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[EXTERNAL] Comments on an Arctic National Wildlife Refuge Oil and Gas Leasing Program

1 message

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Tue, Jun 19, 2018 at 4:13 PM

To: "Blm_ak_coastalplain_EIS@blm.gov" <Blm_ak_coastalplain_EIS@blm.gov>

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WWF Arctic Refuge lease sale comments to BLM June 19 2018.pdf

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June 19, 2018

Nicole Hayes
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Via email: Blm_ak_coastalplain_EIS @blm.gov

Comments on an Arctic National Wildlife Refuge Oil and Gas Leasing Program

Dear Ms. Hayes,

On behalf of World Wildlife Fund's one million members, we provide these comments on the Bureau of Land Management's Notice of Intent to Prepare an Environmental Impact Statement for an oil and gas leasing program on the Coastal Plain of the Arctic National Wildlife Refuge (83 Fed. Reg. 17562 (Apr. 20, 2018)), henceforth referred to in this letter as Artic Refuge.

WWF supports a sustainable vision for the Arctic. The proposed oil and gas program would be focused on the Coastal Plain, the biological heart of the Arctic Refuge, and is incompatible with any vision of sustainability. The Coastal Plain supports a large and unique array of wildlife and habitat features, including America's largest concentration of on-shore polar bear dens; birds that migrate from every continent, and caribou from four different herds that use the Coastal Plain for some portion of their life history. The Arctic is changing rapidly and dramatically due to warming global temperatures. Oil and gas activities on the Coastal Plain risk great harm to this unique and irreplaceable landscape and to the people who depend on the subsistence resources that it provides. Furthermore, given the global significance of the Coastal Plain, the adverse impacts of oil and gas development here will be felt far beyond the Arctic. For these reasons, WWF opposes oil and gas activities on the Coastal Plain of the Arctic Refuge.

As an initial matter, we note that the December 2017 congressional authorization for an oil and gas leasing program newly provided that such a program is now a stated purpose of the Coastal Plain. This change in the mission of the Arctic Refuge is an unprecedented and disturbing action that cuts sharply against the integrity of the national wildlife refuge system. To this point in history, the United States has provided a world-wide example of the value of designating and protecting valued public lands. This change erodes the public land stewardship

example set for the world by the United States and provides another reason for which WWF opposes this oil and gas leasing program.

Although Congress authorized an oil and gas leasing program, it did not waive or modify existing laws that might apply to such a program, a point emphasized by Senator Murkowski in her comments in support of the bill. Neither did Congress modify the original purposes of the Arctic Refuge, all of which are focused on conserving and preserving the incredible wilderness and human values of the Refuge. In accordance with Interior Department policy, in instances where potential conflicts exist between multiple refuge purposes, conservation-oriented purposes take precedence over other purposes. See U.S. Fish and Wildlife Service 601 FW 1, 1.15, <https://www.fws.gov/policy/601fw1.html>).

BLM therefore must address in detail how it plans to ensure that an oil and gas program on the Coastal Plain does not upset the original Arctic Refuge purposes. BLM should also include a robust no action alternative in its EIS, as that alternative may be the only one through which BLM can satisfy existing legal obligations.

As a global conservation organization with a long history in Arctic conservation, WWF has numerous concerns related to the proposed leasing program in the Coastal Plain and its potential impacts on wildlife and the vast intact habitat now protected in the Arctic Refuge.

WWF has special interest and expertise in the conservation of polar bears, both in America's Arctic and throughout the circumpolar Arctic. Existing data reveals that the Coastal Plain of the Arctic Refuge provides the greatest concentration of on-shore polar bear dens in America's Arctic. Indeed, the threat of climate change to polar bears, and the importance of the Refuge's Plain, led the United States to designate the Refuge's Coastal Plain as critical habitat for polar bears. Beaufort Sea polar bears are increasingly using land for denning. As warmer temperatures lead to loss of sea ice, polar bears are likely to more frequently den on land, thereby increasing the likelihood of human-caused disturbance.¹

At the same time, knowledge gaps on polar bears are plentiful, including how they could be affected by oil and gas activities. BLM therefore should gather data to fill such gaps in our scientific understanding of polar bears – especially to thoroughly analyze the direct, indirect and cumulative impacts that an oil and gas program on the Coastal Plain might have on polar bears.

