



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

October 19, 2001

Honorable Frank A. Murkowski
Committee on Energy and Natural Resources
United States Senate
Washington, D.C. 20510

Dear Senator Murkowski:

A newspaper today wrote that three months ago Secretary Norton incorrectly responded to a written question from you regarding the historic calving range of the Porcupine Caribou herd.

In her response to you, Secretary Norton stated that the concentrated calving has taken place primarily outside the 1002 Area in 11 of the last 18 years. The newspaper article challenged this assertion. After reviewing the document, it turns out, we made a mistake in the letter. The letter should have said that in 11 of the last 18 years, concentrated calving has taken place inside the 1002 Area.

As you know, shortly after arriving at the Department of the Interior, Secretary Norton asked various bureaus within the Department, including the Fish and Wildlife Service, the U.S. Geological Survey and the Bureau of Land Management, to develop a comprehensive briefing to examine all the issues relating to the potential for oil and gas development in the 1002 Area, including the protection of the environment and wildlife resources. This effort was the first time in 15 years that the bureaus of the Department worked cooperatively in developing such a briefing. The information from this briefing can be downloaded from the World Wide Web, at www.doi.gov. In fact, the accurate text stating that concentrated calving occurred primarily on the 1002 Area in 11 out of 18 has been posted on the Department of the Interior's web site for several months.

I wanted to promptly clarify this point, after the mistake was brought to our attention.

Sincerely,

David L. Bernhardt

Director of Congressional and Legislative
Affairs and Counselor to the Secretary



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Washington, D.C. 20240

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Honorable Joseph I. Lieberman
United States Senate
Washington, D.C. 20510-0703

Dear Senator Lieberman:

This responds to your October 31, 2001 letter to Secretary Norton concerning her July 11, 2001 response to a May 15, 2001 letter from Senator Murkowski regarding the Arctic National Wildlife Refuge.

This Department believes that, in addition to federally funded government research, other sources of reliable scientific information should be considered. Scientists can and do disagree. There are often areas of interpretation and judgment. I respectfully ask that you contact Senator Murkowski as to whether we satisfactorily responded to his questions, and promptly corrected the error with respect to the issue of calving outside the 1002 Area.

Soon after arriving at the Department of the Interior, Secretary Norton asked the U.S. Fish and Wildlife Service (the Service), the U.S. Geological Survey, and the Bureau of Land Management to develop a comprehensive briefing examining the issues related to the potential for oil and gas development, including the protection of the environment and wildlife resources, in the 1002 Area of the Arctic National Wildlife Refuge. We believe this was the first time in 15 years that the bureaus of the Department have worked cooperatively to develop such a briefing. The resulting briefing is a fair and balanced view of the issues, and can be found on the websites of both the Department of the Interior and the Service. This briefing has also been given a number of times to Congressional staffers by career staff from three bureaus of this Department.

Your letter requested clarification on the following items:

"In the press you have stated that a simple "mistake" was made with your statement that "concentrated calving occurred primarily outside of the 1002 area in 11 of the last 18 years" when you should have said it was inside during that time. Since the Arctic National Wildlife Refuge was established over 40 years ago, the long-term record of caribou calving and insect-relief period is of interest, and the U.S. Fish and Wildlife Service did not summarize the data in terms of the most recent 18 years, but presented data for a much longer period. For what reason did you truncate the historical information held by the land managing agency, and not include the figure that had been provided by the U.S. Fish and Wildlife Service that "there have been PCH calving concentrations within the 1002

area for 27 of 30 years." In addition, please provide the complete record of calving and insect relief use of the coastal plain of the Arctic Refuge.

Answer: Senator Murkowski's letter asked "Are there portions of the 1002 Area where core calving does not historically occur?" The answer to that question is "yes." In our letter to Senator Murkowski we provided maps that illustrate calving over the past 18 years and the maps are correct, but we erred in a statement referencing this data. A copy of my letter, correcting that error, is enclosed. The Service's contribution to the draft response is also enclosed. As you can see in those draft materials, the Service's materials do not directly respond to the Senator's question. The Service provided data concerning calving over the past thirty years. Data from radio tracking, a more reliable method of assessing complex data, are available only for the past 18 years. The Service's record of Porcupine caribou herd calving and insect relief use of the coastal plain of the Arctic Refuge is contained in its draft response, the 1987 Legislative Environmental Impact Statement, and the DOI website, and copies of those materials are enclosed.

- It appears that you did not provide all maps furnished by the U.S. Fish and Wildlife Service regarding historical caribou calving areas. For what reason were these maps not included? Please provide these maps, as well as maps showing caribou post-calving or insect-relief areas.

Answer: The Service, the U.S. Geological Survey, and the Bureau of Land Management all provided information for the response to Senator Murkowski. I have attached the Service's draft response received by my office. It does not include any of the graphical material, such as maps and figures, referenced in the Service's submission. We did provide Senator Murkowski with maps that are available as part of the multi-bureau presentation referenced above on the Department's website.

- For what reason did you cite a "peer-edited" article in the Wildlife Society Bulletin by an oil industry funded researcher on the impacts of oil development to caribou instead of the peer-reviewed articles, and original research results, included by the U.S. Fish and Wildlife Service in their response?

Answer: We used both the article you mention from the Wildlife Society Bulletin (WSB) and the information provided to the Secretary by the U.S. Fish and Wildlife Service in our response to Senator Murkowski on the impacts of oil development on the Central Arctic caribou herd. It is my understanding that the data in the WSB article were gathered by the Alaska Department of Fish and Game, but not reported in print until published in the WSB article. The original research results in the WSB article were used as well as other material provided to the Secretary. As I previously stated, the Secretary believes that federally funded research, as well as other sources of reliable scientific information, should be considered.

