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[EXTERNAL] scoping comments

1 message

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To the BLM:

The Alaska National Interest Lands Conservation Act of 1980 (PL 96-487 aka ANILCA), in effect, expanded the pre-existing 8.9 million-acre Arctic National Wildlife Range, which included the coastal plain, to the 19.6 million-acre Arctic National Wildlife Refuge. All of the original range except the coastal plain was designated "wilderness area" because of potential oil and gas underneath it. The destiny of the coastal plain has been contested ever since.

The coastal plain is also sometimes called the 1002 area because Section 1002 of ANCILA applies to it. Section 1002 calls for "Arctic National Wildlife Refuge Coastal Plain Resource Assessment." At the Fairbanks Scoping Meeting of May 29, 2018, I gave a professional reader's reading of this section. First, Section 1002 calls for a "comprehensive and continuing inventory and assessment of the fish and wildlife resources of the coastal plain." Secondly, Section 1002 calls for "an analysis of the impacts, of oil and gas exploration, development, and production." This raises the question concerning "impacts"—on whom or what? The first part of this section sets up fish and wildlife as primary, as does the requirement that authorized exploratory activities be done in a way that "avoids significant adverse effects on the fish and wildlife and other resources."

The overarching Purposes of the Act, set out in Section 101, also make clear that the whom or what are fish and wildlife and "nationally significant natural, scenic, historic, archeological, geological, scientific, wilderness, cultural, recreational, and wildlife values," which are for present and future generations' "benefit, use, education and inspiration." It is also the intent of ANCILA "to provide the opportunity for rural residents engaged in a subsistence way of life to continue to do so." This applies to the Gwich'in People, who depend upon the Porcupine Caribou Herd, who depend upon the coastal plain as their birthing ground. It could apply as well to other Alaska Native Peoples, such as the Inupiat of the coast.

According to ANCILA, including with reference to the 1002 Section, oil and gas activities may proceed only if they can do so without adverse effects on the health of the coastal plain as a home for life. Oil and gas activities may proceed only if they can do so in accordance with the Section 101 Purpose of ANCILA (detailed in Section 810), including protecting subsistence needs of the area's interdependent Peoples.

For millennia, the Gwich'in People have depended—nutritionally, culturally, and spiritually—on the Porcupine Caribou Herd who birth on the coastal plain. Caribou make up 80% of the Gwich'in subsistence diet. As Bernadette Demientieff, director of The Gwich'in Steering Committee, stresses, "My elders are my scientists. They have been living in this area a lot longer than anybody else. And, when they say this [oil and gas activities] is the wrong thing to do, when they say that our way of life is at risk, I'm gonna take their word before anybody else's. They know our animals." Additionally, institutionalized scientists report evidence that caribou cows with newborn calves are particularly sensitive to disruptions. They will move as many as 1.5 miles away from human disturbance. Within the unique coastal plain, which is relatively narrow, there is not much alternative space into which displaced cows could move their young.

BLM would need to be able to give highly certain evidence that oil and gas activities will not breach the purposes of ANCILA, which are primarily to protect fish and wildlife—caribou as well as musk oxen, polar bears, over 135 kinds of birds, plants, soils and the permafrost upholding them—and other natural values as well as cultural values, including traditional subsistence for present and future generations. There is already plenty of evidence that oil and gas activities and ANCILA's primary purposes are not compatible. BLM must respect this evidence, particularly taking into account the knowledge of Gwich'in and other Alaska Natives who know this land better than anyone else and have been responsible to it for longer than anyone else.

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