Given the significance of the Coastal Plain as a key habitat for polar bear maternity dens, oil development in the Coastal Plain and the many forms of disturbance associated with infrastructure, traffic and the general increase in human activity is likely to pose severe challenges for the US to fulfill the 1973 International Agreement on the Conservation of Polar Bears. As a signatory to this Agreement, the United States is obligated to protect polar bear habitat, as specified in Article II of the Agreement:

¹Olson, J.W., Rode, K.D., Eggett, Dennis L., Smith, T.S., Wilson, R.R., Durner, G.M., Fishbach, A., Atwood, T.C., Douglas, D.A. . 2016. Collar Temperature Sensor Data Reveal Long Term Patterns in Southern Beaufort Polar Bear Distribution on Pack Ice and Land. *Marine Ecology Progress*.

Each Contracting Party shall take appropriate action to protect the ecosystems of which polar bears are a part, with special attention to habitat components such as denning and feeding sites and migration patterns and shall manage polar bear populations in accordance with sound conservation practices based on the best available scientific data.

At a time when the Southern Beaufort Sea polar bear population is in significant decline due to unfavorable sea ice conditions and a resulting decline in prey availability,² BLM must address the implications of the proposed development in meeting these treaty obligations.

Across the planet, the conservation of large species requiring extensive areas of habitat, are imperiled.³ Maintaining fully intact territories for species such as bears, wolverines, and wolves, which utilize large areas of land, is essential for the future of North American biodiversity. The EIA should fully analyze how a footprint of 2,000 acres of infrastructure spread across the Coastal Plain will impact the movements and other life history stages of megafauna of the Arctic.

Similarly, the Coastal Plain of the Arctic Refuge is also an essential portion of land for the long-term health and viability of the Porcupine caribou herd, the long-distance migration of which is a remarkable global natural phenomenon in its own right. This caribou herd also has major cultural significance and provides for subsistence by indigenous peoples in the United States and Canada. Caribou from this storied herd use the Coastal Plain for calving, post-calving, insect relief and other habitat needs during the short and intense Arctic summer. Unlike the wide Arctic Coastal Plain to the west of the Arctic Refuge, the Coastal Plain located within the territory of the Arctic Refuge is narrow between the mountains and the ocean and provides less displacement habitat for caribou. BLM therefore must analyze in-depth the potential direct, indirect and cumulative impacts that an oil and gas program on the Coastal Plain might have on caribou as well as the people that rely on them. Notably, the Porcupine caribou herd is also the subject of an agreement between the United States and Canada, which BLM must disclose and address in its EIS.

Given the importance of the caribou for centuries in the lives of Arctic indigenous peoples residing in this region, BLM must conduct a cultural impact assessment: to meet NEPA requirements, BLM should complete an examination of the impacts on the human environment through a “Health Impact Assessment.” Also, in compliance with ANILCA, BLM must conduct a “Section 810” analysis to assess potential impacts of the proposed development on subsistence.

² Bromaghin, Jeffrey F., McDonald Trent L., Stirling Ian, Derocher Andrew E., Richardson Evan S., Regehr Eric V., Douglas David C., Durner George M., Atwood Todd, Amstrup, Steven C. Polar bear population dynamics in the southern Beaufort Sea during a period of sea ice decline. Ecological Applications. 01 April 2015 <https://doi.org/10.1890/14-1129.1> (web link: <https://esajournals.onlinelibrary.wiley.com/doi/abs/10.1890/14-1129.1>)

³ Lindsey, Peter A., Chapron, Guillaume, Petracca, Lisanne S., Matthew Hayward, Henschel, Phillip, Hinks, Amy E., Garnett, Steven T, Macdonald, David W., Macdonald, Ewan A., Ripple, William J., Zander, Kerstin, Dickman, Amy. Relative Efforts of Countries to Conserve World’s Megafauna. Global Ecology and Conservation. Volume 10, April 2017, Pages 243-252. web link: <https://www.sciencedirect.com/science/article/pii/S2351989416300804>

Furthermore, the Arctic Refuge includes lagoons and barrier islands of the Beaufort Sea. The EIS must also analyze how the planned infrastructure will overlap with and interact with nesting and forage areas for marine mammals and other species utilizing these nearshore habitats of the Arctic Refuge.

Marine mammals such as ice seals and whales, important in their own right as well as for the critical subsistence and cultural values that they provide to Native peoples, are potentially impacted by an oil and gas leasing program on the Coastal Plain. BLM therefore must analyze in-depth the potential direct, indirect and cumulative impacts that an oil and gas program on the Coastal Plain might have on the Refuge's protected marine areas and the marine mammals that use them and the people that rely on those marine mammals. International obligations exist with respect to these animals as well, which BLM must therefore address in its EIS.

