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BCM
Coastal Plain Program E15
222 West 7th Avenue, #13
Anchorage, Alaska 99513

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June 1, 2018
2428 Tulik Drive
Anchorage, Alaska

Bureau of Land Management
Attn: Coastal Plain Program Environmental Impact Statement
222 West 7th Avenue, #13
Anchorage, Alaska 99513

Re: Scoping comments for draft environmental impact statement

Dear Regulator:

Let me say upfront that P.L. 115-97, providing for an oil and gas program on the coastal plain of the Arctic Refuge, is about the worst idea I have ever heard. Senators Murkowski and Sullivan and the president and you should be protecting that increasingly important place as among the world's last great wildernesses. The new law will run roughshod over the Native people who rely on the coastal plain. The law is another commercial land grab in a long history of government takings. I'm ashamed that all you government people are associated with that proposal.

Over more than twenty years, I've worked on the North Slope off and on. I'm familiar with oilfield operations, facilities, and their environmental compliance history. In addition, I'm familiar with several Arctic slope rivers and floodplains, working on them for oil spill response preparedness and floating them recreationally. I view the oilfields and the Arctic Slope through the lens of forty years in Alaska and with a science background.

With that said, your EIS scope should address the elements listed below.

EIS adequacy and scope

BLM must evaluate all potential future leases on the coastal plain as well as developments on the adjacent federal, state, and Native corporation lands and waters to assess cumulative impacts. NEPA requires you to analyze all reasonably foreseeable past, present, and future actions and the additive, synergistic, and countervailing cumulative effects of proposed actions. Consider future actions and future impacts that will proceed in perpetuity. That is, your projections of environmental losses must account for those costs over indefinitely long time periods in the case of many impacts.

By the term reasonably foreseeable, I mean conditions expected on the basis of best science and engineering efforts. Those go beyond reliance on existing studies and extend to new studies where data are useful for the EIS to foresee the effects of leases and lease stipulations. Many private and government organizations go the effort of filling data gaps when it is necessary for meeting their planning goals. Relying only on existing data, often out of date and spotty, because it is faster and cheaper is not acceptable for meeting the goal of foreseeing effects of alternatives reasonably and your obligation to employ best science.

In addition, expected industrial effects cannot be considered only within the bounds of the leases. Instead, region-wide effects of industry, of which the coastal plan development may contribute a part, must be projected as well. An example is sulfur and nitrous oxide emissions, currently generated by the existing central Slope facilities as well as from Asia. You must explain how air pollution limits will be met Slope-wide, and account for the current emissions challenges and problematic permit requirements on the central Slope. By way of formal studies, show how the developments on the coastal plan will increase the likelihood of further, cumulative, impacting activities, and then show how to minimize those environmental losses.

Your EIS no action alternative will be very important. The EIS should not assume that no leasing action can be taken and that P.L. 115-97 cannot be voided by Congress in the near future. Instead, you should provide deep justifications for no action, even though you don't expect it will become your preferred alternative. Serious no action scenarios are necessary to provide an even playing field for the prospect of decisions to protect the coastal plain wilderness values for the Native people and the rest of us. You may need a state of the art contingent valuation

study, for example. Don't short-change the EIS's no action alternative merely because it serves as a baseline for the action alternatives.

After attending an Alaska hearing, reading your EIS scoping materials and schedule, and learning about your contracted consultants, I am also concerned that BLM does not have the commitment for an adequate EIS. In my view, much of the EIS will require formal, in-depth studies in order to understand the impacts of the leasing effort, let alone the impacts of surface disturbances post-lease at a facility level. It appears to me from BLM comments that you consider that for the most part existing data will be adequate for your leasing EIS. You assume that the BLM's leasing activity is a paper exercise without direct ground disturbance impacts to be addressed in the next year. I disagree. Your leasing decisions are central and part and parcel of the plans for oilfield development. You can't minimize the scope of the current leasing EIS by pretending that your leasing decisions have less than the single most important role in guiding the overall, cumulative efforts to minimize environmental impacts of oilfield development on the coastal plain. The leasing EIS deserves more serious attention to learning the leasing impacts than you seem prepared to give.

