

Hearing on H. R. 6285, the “Alaska’s Right to Produce Act of 2023”

**Written Testimony
Of
Charles Lampe
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November 29, 2023**

**Before the
United States House Committee on Natural Resources**

Thank you, Chairman Stauber, Ranking Member Ocacio-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 Qaaktuġvik 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!** Qaaktuġvik 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. Chaiman, I want to thank you and Alaska's Representative Peltola for introducing HR 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 cancelled 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.

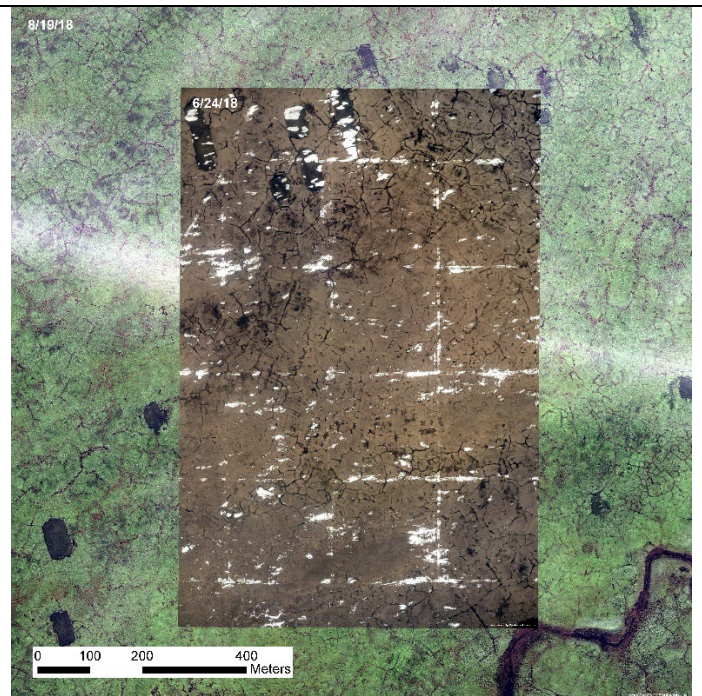
HR 6285 should not be necessary but what we are experiencing under this Administration is a continuation of the pattern of injustice we have suffered since the formation of ANWR under the ANILCA, in that it erases our hundreds of years of existence on our land. Section 20001 of the 2017 Tax Cuts and 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 HR 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.

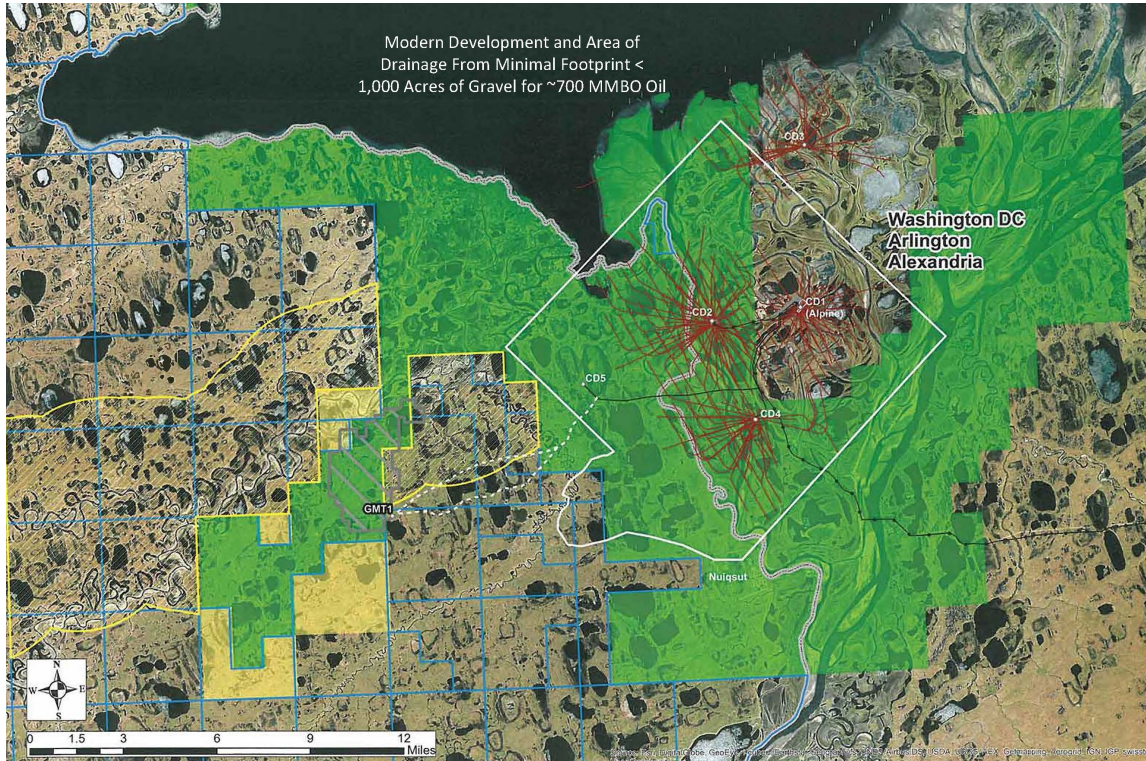
In this image you can see the compressed snow pattern for the 3D seismic program in mid-June 2018. The same area is shown in August 2018. As you can see the compressed lines are not visible in August. This is due to the strict regulatory compliance of the seismic industry by the State of Alaska and the 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 ANSCA – 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’ lifespans 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 “Qaaktuġvik” 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.