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[EXTERNAL] Coastal Plain Oil and Gas Leasing EIS Scoping Comments

1 message

Lisa Baraff <lisa@northern.org>
To: blm_ak_coastalplain_eis@blm.gov

Tue, Jun 19, 2018 at 6:01 PM

Dear Ms. Hayes,

Please see the attached comment letter submitted by the Northern Alaska Environmental Center.

I attempted to submit the attached comments several times via webform. However, the level of traffic must be such that it is crashing and I kept getting a message that the URL is not available.

Hence, this e-mail. I preferred to send this via webmail in order to get a confirmation of receipt. I hope are able to do the same via this format.

Thank you for your time.

Best,

Lisa Baraff

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Lisa Baraff

Program Director



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**Coastal Plain Leasing EIS Scoping Comments_Baraff_6-19-2018 _signed.pdf**

132K

June 19, 2018

Submitted via webform (<https://goo.gl/HVo5Mj>)

Nicole Hayes
Attn: Coastal Plain Oil and Gas Leasing Program EIS
222 West 7th Ave., Stop #13
Anchorage, Alaska 99513

Scoping Comments re: Notice of Intent to Prepare an Environmental Impact Statement for the Coastal Plain Oil and Gas Leasing Program

Dear Ms. Hayes,

Thank you for the opportunity to submit written scoping comments in response to the Notice of Intent to Prepare an Environmental Impact Statement (EIS) for the Coastal Plain Oil and Gas Leasing Program, Alaska, 83 Fed. Reg. 17562 (Apr. 20, 2018). These comments augment those I provided (on behalf of the Northern Alaska Environmental Center) during the pre-selected speaker testimony at the Fairbanks Public Hearing on 29 May.

We firmly believe that any oil and gas activities on the coastal plain (1002 Area) will have unavoidable, un-mitigatable, and irreversible destructive impacts on Arctic National Wildlife Refuge (Arctic Refuge) wildlife, wilderness, ecology, and climate, and that the purported revenue generation for which this rider was aligned with the Tax Cuts and Jobs Act (PL 115-97) is fantastical, unrealistic, and absolutely unachievable. North Slope lease sale history clearly reveals the impossibility of garnering \$2 billion in revenue through lease sales. To forever destroy a critical and irreplaceable landscape for false dreams of short term financial gain would be a travesty.

Despite this, the Bureau of Land Management (BLM) is charged with drafting a Leasing EIS, for which we provide the following comments outlining several issues that BLM must address when evaluating the impacts of an oil and gas program and considers lease sales on the coastal plain of the Arctic Refuge.

This is a cultural, human rights, and food security issue

For thousands of years, the Gwich'in of Northeast Alaska and Northwest Canada have relied on the Porcupine Caribou herd for food, shelter, clothing, and life itself. The coastal plain is a



vital birthing ground, nursery, and insect relief area for the Porcupine Caribou herd. The Gwich'in call the coastal plain "The Sacred Place Where Life Begins." Threats from oil and gas development on the Porcupine Caribou herd are threats to the Gwich'in way of life and the future existence of their people.

The DEIS must, therefore, address impacts on food security, subsistence rights and subsistence food availability, environmental justice, and resulting sociocultural effects on the Gwich'in and Inupiat people, and explain how these impacts will be mitigated or avoided.

To ensure full public participation, particularly from Indigenous peoples who will be most directly impacted, all published documents must be made available in, at a minimum, Gwich'in and Inupiaq and public meetings and Government to Government consultations must provide interpreters for Alaska Native speakers. Additionally, time must be allotted for hearings in all affected communities and allowed during hearings for all attendees desiring to speak to do so.

Health Impacts

The EIS must address impacts to human health and well-being from oil and gas exploration and development and clearly explain how impacts will be mitigated. This includes health impacts from degraded air and water quality, noise pollution, and subsistence access. Data – scientific, traditional, and anecdotal—on health impacts on Nuiqsut from nearby oil and gas development should be used as case studies. The DOI should conduct a Health Impact Assessment.

This is a transboundary issue

Impacts to the coastal plain transcend U.S. boundaries. The DEIS must address transboundary impacts and how BLM plans to uphold international agreements and consultation requirements, such as the 1987 agreement between the U.S. and Canada on the conservation of the Porcupine Caribou herd, migratory bird treaties, and international polar bear treaties and agreements.