The Coastal Plain of the Arctic Refuge is also a seasonal home to myriad bird species, which travel from all states of the union and all continents to spend a portion of their life cycle here. As with polar bear and caribou, there may be limited displacement habitat for such birds, and thus they could be heavily impacted by oil development and associated pollution. BLM must analyze the direct, indirect and cumulative impacts of a Coastal Plain oil and gas program on these birds, as well as the people that rely on them in the Arctic and elsewhere.

Importantly, impacts to these animals and the human values they support could come from the pollution that flows from oil and gas industrialization. Unfortunately, experience in the world's oil fields, including those to the west of the Arctic Refuge Coastal Plain, demonstrate that such pollution is inevitable and difficult to mitigate. Oil spills, for example, come from exploration and production drilling and associated activities including transportation of oil to markets in the United States and elsewhere. Air pollution can come from accidental or intentional releases of gas, which also create the risk of explosion. Noise pollution and disturbance from sound, which can occur from seismic activities all the way through production activities, are also inevitable and potentially damaging to Refuge values, wildlife and people. BLM must address these and other pollution risks in its EIS, acknowledging both the limitations in prevention and response, as well as the direct, indirect and cumulative impacts of such pollution on ecosystems, wildlife and people.

The above listing of sensitive Arctic Refuge values and potential impacts reflects just a portion of what BLM must analyze as it prepares a draft EIS. A rigorous analysis is not only supported by the law and the congressional sponsors of the Arctic Refuge drilling provisions, it is also supported by the iconic nature of the Arctic Refuge and the many decades of protection it has enjoyed since its original establishment in 1960. Indeed, the Arctic Refuge has come to physically symbolize the very meaning of the concept of "refuge" – a safe haven, a condition of being safe or sheltered from danger.

Climate change impacts

BLM is proposing development in the Coastal Plain at an unprecedented time on the planet: In the Arctic, temperatures are rising twice as fast as the global average. Arctic

ecosystems, like those encompassed in the Arctic Refuge, are changing rapidly. Shifting patterns, frequency and intensity of precipitation, snow cover and wildfires are already impacting terrestrial ecosystems. Musk oxen, caribou and other grazers dependent on tundra vegetation are now more frequently affected by winter thawing and rain-on-snow events. In some regions, the growth of shrub vegetation contributes to Arctic “greening” while in other regions, decreased productivity is leading to Arctic “browning.” All of these changes represent sources of stress for wildlife species that evolved over centuries to thrive in the Arctic⁴. To initiate a program of oil and gas leasing at this time will further exacerbate these stressors at a time when all efforts should be made to enhance, not erode, ecosystem resilience.

BLM must consider in its EIS the massive climate-change-induced shifts in Arctic ecosystems. For example, long-term data collection shows that in the last thirty years, warming ground temperatures have contributing to the thawing of permafrost. Given the unique and varied geological, chemical and biological features across the Coastal Plain, the thawing of permafrost is likely to occur in a non-uniform pattern. Much is still unknown about the impacts of permafrost degradation on hydrology and other elements of Arctic ecosystems⁵. BLM must analyze how these changes will occur in the Coastal Plain, and how planned development will exacerbate, or interact with areas of permafrost experiencing thawing.

The stunted manner in which Congress used the Tax Act to fast-track authorization of an oil and gas program on the Arctic Refuge places an added moral burden on BLM. BLM must now confront in an open and transparent manner the most difficult questions that arise from planning to impose industrial development in such a pristine place. It is therefore disturbing to see that BLM’s current plans are to tackle this challenging task in an artificially expedited time frame, with a goal of holding a lease sale by the fall of 2019. Our nation’s laws exist to benefit the people of our great country, and BLM does them a disservice by rushing through a process that is intended to inform the agency’s decision-making with science and public input. Please, therefore, take the time necessary to do a thorough job, inclusive of all Americans, including the first peoples, who are in the most direct line of impact, and the majority in this country who oppose oil and gas activities on this, our nation’s most-treasured, refuge.

Sincerely,



Margaret Williams
Director, WWF US Arctic Program

⁴ Snow, Water, Ice, and Permafrost in the Arctic: Summary for Policy Makers. 2017. Arctic Monitoring and Assessment Program. Arctic Council.

⁵ Grosse Guido, Goetz Scott, McGuire, A Dave, Romanovsky, Vladimir E and Schuur, Edward A G. Changing Permafrost in a Warming World and Feedbacks to the Earth System. 30 March 2016 Environmental Research Letters
Web link: <http://iopscience.iop.org/article/10.1088/1748-9326/11/4/040201/pdf>