



CoastalPlain\_EIS, BLM\_AK &lt;blm\_ak\_coastalplain\_eis@blm.gov&gt;

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**[EXTERNAL] WCS Comments on EIS Notice of Intent**

1 message

**Sheldon, Colin** <csheldon@wcs.org>

Tue, Jun 19, 2018 at 1:04 PM

To: "blm\_ak\_coastalplain\_EIS@blm.gov" &lt;blm\_ak\_coastalplain\_EIS@blm.gov&gt;

Cc: "Noakes, Angela" &lt;anoakes@wcs.org&gt;

Good afternoon:

On behalf of Dr. Cristián Samper and the Wildlife Conservation Society, I would like to submit the attached comments on the Bureau of Land Management's *Notice of Intent to Prepare an Environmental Impact Statement for the Coastal Plain Oil and Gas Leasing Program, Alaska*. We appreciate the opportunity to comment on this agency action.

Regards,



Colin Sheldon

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June 19, 2018

The Honorable Ryan Zinke  
Secretary  
U.S. Department of the Interior  
c/o BLM, Alaska State Office  
Attention—Coastal Plain EIS  
222 West 7th Avenue, #13  
Anchorage, AK 99513-7599

Re: Notice of Intent to Prepare an Environmental Impact Statement for the Coastal Plain Oil and Gas Leasing Program, Alaska

Dear Secretary Zinke:

I am writing on behalf of the Wildlife Conservation Society (WCS) in response to the Bureau of Land Management's (BLM) Notice of Intent to Prepare an Environmental Impact Statement for the Coastal Plain Oil and Gas Leasing Program, Alaska.<sup>1</sup> WCS's conservation legacy in the Arctic National Wildlife Refuge goes back more than half a century. On an exploratory field survey co-sponsored by WCS, graduate student George Schaller, whose later work with WCS established him as the pre-eminent field biologist of his time, accompanied the famed Murie Expedition into northeastern Alaska. The expedition's findings prompted the Department of the Interior under the Republican Eisenhower Administration to set aside this dramatic landscape in 1960. On the basis of this and subsequent information, WCS continues to oppose oil and gas development in the Arctic National Wildlife Refuge, including the Coastal Plain, and urges the Administration and Congress to protect this unspoiled and treasured landscape from development.

WCS saves wildlife and wild places worldwide through science, conservation action, education, and inspiring people to value nature. To achieve our mission, WCS, headquartered at the Bronx Zoo, harnesses the power of its Global Conservation Program—in nearly 60 nations and in all the world's oceans—and its five wildlife parks in New York City, visited by 4 million people annually. WCS's Arctic Beringia Program and its field efforts in Chukotka, Alaska, and the Inuvialuit Settlement Region are working on the ground with local partners to find workable conservation solutions that allow development where appropriate while seeking to mitigate the impacts of transportation and industrial activities in the quickly changing Arctic that affect wildlife and their habitats, as well as the food and economic security of local residents.

BLM must fully evaluate the impacts of oil and gas development in the Arctic National Wildlife Refuge under the National Environmental Policy Act (NEPA). This includes an assessment of development impacts in the context of cumulative impacts, which is a term defined in regulations

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<sup>1</sup> Notice of Intent to Prepare an Environmental Impact Statement for the Coastal Plain Oil and Gas Leasing Program, Alaska, 83 Fed. Reg. 17562 (Apr. 20, 2018).

as: “the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions.”<sup>2</sup>

As BLM evaluates the impacts of oil and gas development in the Coastal Plain, it will need to account for all of the ways that development will harm this nearly pristine landscape and the people and wildlife who depend upon it—not just in Alaska, but also across the broader ecosystem and migratory pathways of wildlife, including into Canada. This includes impacts on the United States’ international commitments and relationships. It also must consider the immeasurable value that the Arctic Refuge provides as a cultural and subsistence resource to indigenous communities, to the United States and its interest in preserving our national heritage, and to international partners that value and rely upon healthy Arctic ecosystems.

Based on our experiences in the Arctic, WCS firmly opposes any oil and gas development in the Arctic National Wildlife Refuge. The comments below focus on the ecological values of the Refuge and the United States’ responsibilities to support Arctic conservation, which support our position that this development should not proceed. These, and all other impacts of development, must be fully analyzed in the Leasing Environmental Impact Statement being prepared by BLM.

