

# Here We Go Again: The Latest Proposal to Drill the Arctic Refuge

On Tuesday, June 9<sup>th</sup> 2009, Senator Murkowski added to the Alaska delegation's long string of attempts to open the Arctic National Wildlife Refuge by proposing a Refuge drilling amendment to the Senate Energy bill (defeated by a 13-10 bipartisan vote). Despite claims of 'no surface occupancy' and impact-free directional drilling, this proposed legislation is nothing more than a drilling bill in sheep's clothing.

The devil is in the details. By allowing destructive seismic exploration and opening the Refuge to leasing, the amendment serves as little more than a Trojan horse that aims to crack open the entire Arctic Refuge Coastal Plain to oil development.

Meanwhile, this amendment has a number of environmental and legal loopholes that negate Sen. Murkowski's claim that the legislation's goal is to "preserve the refuge exactly as it is today." In fact, this legislation would undermine the fundamental purposes of this conservation area to protect wildlife and wilderness.

The bottom line is that this is just another distraction from the real conversation we should be having about breaking our addiction to fossil fuels and moving toward renewable energy and conservation. In fact, our nation is already on track to make huge gains in oil savings through conservation. For every barrel of oil that might be produced from the Arctic Refuge, conservation has already demonstrated the potential to deliver 17 barrels of oil in petroleum savings by 2030.

No matter how you dress it up, directional drilling is still drilling. As existing industrial activity on Alaska's North Slope has shown us, oil and gas development results in many harmful and cumulative environmental effects that extend well beyond wells and drill pads. Oil development is an inherently risky, dirty business. There is no way around it; this legislation will result in serious impacts to the pristine, untouched wilderness quality lands of the Arctic Refuge while doing nothing to move us toward a clean energy future.



## *Here are the top 10 reasons why the reality of this amendment doesn't match Senator Murkowski's rhetoric:*

1. **Environmental laws and refuge purposes are tossed aside:** Currently the Arctic Refuge is protected and managed as a national wildlife refuge. When the Arctic Refuge was created in 1960, the protection of wilderness was identified as one of its primary purposes - something that makes it unique among our nation's refuges. The coastal plain of the Arctic Refuge is protected wildlife habitat for caribou, polar bears and migratory birds, and this amendment would waive the most important legal environmental safeguards for this fragile, wild land. If passed, this amendment would mandate that a final legislative Environmental Impact Statement (EIS) from 1987 would apply to all new activities for the Coastal Plain. Essentially, the provision waives National Environmental Policy Act (NEPA) by relying on this outdated EIS that was completed over 20 years ago, while also removing the protections of Alaska National Interest Lands Conservation Act and the National Wildlife Refuge Administration Act. *This begs the question, if the bill would have no serious impacts on the Arctic Refuge, why would we need to waive our nation's most basic environmental laws?*

*"...those concerned about the impact to wilderness will be able to enjoy and preserve the refuge exactly as it is today..."*

*- Senator Murkowski, February 19, 2009*

2. **Massive development along the refuge borders:** Horizontal wells require the same infrastructure and have the same environmental impacts as conventional wells - including busy airports, permanent gravel roads and pipelines. As documented by the National Academy of Sciences, the impacts of development extend well beyond the direct footprint, or the place where the drill touches the ground. The areas along the land and coastal border of the Refuge are part of the ecosystem and many Arctic Refuge species move between the Refuge and the adjacent state waters and lands. For example, coastal sea ice and waters of lagoons are used by caribou seeking relief from biting insects during summer, while imperiled polar bears hunt seals and give birth in snow dens along the Beaufort



Porcupine Caribou Herd using Beaufort Sea ice along Arctic Refuge Coast

Sea coast during the winter. Furthermore, in 2007 more than 4,800 bowhead whales -- that's 40-50 percent of this entire endangered species' population -- were spotted by aerial surveys directly off the coastal plain. Neither ecosystem function, nor the impacts of development stop at politically delineated borders and increased development along the border of the Refuge will have serious impacts on the resources and habitats of the Coastal Plain.