Oil and gas leasing, exploration, and development are not compatible with the purposes of the refuge

The Arctic Refuge (originally created as the Arctic National Wildlife Range in 1960) is the only refuge established specifically "for the purpose of preserving unique wildlife, wilderness, and recreational values." The first four of the following purposes were added with the passage of



the Alaska National Interest Lands Conservation Act (ANILCA) in 1980; the fifth was added in 2017:

- (i) To conserve fish and wildlife populations and habitats in their natural diversity including, but not limited to, the Porcupine caribou herd (including participation in coordinated ecological studies and management of this herd and the Western Arctic caribou herd), polar bears, grizzly bears muskox, Dall sheep, wolves, wolverines, snow geese, peregrine falcons and other migratory birds and Arctic char and grayling;*
- (ii) To fulfill the international treaty obligations of the United States with respect to fish and wildlife and their habitats;*
- (iii) To provide, in a manner consistent with the purposes set forth in subparagraphs (i) and (ii), the opportunity for continued subsistence uses by local residents;*
- (iv) To ensure, to the maximum extent practicable and in a manner consistent with the purposes set forth in paragraph (i), water quality and necessary water quantity within the refuge; and*
- (v) To provide for an oil and gas program on the Coastal Plain. (P.L. 115-97, added in December 2017, with the passage of the tax bill)**

The recently added purpose (v) is not compatible with the original purposes. The draft EIS must explain how the USFWS and BLM will address this and ensure that the original purposes are not diminished or otherwise compromised by an oil and gas program on the coastal plain.

Including oil and gas as a refuge purpose could require the USFWS to prepare a compatibility determination as part of BLM's development of the oil and gas program; this has not yet occurred.

Oil and gas exploration and development are not permitted under the current Arctic National Wildlife Refuge Comprehensive Conservation Plan (CCP). BLM must acknowledge this discrepancy and describe plans to address this.

Adherence to other Federal laws

Developing an oil and gas plan on the coastal plain and drafting a leasing EIS, the BLM must recognize all of the purposes of the Arctic Refuge and adhere to and comply with stipulations and requirements of relevant federal laws, such as ANILCA, the Naval Petroleum Reserves Production Act (NPRPA), the Federal Land Policy and Management Act (FLPMA), the National



Wildlife Refuge Administration Act, the Endangered Species Act, the Marine Mammal Protection Act, the Migratory Bird Treaty Act, the Bald and Golden Eagle Protection Act the Wilderness Act, the Wild and Scenic Rivers Act, the Clean Water Act, the Clean Air Act, and international treaties.

Wilderness

Preserving wilderness values (which is not exclusive to congressionally-designated Wilderness) is one of the original purposes of the Arctic Refuge. Oil and gas exploration and development will irrevocably destroy the wilderness character of the coastal plain and will also impact the view shed of the designated Wilderness area to the south of the coastal plain. Leasing begets development and with development comes roads, pipelines, pads, airstrips, gravel mining, water withdrawals, housing, and other infrastructure. BLM must analyze potential impacts to wilderness—including impacts on ecological integrity, wildlife, waters, noise, air quality, vegetation, visual and recreational impacts – and provide mitigation strategies to prevent such irreparable damage.

Wildlife

Preserving unique wildlife was another founding purpose of the Refuge. Specifically, “to conserve fish and wildlife populations and habitats in their natural diversity including, but not limited to, the Porcupine caribou herd (including participation in coordinated ecological studies and management of this herd and the Western Arctic caribou herd), polar bears, grizzly bears muskox, Dall sheep, wolves, wolverines, snow geese, peregrine falcons and other migratory birds and Arctic char and grayling.”

The refuge provides essential habitat for countless species and the coastal plain is considered the “biological heart” of the Arctic Refuge. It is, among other things, a vital birthing ground, nursery, and insect relief area for the Porcupine Caribou herd, that migrates across northeast Alaska and northwestern Canada. Nearly a dozen villages on both sides of the border depend on it.

Some claim that caribou can and have co-existed with oil development on the North Slope for decades. Co-existing and thriving are not the same. Differences between the herds and geography must be considered. The coastal plain near Prudhoe is up to 100 miles wide, allowing caribou displaced from their traditional calving grounds to find similar habitats nearby, while in the Arctic Refuge it is only 10-40 miles wide and is fully utilized by the much larger Porcupine Caribou herd. Displacement similar to what occurred around Prudhoe



and Kuparuk would force Porcupine Caribou into areas with poor quality forage and higher predation.

Oil and gas leasing, exploration, and development are incompatible with preserving wildlife and their habitats. BLM must fully analyze potential impacts to wildlife and wildlife habitat and develop appropriate and adequate mitigation measures to ensure preservation of this unique wildlife complex in the biological heart of the Refuge in accordance with the purpose for which the Refuge was established. BLM must also use the best available science in making determinations and acknowledge data gaps, missing, and unavailable information.

Threatened and endangered species and ESA Section 7 consultations

Although not the only ESA-listed species in the refuge, the polar bear is the most iconic. The coastal region of the Arctic Refuge coastal plain is federally designated critical habitat for the threatened Southern Beaufort Sea population of polar bears. The coastal plain has the highest concentration of onshore denning sites for polar bears in the U.S. and denning occurs during the winter months when exploration and development are likely. Polar bear habitat in the Beaufort Sea is already profoundly affected by climate change. With diminished sea ice, bears are coming ashore more often and for longer periods of time. Denning on land is becoming more common place.

The BLM must evaluate the additive impacts of oil development on an already stressed threatened species, undertake ESA Section 7 consultation with the USFWS, and uphold international polar bear treaties.

Additionally, BLM must consult with the National Marine Fisheries Service on potential impacts to other ESA-listed marine mammal species under their jurisdiction, including bowhead whales and ringed and bearded seals.

