

AMERICA'S ARCTIC

The U.S. Arctic is our country's most remote, pristine, and threatened region. It includes three enormous federal domains: the Alaska National Wildlife Refuge, the National Petroleum Reserve–Alaska, and the Arctic Ocean. In the state's northeast corner, the 19-million acre Refuge runs from the rugged Brooks Range down to the Coastal Plain. First set aside under President Dwight Eisenhower, it provides vital calving ground for caribou. To the west, the 23.5-million acre Petroleum Reserve has a dual mandate that includes protection of fish and wildlife. On state lands between these two preserves stands the highly developed "oil patch" of Prudhoe Bay. Offshore lie the Chukchi and Beaufort Seas, among the world's most biologically productive marine environments.

I. PRIMARY STATUTES

■ STATEHOOD

The 1958 Alaska Statehood Act made Alaska the 49th state, giving it the right to acquire 104 million acres of federal land, and granting it a perpetual right to 90% of the royalties from most oil, gas, and other mineral leases on federal lands within its borders. Receipts from these provisions help assure that Alaska residents receive an annual dividend of up to \$2,000 a piece, rather than paying state income tax.

■ NATIVE CLAIMS

The Alaska Native Claims Settlement Act (ANCSA) of 1971 settled aboriginal claims on Alaskan territory, by creating Native corporations, almost all of them for-profits, with the right to select a total of 44 million acres of federal lands, and paying them \$962 million. ANCSA included a "D-2" provision authorizing the Interior Secretary to designate up to 80 million acres for interim protection and possible recommendation to Congress for permanent preserve status.

■ NATIONAL LANDS CONSERVATION

Enacted in 1980, the Alaska National Lands Conservation Act (ANILCA) fulfilled the D-2 promise of ANCSA by creating 104 million acres of parks and preserves, including a major expansion of the Arctic National Wildlife Refuge. ANILCA formally designated most of the Refuge as wilderness. Sec. 1002, however, called for study of the 1.5 million acre coastal plain, a presidential recommendation on wilderness, and interim management to preserve wilderness values, pending congressional action.

■ OFFSHORE DRILLING

The Outer Continental Shelf Lands Act (OCSLA), repeatedly amended since its 1953 enactment, establishing federal title to lands three miles or more offshore (out to at least 200 miles), authorizing competitive bidding for drilling rights, setting procedures and protections for drilling, mandating that the Department of Interior (DOI) issue plans every five years laying out where drilling may occur, and creating an Oil Spill Response Fund.



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■ PETROLEUM RESERVE

The Naval Petroleum Reserves Production Act (NPRPA) of 1976 gave the Department of Interior management of what was thenceforth called the National Petroleum Reserve–Alaska. While it authorized drilling, the Act requires “maximum protection” of areas identified as having “any significant subsistence, recreational, fish and wildlife, or historical or scenic value.” Management plans issued at five year intervals designate such areas.

II. MAJOR POSITIVE EFFECTS

■ WILDLIFE CONSERVATION

The nearly pristine state of America’s Arctic has been extremely positive for its globally renowned animal and bird life. The Chukchi Sea has 10% of the world’s polar bears. The Western Arctic caribou herd may be the largest in existence. Offshore are beluga, gray, bowhead, and other whales, along with ice seals, walruses, and deep-diving seabirds. Grizzlies roam the tundra, warily eyed by musk oxen, wolves, and Arctic foxes. Peregrines and gyrfalcons nest in the cliffs and snowy owls in the grasslands. Millions of birds from around the world migrate in and congregate on its waters and coast.

■ PROTECTION OF NATIVE SUBSISTENCE

Native Alaska peoples in the Arctic depend for subsistence and culture on hunting caribou and bears, fishing, and taking marine mammals at sea. Although some Native Alaskans, particularly those responsible for ANCSA corporations, favor development, the only way to ensure these essential resources stay available is to preserve the animals’ marine and terrestrial habitat.

■ PRESERVATION OF WILDLAND VALUES

The Arctic has wild panoramas on a scale now unknown in the Lower 48. By itself, the Reserve in the western Arctic is the largest single reach of federal lands in the country.

III. MAJOR CONCERNS

■ OIL DEVELOPMENT

In 2012, the Interior Department granted Shell Oil permits to begin exploratory drilling in the Chukchi and Beaufort Seas. Shell’s approvals were based on assumptions about its ability to contain any spill. But the company experienced numerous preparation and operational problems, including inability to get emergency vessels certified, loss of control over vessels, failure to meet air pollution standards, storm-related delays evacuating men and disconnecting drill rigs, the spectacular crushing “like a beer can” of an oil containment dome during calm water testing, and the uncontrolled grounding of a drill rig in transit. In January, 2013, DOI announced a 60-day

investigation to inform whether Shell is given permission to resume drilling this summer. The announced review stops shy of the critical question whether any amount of preparation and regulation can ensure against a catastrophic spill, impossible to clean up in the remote, unforgiving Arctic Ocean, beset by storms and unpredictable ice flows, and covered by the Polar Ice Cap most of the year.

■ CLIMATE CHANGE

The Arctic is experiencing global warming much more rapidly than the rest of the country, as predicted by climate change models. Its median temperature rise is double what the Lower 48 has seen. Pack ice vital to polar bears, walruses, and other wildlife is breaking up; indeed the summer Polar Ice Cap has shrunk 40% since 1970. The frozen tundra, the very ground that supports terrestrial life, is melting away. Adding to these stresses, the retreat of snow and ice is encouraging commercial development and infrastructure construction that harms wildlife and spoils wildlands.

IV. UPCOMING ISSUES

■ RENEWED OFFSHORE DRILLING

The Obama Administration must decide whether to issue authorizations for Shell to drill in 2013, or instead—in light of Shell’s disastrous 2012 experience and revelations about its limited spill response capabilities—re-examine the fundamental assumption that such drilling can safely and responsibly be carried out under Arctic Ocean conditions. Waiting in the wings are other oil giants.

■ ADOPTION OF NPR-A PLAN

Interior Secretary Salazar has issued a 5-year plan for the Reserve that leaves much of its oil and gas available, but puts many areas of special natural value off limits to drillers. Pressure from oil industry allies threatens this good first step toward securing the Reserve’s future.

■ DRILLING IN ARCTIC PLAIN

There are periodic efforts in Congress to open up the Arctic Plain portion of the Refuge—the so-called 1002 area—to oil and gas drilling. An effort to do so is expected again this year, at least in the House of Representatives.

PUBLIC OPINION

The public broadly favors preservation of the Arctic’s enormous natural values. A 2012 poll showed 82% in strong or moderate agreement that the Arctic National Wildlife Refuge should receive stronger protection so that the area can be enjoyed by future generations. In previous years, not drilling in the Refuge has repeatedly polled nearly 2-1 over drilling there.