3. **'No surface impacts' is a farce:** Despite the "no surface occupancy" claim for the legislation, this amendment could result in significant surface impacts on a vaguely defined area of the Arctic Refuge Coastal Plain. Seismic activities involve convoys of exploration vehicles traveling over extensive areas of the fragile tundra. Not only are these activities intrusive, but they can disturb wildlife such as polar bears that den in the Refuge, and cause severe and long-lasting damage to tundra and permafrost. The amendment also allows production from *underneath* the surface of the Coastal Plain, a completely untested technology that could put the Refuge Coastal Plain at serious risk. Not quite the "no trace that we were ever there" claims that Sen. Murkowski has been touting in the media. If insidious activities such as seismic and underground development would be allowed, what else might be defined as "no surface occupancy"?
4. **Full-scale development within the Arctic Refuge's boundaries:** This amendment also raises the very serious threat that nearly 100,000 acres of Alaska Slope Regional Corporation (ASRC) subsurface lands within the boundary of the Coastal Plain would be open to full-scale development, including major pressure to build pipelines and roads traversing public lands. ASRC acquired these subsurface lands in 1983 in a controversial land exchange - knowing full well that they would not have the right to develop unless an act of Congress opened the Arctic Refuge. This land trade occurred behind closed doors, flew in the face of Congress's intent to prohibit subsurface selections within Alaska's existing national wildlife refuges in the Alaska Native Claims Settlement Act, and was found by the General Accounting Office not to be in the interest of the United States.
5. **The drilling area is vaguely defined:** Despite the amendment's "no surface occupancy" claims, the area that can be drilled by "horizontal or other *subsurface technology* from sites outside or *underneath* the Arctic Refuge" is vaguely defined in the bill as the "western coastal plain." The specifics are left to the sole discretion of the Interior Secretary. What's more, oil companies have historically disregarded "no surface occupancy" restrictions on Alaska's North Slope. In 2004, a satellite development plan was approved for the Alpine Oil Field with a prohibition on permanent facilities within a three-mile buffer of a drilling site that was to be accessed using horizontal technology. Yet despite the clear prohibition, BLM approved the plan for an Alpine production drill site with 30 wells, a power plant, eight miles of permanent roads and pipelines within the buffer. As rationale for disregarding the rules, the Bureau of Land Management said that directional drilling was just not economically or geologically feasible.

6. **Drilling and spilling:** Beyond just the footprint from development, oil and gas operations on Alaska's North Slope have a dismal record of oil spills, air pollution, and the discharge of waste water and toxins into the environment. An average of 453 spills occurs annually on Alaska's North Slope and more than 2.7 million gallons of toxic substance have been spilled since 1996. The second largest oil spill in Alaska's history happened less than three years ago, when British Petroleum's mismanagement caused 200,000 gallons of crude oil to spill across the Arctic tundra. *A spill at the border of the refuge would have serious effects on the wildlife and water within the refuge.*
  
7. **U.S. Fish and Wildlife Service is demoted:** Senator Murkowski's amendment would, immediately upon passage, remove the Fish and Wildlife Service (FWS) from its long-standing role as manager of the Arctic Refuge Coastal Plain. Instead, this agency, with far-reaching expertise on the biological and wildlife purposes of the Arctic Refuge, would be designated a mere consultant, severely limiting the agency's ability to analyze and prevent any impacts from oil and gas development. *If the goal of this legislation is to ensure that the Refuge is preserved as it is today, why take its management out of the knowledgeable, expert hands of FWS?*
  
8. **Large and Expedited Lease Sales Mandated:** This amendment contains the same requirement from every other Arctic drilling bill that the first lease sale be both large (200,000) and expedited - with the first lease sales required within 18 months and a second lease sale must occur no later than two years after the first. Coupled with limited lease sale analysis and ambiguous statutory provisions, the oil industry would get expedited rights to these public lands before administrators and the public have the opportunity to establish how the provisions of this bill should affect those leases. *This dynamic gives the industry the upper hand in determining the conditions under which it could drill for Refuge oil.*

"...America will get the energy it needs..."

- Senator Murkowski, February 19, 2009

9. **Oil potential numbers are all smoke and mirrors:** Senator Murkowski's claim that directional drilling in the Arctic Refuge would produce 1 billion barrels of oil is smoke and mirrors at best.

According to the U.S. Geological Survey, any speculative oil potential in the Arctic Refuge is found in small pockets across the entirety of the coastal plain, not in one large pool located near the Refuge's boundaries. The U.S. Energy Information Administration estimates that at peak production (which would only last about two years) oil from the entire Arctic Refuge would add less than 4 percent to each year's supply of oil. The directional drilling that Sen. Murkowski has outlined would access only a fraction of this diminutive potential. *Why would we put our nation's largest and wildest Refuge at such significant risk for so little gain?*

10. **We can break our oily addiction and protect our public lands:** The American public is tired of the same old energy debate of the past. Americans are looking to Congress to pass energy legislation that prioritizes cleaner, cheaper, safer and smarter ways to get the energy we need. We are already on that optimistic path. According to the Energy Information Agency (EIA), in just the past five years conservation has already reduced estimates of our demand for oil between now and 2030 by an astounding 42 billion barrels. That is 17 times more oil than that which *might* be recoverable from the Refuge during that same period; and while the Refuge would only operate at peak production for a short time, we will continue to reap the benefits of a concerted conservation campaign for years to come. *The numbers show us that efficiency and renewables can address America's energy needs while we continue to protect the Arctic Refuge for future generations.*

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