In addition, you may not have lined up the resources for developing an adequate EIS. It may be the biggest one you've ever written. However, your short time frame and small budget indicates the modest level of effort you expect for the EIS work. Your team of legal experts, scientists and engineers are inadequate for conducting the studies necessary for an adequate understanding of the knock-on environmental effects of your leasing decisions. In spite of numerous old and new USFWS studies of the coastal plain, for example, you don't have access to up-to-date region-wide studies of the effects of Arctic oilfields, lease stipulations and practices that amount to best science and best engineering. It looks to me that you are underpowered, and starting off on the wrong foot, when it comes to foreseeing the consequences of your leasing.

Practice-specific comments

With that said, please consider my further comments below. They outline some of the considerations for the EIS to meet high legal standards.

In the EIS, clearly outline under each alternative how hunting, subsistence harvesting, and recreational travel and activities will become restricted both physically and legally.

In addressing solid waste management alternatives, recognize directly the shortcomings exhibited by the North Slope Borough-managed solid waste landfill at Prudhoe Bay. The issues there provide an excellent example of practices falling short of promises based on ordinances and contracts. In general, don't assume in the EIS that management practices are likely to follow the law. Address alternatives regarding back-hauling all solid wastes.

In addressing air quality, recognize the bad practice of hauling ultra-low sulfur diesel fuel to the North Slope. Ultra-low sulfur diesel is necessary for meeting particulate standards, yet it is expensive to make. To avoid that expense and yet meet the air rule, oil companies arrange for contractors to haul ultra-low sulfur diesel hundreds of miles from Southcentral Alaska. One result is a series of predictable tank truck accidents and fuel spills, dangerous to vehicle operators and the environment alike.

In the EIS, outline strict monitoring, reporting and engineered controls of fugitive gas emissions. Chief among them would be major controls to eliminate methane emissions from wells and gas handling facilities.

In the EIS, assume the BLM will require bonding up front for the entire dollar amounts projected for end-of-field-life demolition, removal, restoration and reclamation. In those requirements stipulate particular criteria for triggering DRR. Require DRR at the level of facilities rather than at the larger, field level. The point is to preclude the practice of letting facilities languish unused or at low rates of use as a means to postpone the operators' costs and risks of DRR and field closure. For example, elsewhere some facilities are mothballed or put on warm shutdown to kick the can down the road until operations are taken on by small operators. Assume best bonding practices with enforceable mechanisms, including the money, up-front.

In the EIS, assume no net loss of wilderness habitat and wildlife populations during oilfield lifetimes. Then in the subsequent stipulations, provide the no net loss requirements. In the EIS, outline the full suite of mitigation

strategies that will meet the no net loss objectives, including hard deadlines and consequences for falling short. Those consequences should be spelled out, not simply cited, and should include the criteria for loss of lease and license to operate. Use shutdowns, lease lose, and criminal jail time in lieu of civil fines. Quantitative risk assessments are the best science practice in many cases, for supporting your BMPs and stipulations. Don't rely on references to similar nearby practices out of expediency. I expect that provisions in the EIS will need the support of area-specific, major new biological and engineering data to meet the tests of NEPA adequacy.

In addition, in the EIS explain how oil field support in Kaktovik, pipelines and facilities at Pt. Thomson and Badami and other areas off of BLM lands will impact the environment and how those losses will be prevented. That is, the EIS must address with the same legal formality the development impacts spawned elsewhere by the coastal plain oilfields. We don't want Kaktovik, Native corporation lands, or any other off-lease location to become the new "Deadhorse of ANWR," privately-owned, poorly-regulated, arms-length, no-mans-land for operators and contractors. I expect that will require formal land use planning efforts and agreements on your part.

Provide compatibility determinations regarding oil and gas in conflict with the other statutory purposes of the Refuge. They include conservation of wildlife in their natural diversity, and U.S. international agreements. The determinations would require scientific and engineering and legal studies. Provide study results showing how oil and gas development alternatives are compatible with and conform to the National Wildlife Refuge Administration Act, the Endangered Species Act, the Wilderness Act, the Wild and Scenic Rivers Act, the Clean Water Act, and the Clean Air Act. Cumulative impacts and indefinitely long-term effects must be included.

Sincerely,

-Mike Bronson

cc: Senator Murkowski
Senator Sullivan
Governor Walker