### **Ecological Values of the Arctic National Wildlife Refuge and Responsibilities to Support Arctic Conservation**

The Arctic National Wildlife Refuge is home to a wide variety of wildlife and roughly 700 kinds of plants, 200 bird species, 47 mammal and 42 fish species can be found there. The Refuge provides important habitat and migration passage for a diverse array of wildlife, including caribou, wolverines, Arctic foxes, lemmings, gyrfalcons, ptarmigans, and a vast international assemblage of migratory birds that breed there in the summer. The Coastal Plain is the calving ground of the Porcupine Caribou herd, the only barren-ground caribou herd in North America that is not declining at present. It also has the highest density of denning polar bears in Arctic Alaska. Furthermore, for species like muskoxen, some population segments may be absent from an area such as the Coastal Plain, and then return because it assures the long-term food resources and other appropriate habitat components to facilitate reproduction and survival. Many species living in the Arctic Refuge are in jeopardy through much of the rest of their range.

In addition to the wildlife they support, these healthy ecosystems have been, and continue to be, relied on by local indigenous communities for maintaining food security and cultural identity. The Porcupine Caribou herd, in particular, is essential to the culture and food security of peoples in Alaska and Yukon.

The Arctic National Wildlife Refuge also represents the most significant protected landscape that the U.S. has in the Arctic and helps fulfill international commitments made by our country. For example, this area helps fulfill numerous responsibilities for the United States as a member of the Arctic Council, such as those articulated in recommendations that have been agreed to from the Arctic Council’s working groups such as the Conservation of Arctic Flora and Fauna. These

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<sup>2</sup> 40 C.F.R. § 1508.7.

include “identifying and safeguarding important areas for biodiversity,” and “addressing individual stressors [e.g., habitat modification] on biodiversity.”<sup>3</sup>

Several specific areas of concern which must be analyzed include bilateral responsibilities for transboundary conservation, the importance of coastal areas to wildlife and ecosystem services, impacts on migratory birds, and the cumulative effects of development in a rapidly changing Arctic.

### ***1. Bilateral Responsibilities Toward the Transboundary Conservation of Key Species***

The Arctic National Wildlife Refuge and the Coastal Plain are important habitat for transboundary species and any analysis of the impacts of development in the Coastal Plain must consider the transboundary impacts of that development. The Coastal Plain is the calving ground of one of America’s largest caribou herds, known as the Porcupine caribou, which migrates widely through the region in both the U.S. and Canada. Belonging to the barren-ground ecotype of this species, it was assessed as Threatened in Canada by the Committee on the Status of Endangered Wildlife in Canada, in November 2016;<sup>4</sup> community consultation for listing under the Canadian federal Species at Risk Act is ongoing across northern Canada. Throughout its transboundary range, Porcupine caribou are an essential subsistence and cultural resource for local communities.

The significance of barren-ground caribou to the peopling of northern North America is evident from archaeological findings tracking the distribution of people and caribou as long as 12-15,000 years ago in the central range of the Porcupine herd. Today, this herd numbers at 218,000 individuals, having grown annually by 3.7% since 2010.<sup>5</sup> One of the largest herds in North America, it is the only one currently on an increasing trend, with many others having experienced profound declines over the past decade.

As a species, caribou demonstrate a well-documented sensitivity to human disturbance, having a significantly wide zone of influence relative to new roads (> 20 km) and poor population responses (e.g., recruitment) in the face of cumulative disturbance. In spite of a lengthy history of mitigation measures deployed in Prudhoe Bay, there has been little learning from these experiences, with no documentation in either gray or peer-reviewed literature. For example, any positive caribou population trends cannot be separated from the sustained practice of predator control that occurred in tandem with oil development in central Alaska. In the particular geography of the Coastal Plain lands, the coastal strip for calving is particularly narrow such that any displacement of calving will be into foothills where calf survival is known to be reduced. Any assessment will have to grapple with the complexity of effects on the full range of this herd, including cumulative effects.

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<sup>3</sup> Conservation of Arctic Flora and Fauna (CAFF), Arctic Biodiversity Assessment: Report for Policy Makers, CAFF, Akureyri, Iceland (2013), available at <https://www.caff.is/assessment-series/arctic-biodiversity-assessment/229-arctic-biodiversity-assessment-2013-report-for-policy-makers-english>.

