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[EXTERNAL] ANWR: Comments for the Coastal Plain Oil and Gas Leasing EIS scoping period (ends 6/19/2018)

1 message

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Arctic National Wildlife Refuge: Comments for the Coastal Plain Oil and Gas Leasing EIS scoping period (ends 6/19/2018)

Considerations**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. 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, 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.

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 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 is the only refuge established specifically “for the purpose of preserving unique wildlife, wilderness, and recreational values.” Specifically, purposes include:

- (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 4 original purposes. The draft EIS must explain how the USFWS and BLM will address this and ensure that purposes i-iv 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 US FWS 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 stipulations and requirements of relevant federal laws, such as

ANILCA, the National Wildlife Refuge Administration Act, the Endangered Species 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.

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 commonplace.

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.

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 acres 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 that would be included in this limitation and explain how it will be implemented and enforced.

Alternatives and analyses must include all possible site scenarios for the 2,000 acres 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 land 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 also has to account for how the Coastal Plain is being impacted by climate change as well.

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.

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

Regards,

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