- It appears that you did not include information provided by the Fish and Wildlife Service regarding the fact that calf production is lower when the Porcupine caribou herd does not use the 1002 area. For what reason was this information omitted?

Answer: Senator Murkowski did not ask this question in his letter. The Service's draft response provided information beyond the question asked by Senator Murkowski. It is not unusual for materials submitted in draft responses to be edited for responsiveness.

- It appears that you did not include information provided by the Fish and Wildlife Service regarding the fact that calving "pauses" (years in which caribou calves do not produce a calf) are higher in developed areas of Prudhoe Bay than in undisturbed areas. For what reason was this information omitted?

Answer: The information provided by the Service exceeded the information needed to address the question presented by Senator Murkowski, and was edited accordingly. The information provided by the Service about the Central Arctic herd relied primarily on data collected by the Alaska Department of Fish and Game between 1988 and 1994, and these data support differential birthing rates between the western and eastern segments of the herd. The article cited in your previous question by Matthew Cronin, Heather Whitlaw, and Warren Ballard points out that data from the Alaska Department of Fish and Game for the years between 1997 and 2000 do not support differential birthing rates. In addition, 1978-1992 Alaska Fish and Game data support a hypothesis that the Central Arctic herd had cow/calf ratios similar to ratios observed for three other herds in undeveloped areas.

- You stated that "[t]here is no evidence that seismic exploration activities or the drilling of the Kaktovik Inupiat Corporation exploratory well . . . have any significant negative impact on the Porcupine caribou herd." The Fish and Wildlife Service, however, simply stated that "[n]o studies were conducted to determine the effects" of these activities. Please explain what affirmative evidence underlies your statement.

Answer: Senator Murkowski's letter asked, "Did this exploration have any negative impact on the Porcupine caribou herd?" The Fish and Wildlife Service draft response states: "No studies were conducted to determine impacts of the above studies on the PCH. Considering the scope and timing of the 2-D seismic program of 1984 and 1985, and the KIC exploratory well, it is unlikely that significant or direct effects to the PCH occurred. This does not necessarily mean that future exploration activities would have the same consequences. They would need to be evaluated on a case by case basis." In addition, the 1987 Legislative Environmental Impact Statement prepared by the Service states on page 118 that "[w]inter seismic programs on the 1002 area in 1984 and 1985, and the

exploratory well drilling on adjacent KIC/ASRC lands in the winters of 1985 and 1986 resulted in no apparent adverse effects on either herd."

We believe this evidences the basis for our response to Senator Murkowski.

- **In characterizing the oil estimates in the Arctic Refuge, why did you omit the estimates of economically recoverable oil? Please provide the mean estimate at the current price of North Slope crude oil, and for the projected price by EIA for the year 2010.**

Answer: Senator Murkowski's question was "Based on best available data, what is the oil and natural gas potential of the 1002 area?" His next question then asked about "technically recoverable oil." We therefore answered with estimates of the amount of technically recoverable oil in the 1002 Area. In 1998, the U.S. Geological Survey published an updated review of the oil and gas potential of the 1002 Area. The primary focus of that review was the potential for technically recoverable oil. In an attempt to provide a more consistent estimate of the resources of the 1002 Area, the Department has used the estimates for technically recoverable oil in discussing the resources of the refuge, as opposed to the amount of in-place oil which is much higher, and the amount of economically recoverable oil which is lower but often difficult to quantify. As our response to Senator Murkowski pointed out, the estimate of economically recoverable oil resources used the most current information that was available in January 1996, which did not include the technological cost-saving innovations used by the industry during the development of Alpine, Tarn, and other recent discoveries. We have asked the Department's economists to prepare the economic data you have requested.

- **How long do you believe the process - from Congressional authorization to leasing regulations, lease sale, seismic exploration, drilling, and development - would take until first production?**

Answer: It is up to Congress to determine when the first lease in the 1002 Area should be. Given the potential size of discoveries there, we understand that production could occur as soon as 5 to 7 years after the first discovery.

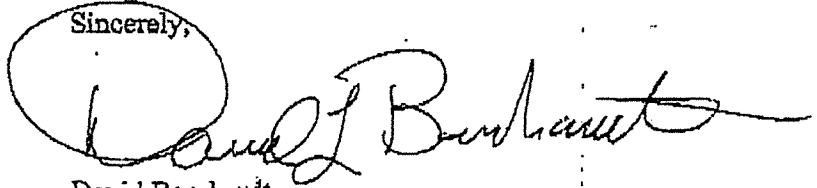
- **Please provide a time line of the Alpine oil field from first lease sale planning, lease sale, seismic exploration, exploration drilling, delineation drilling, development, and production.**

Answer: The Alpine oil field is on State-owned land. We have requested this information from the State of Alaska, and will provide it to you when we receive it.

Thank you for this opportunity to clarify our response to Secretary Murkowski. I would be happy

to discuss this further with you or your staff. I can be reached on 202-208-7693.

Sincerely,

A handwritten signature in cursive script, appearing to read "David Bernhardt". The signature is written in black ink on a white background.

David Bernhardt
Director of Congressional and Legislative Affairs
and Counselor to the Secretary

cc: Senator Fred Thompson
Senator Frank Murkowski
Senator Jeff Bingaman
Senator James M. Jeffords
Senator Robert C. Smith