2000 acres surface development limit

The tax bill passed in December (PL 115-97) “limits surface development to 2,000 acres for production and support facilities, *which need not be concentrated in a single area*” (emphasis added). This 2,000 acre footprint is often compared to a “postage stamp”, a dot on the tip of a nose, the size of an airport. Yet, this somewhat arbitrary number was borne out of a hearing on the Refuge in 1995 when a former BP official stated, “If today an oil field was built on the coastal plain — a series of oil fields, you would not occupy more than 2,000 acres of footprint. And in the future you can bet your boots it’s going to be reduced even more.”¹ However, these 2,000 acres may not be one contiguous spot; they could be spread throughout the coastal plain relative to locations of desired oil prospects. BLM must identify



all production and support facilities and structures that would be included in this limitation and explain how it will be implemented and enforced. BLM must also explain how it interprets this limitation to apply to the private and Alaska Native Corporation lands on the Coastal Plain (i.e., the KIC/ASRC lands and Native Allotments).

Alternatives and analyses must include all possible site scenarios for the 2,000 acre limit across the entire coastal plain, including analyses specific to each potential 400,000 acre lease sale.

Impacts associated with water withdrawals

Oil and gas development requires large quantities of water diversions and withdrawals. The coastal plain of the Arctic Refuge does not have readily accessible or available water in high quantities (this area differs greatly in that respect from the State and Federal lands to the west). BLM must list all potential water sources and thoroughly analyze potential impacts to aquatic and riverine systems – localized and downstream – and impacts on resources dependent on those systems and must do so in accordance with the refuge purpose to ensure water quality and quantity within the refuge.

Climate change

Arctic Alaska is ground zero for climate change; temperatures in the Arctic are rising at twice the rate of the rest of the country. Coastal erosion, melting permafrost, and altered landscapes are happening at a frightening pace. Oil drilling will compound these already devastating impacts locally and globally.

Climate change impacts must be analyzed in the EIS. This includes the contribution of the proposed actions to climate change from emissions on site and potential emissions from oil and gas once shipped out of state, processed, and burned as fuel. The analysis must also account for how the coastal plain is currently being impacted by climate change.

Cumulative impacts

NEPA requires analysis of all reasonably foreseeable past, present, and future actions and the additive, synergistic, and countervailing cumulative effects of proposed actions. BLM must evaluate all potential future leases on the coastal plain and adjacent federal, state, and Native Corporation lands and waters when assessing cumulative impacts.



BLM must consider a No Action Alternative and a range of alternatives

BLM must include and fully consider a No Action Alternative. NEPA and CEQ regulations mandate that agencies consider a no action alternative in all environmental reviews. Although the NOI states that BLM will consider various leasing alternatives, BLM must include a no-leasing (no action) alternative to comply with NEPA regulations. Without an accurate and thorough description and evaluation of a no action alternative that reflects baseline conditions, BLM will not be able to adequately determine impacts of the proposed action and would be out of NEPA compliance. NEPA also requires agencies to develop alternatives that avoid or minimize harm to the environment or enhance the quality of the environment. BLM must, therefore, fully develop and analyze a robust range of alternatives that would ensure adequate protection of coastal plain resources and comply with all applicable laws and policies. This includes alternatives that could preclude development at later stages. BLM must also list and describe alternatives considered, but not analyzed.

BLM must not expedite the EIS process

Recently issued Executive Order 13807 and DOI Secretarial Order 3355 seek to expedite and minimize NEPA review, processes, and document length. Such limits are arbitrary and inappropriate for most projects in Alaska, where affected communities are geographically dispersed and off the road system, critical subsistence gathering seasons are lengthy, and projects and their environmental impacts are often complex. This is particularly true for considering an oil and gas leasing program on the coastal plain.

The Secretarial Order imposes a 150-page limit for EISs, with the exception of a 300-page limit for “unusually complex projects.” Approval from high-level agency officials is required prior to exceeding these limits. This is unrealistic, as length is driven by project scope and the need to evaluate impacts as required by law. An oil and gas program for the coastal plain is unprecedented and BLM must consider the breadth of potential impacts from all phases of oil and gas activities.

The Secretarial Order requires completing all NEPA reviews within one year. During the scoping process, BLM officials outlined a timeline to complete the NEPA review and hold a lease sale by next summer (2019). The Leasing EIS must consider input from a variety of federal, state and local agencies as well as tribes and local communities. One year is grossly insufficient to allow time for consultation with affected tribal entities or to solicit input from



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affected remote communities, or from the nation's public, let alone to accrue necessary data, and to conduct thorough analyses.

Opening the coastal plain to oil and gas leasing will irreparably and irreversibly destroy this ecologically, biologically, and culturally important place. This is neither a simple place nor a simple issue. For that, we urge you to request a waiver to the Secretarial Order requiring EISs to be completed within 1 year.

Thank you for the opportunity to comment.

Respectfully yours,



Lisa Baraff
Program Director

¹ <https://www.arctictoday.com/busting-2000-acre-myth-drilling-alaskas-arctic-refuge/>