<sup>4</sup> COSEWIC, COSEWIC assessment and status report on the Caribou *Rangifer tarandus*, Barren-ground population, in Canada, Committee on the Status of Endangered Wildlife in Canada, Ottawa (2016), available at: <http://www.registrelep-sararegistry.gc.ca/default.asp?lang=en&n=24F7211B-1>.

<sup>5</sup> Press release, Government of Yukon, New Population Estimate for the Porcupine Caribou Herd (Jan. 3, 2018), available at <http://www.gov.yk.ca/news/18-002.html>.

The Porcupine caribou herd is unique for its transboundary distribution and is thus covered by an international agreement signed between Canada and the United States in 1987.<sup>6</sup> The Canadian government has stated its opposition to development in the Arctic Refuge, including statements in April 2018 that “Canada supports the continued conservation of the Porcupine caribou herd’s habitat, including in the Arctic refuge, and opposes opening this area to resource development” and that “[t]he federal, territorial and Indigenous governments in Canada are united in their commitment to conservation of the herd and its habitat.”<sup>7</sup> BLM must take into account the proposed action’s impacts on the United States’ international commitment to protect the Porcupine caribou herd.

Similar attention needs to be given within the EIS to other transboundary shared populations including Lesser snow geese, White-fronted geese, polar bears, and muskoxen to fully analyze the impacts of development in the Arctic National Wildlife Refuge.

## ***2. BLM Must Address the Importance of Coastal Areas for Nesting Waterfowl and Fish Species that are Critical to Ecosystem Function and Coastal Food Security***

Much of the Arctic coast in northern Alaska is protected by a chain of barrier islands. The islands are a narrow band (50-150m wide) of largely unvegetated sand and gravel that protect shallow brackish and very productive lagoons. This system of barrier islands and lagoons, including those of the Arctic National Wildlife Refuge are vital to breeding and migrating birds, providing food and potentially protection from mammalian predators.<sup>8</sup>

The most common breeding birds on the barrier islands are common eiders. The National Fish and Wildlife Foundation (NFWF) along with the current Arctic LCC (Strategic Action Plan 2014-2016) and the U.S. Fish and Wildlife Service (USFWS) have identified the conservation of nesting eiders as a priority focus due to population declines of these birds, and associated risks to Alaska Native food security. Pacific common eiders declined by 50-90 percent between 1957 and 1992, and stabilized at these reduced numbers. They are listed as USFWS Birds of Management Concern and Audubon Watch List species. Although the decline of common eiders has occurred across their range, those breeding on barrier islands in the Beaufort and Chukchi seas are especially susceptible to climate-mediated factors and effects from development, and have therefore been designated a USFWS Tier 1 Priority Species, pilot Flagship Surrogate Species, and a Focal Species for the barrier islands and associated lagoon ecosystems. These barrier islands are also breeding areas for long-tailed ducks, black brant, Canada geese, and gulls and terns. The impacts of development to these waterfowl must be considered.

Marine waters and lagoons in the Arctic National Wildlife Refuge totaling approximately 91,000 acres are designated as a Marine Protected Area (MPA) and part of the National System of Marine Protected Areas.<sup>9</sup> BLM must consider how development would impact the functioning of

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<sup>6</sup> Agreement on the Conservation of the Porcupine Caribou Herd, with Annex, U.S.-Can., July 17, 1987, 2174 U.N.T.S. 267.

<sup>7</sup> The Canadian Press, Canada to Oppose Oil Drilling on Caribou Habitat in Alaska, (Apr. 23, 2018, 4:24 PM), <http://www.cbc.ca/news/canada/north/anwr-drilling-caribou-canada-oppose-1.4632099>.

<sup>8</sup> See, e.g., John M. Pearce et al., Summary of Wildlife-Related Research on the Coastal Plain of the Arctic National Wildlife Refuge, Alaska, 2002–17: U.S. Geological Survey Open-File Report 2018–1003 (2018), available at <https://pubs.er.usgs.gov/publication/ofr20181003>.

<sup>9</sup> U.S. Fish and Wildlife Service, Arctic National Wildlife Refuge, Revised Comprehensive Conservation Plan, Final Environmental Impact Statement, Wilderness Review, Wild and Scenic River Review (2015), at 1-40, 4-13.

these offshore areas, such as how equipment being brought into the Refuge by barge could reduce water quality or shoreline features, or how changes in predator use of these areas could negatively impact nesting waterfowl.

Finally, impacts on fish species in coastal lagoons, ecosystem functions in coastal areas, and coastal food security must be fully considered.

