. The Biden administration's decision to cancel oil and gas leases in the Arctic Refuge was a crucial first step, but legislation like this bill that seeks to undo those actions make it clear that we must continue to fight for permanent protections for the Arctic Refuge. It is also no secret that our homelands are warming at four times the rate of the rest of the planet, and the Gwich'in people are among the first to feel its effects. Our once-fertile lands are eroding into the ocean. Warming waters threaten our fish, and the arrival of ticks, a previously unknown phenomenon, underscores the profound changes we face. Oil and gas development would only exacerbate the effects of climate change in the Arctic and the world over.

We extend our gratitude to President Biden, Secretary Haaland, and the federal and state legislators who have stood by us. We also acknowledge the American public, the majority of which stand with the Gwich'in to protect this sacred land. Dozens of banks and insurance companies have now committed to not underwrite oil and gas development in the Arctic. The international community has repeatedly called on the United States to address our concerns. These show pathways towards permanent protection. I, along with the Gwich'in Nation, will continue to protect the Porcupine Caribou Herd, the Gwich'in Way Of Life and the Sacred Arctic National Wildlife Refuge for our future generations. And the generations to come.

Mahsi Choo

