

The tax bill, climate change and the Arctic National Wildlife Refuge

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The GOP's tax bill passed through Congress this week and President Trump is expected to sign it into law before the year is out. In this Q&A, Stanford Law Professor Deborah Sivas discussed the environmental implications of several provisions in the bill.

Included in the GOP's tax bill is a provision that will open up the Arctic National Wildlife Refuge to oil exploration and drilling. First, why is ANWR protected?

ANWR is a place of spectacular wilderness and biodiversity, unlike anywhere else in the U.S. It supports polar bears, a species now teetering on the brink of extinction, as well as grizzly (brown) and black bears, over 200 species of birds, huge caribou herds, and much more incredible wildlife. It is one of the last truly wild places left on Earth, largely untouched by human activity. And it is incredibly fragile. Oil-related drill rigs, roads, and other infrastructure, not to mention the potentially catastrophic impacts from [oil spills](#), pose significant risks to the ANWR ecosystem.

It is for these reasons that the Secretary of the Interior set aside nearly 9 million acres and withdrew the area from leasing, including oil and gas leasing, in 1960. Then in 1980, Congress enacted and President Carter signed a law that expanded the protected area to 19.3 million acres and renamed it the Arctic National Wildlife Refuge. That law mandated further assessment of oil and [gas development](#) on the 1.5-million-acre coastal plain and required congressional approval for any drilling. Another 8 million acres was designated as wilderness. That was the compromise struck nearly four decades ago, and since then many environmental groups and indigenous people have fought to protect the coastal plain area from oil and gas development.

What might oil drilling mean to the environment? What are the objections to

drilling from environmentalists?

There have been several attempts to open up the coastal plain to oil and gas development, including toward the end of the Reagan administration. But in 1989, we had the Valdez oil spill in Prince William Sound, which demonstrated how much damage can be done by an oil spill and how hard it is to clean up such an incident. For example, hundreds of thousands of birds were covered by oil and died. The responsive cleanup efforts, which involved scouring rocks with high pressure hot water, created their own damage to the flora and fauna, with long-lasting impacts. And as a nation, we saw how unprepared the industry was to deal with an accident and how hard it is to get cleanup personnel and equipment into Alaska. ANWR is even more remote and more fragile than where the Exxon Valdez ran aground. A major oil spill there could permanently damage the ecosystem, creating harm that could last literally for many decades.

Several attempts to open the ANWR coastal plain to oil drilling, usually in budget bills, have been thwarted, including in 2005, when Alaska's then-Senator Ted Stevens vowed to open the area to drilling no matter how long it takes. In 2015, the Department of the Interior proposed designating the remaining 12 million acres of ANWR as fully-protected Wilderness, including the coastal plain. Now, the new tax bill mandates that the Interior Department open ANWR's coastal plain to oil leasing – thereby finally achieving what special interests and some Alaska elected officials have, for decades, been unable to do.

How "climate aware" is the tax bill? For example, does the tax bill leave in place incentives for solar, wind and renewable energy development?

Although the original House tax bill would have scaled back tax credits for wind and solar power and for electric vehicles, those changes have been

mostly deleted from the reconciled bill. This is largely because some prominent Republicans, even some climate skeptics, have renewable energy industry in their states. For example, Iowa now gets one-third of its power from wind energy and Tesla is building a battery factory in Nevada, meaning that Republican senators from those states argued for maintaining these tax credits.

operations.

Provided by Stanford University

The administration also announced this week that the US no longer regards climate change as a [national security](#) threat. What does this mean—and why should we care about this? It seems to run contrary to the actions and statements made by coastal state governments such as California and New York.

This announcement is yet another problematic statement by the administration. In some ways, the U.S. military and national security establishment have been on the forefront of climate science and adaptation. This makes sense. Many military installations, for instance, are located on the coast, directly in harm's way as sea level rise accelerates. We are likely to see new international tension and conflict, especially between Russia and the U.S., as melting ice opens new shipping passages in the Arctic; the ability of Russian and other military vessels to expand their presence to North America is troubling for U.S. national security.

And probably most significant, we are poised to see worldwide population displacement, with millions – or hundreds of millions – of climate refugees fleeing rising sea levels, changing weather patterns, increasing catastrophic natural disasters, and declining food security. Much more modest population migration in response to Middle East conflict has already begun to fray Western European democracies. A destabilized world order, where mass global migration becomes much more common, will profoundly threaten national and international security. The question is whether this week's revised National Security Strategy is mostly just provocative words, like so much else from this administration, or whether it actually portends a shift in direction by those in the military and national security establishment. It is not yet clear whether the President's political rhetoric will actually have repercussions for our day-to-day national security

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