### ***3. The Imperative to Protect Internationally Prioritized Migratory Shorebirds***

In addition to waterfowl, many other species of migratory birds use the barrier islands and lagoon system as a resting and feeding area while on migration. These species are prioritized in numerous national and international fora, including with respect to the East Asian-Australasian and Pacific Flyways. Agreements through the Arctic Council's Arctic Migratory Bird Initiative (AMBI) and with the Convention for Migratory Species (CMS) also emphasize the need to protect breeding, staging, and wintering habitats for these birds. At least twenty species of shorebirds stage in the lagoon systems prior to fall migration from breeding grounds on the Arctic Coastal Plain. In the event of an oil spill, oil in the shallow lagoon and barrier islands ecosystem lining the Arctic coastline would effectively be there for any foreseeable future, with lasting impacts on the ecological integrity of those environments, and the birds breeding in these areas. These impacts must be fully considered in the EIS.

### ***4. Cumulative Impacts and the Rapidly Changing Arctic***

In light of the continued interest in expanding energy development in the Arctic, including the National Petroleum Reserve in Alaska and the Outer Continental Shelf, the consideration of cumulative impacts should consider the impacts of increased energy development across the North Slope of Alaska. If development were to proceed across the region from the Chukchi Sea to the Arctic Refuge, wildlife and ecosystems will experience impacts from development at a scale not previously seen, which must be fully assessed and weighed.

Further, the Arctic is one of the fastest changing environments on the planet where wildlife and people are racing to adapt to new environmental conditions. The role of the Arctic National Wildlife Refuge as an area supporting resilience for wildlife is invaluable and cannot be discounted.

## **Consultation and Process**

WCS also has significant concerns with the timeline put forth by the Administration for the environmental impact statement process. Statements made by Administration officials indicate that the Department of Interior intends to complete the EIS process and hold the first lease sale on the Coastal Plain in 2019,<sup>10</sup> even though Public Law 115-97 does not require that a lease sale be held until late 2021.<sup>11</sup> Secretarial Order 3355 sets out page and time limits for EIS's unless an

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<sup>10</sup> S&P Global Platts, US Interior Sees Arctic National Wildlife Refuge Lease Sale as Soon as July 2019: Assistant Secretary Balash (June 1, 2018, 9:30AM), <https://www.platts.com/latest-news/natural-gas/anchorage/us-interior-sees-arctic-national-wildlife-refuge-26967711>.

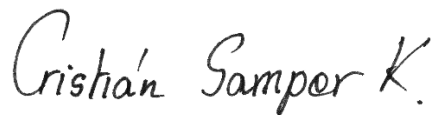
<sup>11</sup> Act of Dec. 22, 2017, Pub. L. No. 115-97, § 20001.

exception is approved by the responsible Assistant Secretary.<sup>12</sup> Given the scope and gravity of the impacts at issue in developing this currently intact, healthy ecosystem that supports the wildlife, natural resources, and human communities discussed above, WCS urges the Department of Interior not to unnecessarily or arbitrarily limit this environmental review. Further, the Administration must consult with all levels of government representing people who would be affected by the development in the Coastal Plain. In particular, indigenous communities must be thoroughly consulted and provided sufficient time to give thoughtful comment and input.

## **Conclusion**

The Arctic National Wildlife Refuge is one of our last great wildernesses and a part of our national heritage. Any oil and gas development will fundamentally change the nature of this landscape, destroying habitat for wildlife and threatening the way of life of communities that have lived there for thousands of years. WCS remains firmly opposed to any development in this landscape and urges the Department of Interior and the Congress to work to protect this special place.

Sincerely,

A handwritten signature in black ink that reads "Cristián Samper K." The signature is written in a cursive, flowing style.

Cristián Samper, Ph.D.  
President and Chief Executive Officer

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<sup>12</sup> U.S. Department of the Interior, Secretarial Order No. 3355, Streamlining National Environmental Policy Act Reviews and Implementation of Executive Order 13807, "Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects," Aug. 31, 2017, *available at* [https://www.doi.gov/sites/doi.gov/files/uploads/3355\\_-\\_streamlining\\_national\\_environmental\\_policy\\_reviews\\_and\\_implementation.pdf](https://www.doi.gov/sites/doi.gov/files/uploads/3355_-_streamlining_national_environmental_policy_reviews_and_implementation.pdf).