

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
**CLEARANCE SHEET**

- ☐ Manual Release
- ☐ Handbook
- ☐ Instruction Memorandum
- ☐ Information Bulletin
- ☐ Regulation
- ☐ Other

INSTRUCTIONS TO ORIGINATING OFFICE

Attach to copies of documents being submitted for clearance. List **all** reviewing officials by office code and office title. For Bureauwide Directives, list (WO-560) IRM Policy & Directives both before and after signing official.

INCOMING: **DTS BLM0015090**

COASTAL PLAIN COMMENT

**SIGN ALL DOCUMENTS IN BLACK INK**

ROUTING (Begin with Originator)			NON- CON- CUR- RENCE (√)	COMMENTS
TO	SURNAME OR INITIAL	DATE		
			<input type="checkbox"/>	
			<input type="checkbox"/>	
			<input type="checkbox"/>	
			<input type="checkbox"/>	
Lesli Ellis-Wouters, Communications Director			<input type="checkbox"/>	
Ted Murphy, Associate State Director			<input type="checkbox"/>	
Executive Assistant			<input type="checkbox"/>	
Karen Mouritsen, Acting State Director			<input type="checkbox"/>	
			<input type="checkbox"/>	
			<input type="checkbox"/>	
			<input type="checkbox"/>	
			<input type="checkbox"/>	

Filed in INCOMING MAIL 6/15/2018

Provided A COPY TO Nicole 6/27 and a copy to the reading file 6/27~L

NOT IN CARA (7/3)





## Data Tracking System (DTS)

Bureau of Land Management, U.S. Department of the Interior

Application: DTS | Username: rosenberger@blm.gov | Office: AK-AA | Today's Date: 06/27/2018

Data Tracking Training Forms Section 508 Help



Logout

DTS-Database-BLM-General-Items=13001

[Help](#)

DCN	BLM0015090	Input Date	06/26/2018	Orig. Office	WO-600CC
In/Out	Select In-Out	Inc Date	06/15/2018	Due Date	
		Received	06/26/2018	ES Received	06/26/2018
Action	2-Appropriate Action	External No	EST-00009067	ES No	009067
Doc Type	Select Document Type	ES Due Date			
Sig Level	Select Signature Level				
Subject	proposed oil and gas leasing on coastal plain of Arctic National Wildlife Refuge				
Synopsis					
State/Center Office					
Subject Code					
Ack Date	Xref	Sign Date			
Interim Date	Medium	Signed By			
Closed Date	06/26/2018	<input type="checkbox"/> Lock Record <input type="checkbox"/> Work Flow Report Setup <input type="checkbox"/> NARA Retention <input type="checkbox"/> FOIA Request			

Attachments					
Upload		Upload Version			
View	File	Description	Date	Version	Author
	201806271045.pdf	in	06/27/2018		Shane Wolfe

Database: BLM-General General Database



Active Routing: AK-AA (2)

[Main](#)

3 Addressees

[Hilty, Jodi](#)[Zinke, Ryan](#)[Steed, Brian](#)

0 Comments

2 Routings

06/27/2018, WO-600CC (2)

06/27/2018, AK-AA (2)

1 Attachments

[06/27/2018 201806271045.pdf](#)

0 External Routings

0 Control Slips

Legend

Contact

Attachment

Unassigned task

Active task

Overdue task

Surname

Comment

External routing

Completed Early

Completed on time

Completed late





**DEPARTMENT OF THE INTERIOR**  
**TASKING PROFILE**

**ACCN #:** EST-00009067    **Status:** Closed    **Fiscal Year:** 2018  
**Document Date:** **Received Date:** **Due Date:** **Action Office:** **Signature Level:** **Doc Source:**  
06/15/2018    06/26/2018    BLM    AA    ENV

**To (Recipient):** Zinke, Ryan; Steed, Brian

**From (Author):** Hilty, Jodi

Yellowstone to Yukon Initiative  
Boseman, MT

**Subject Text:** proposed oil and gas leasing on coastal plain of Arctic National Wildlife Refuge

**Req. Surnames:**

**Mail Carrier:**

**Mail Track #:**

**Cross Ref:**

**Copies To:** SIO-OES

**Status Tracking:**

**Correspondence Specialist and Phone:** SIO-OES Shane Wolfe/202-208-3071

**Closed**

**Comments:**

**Signed:**





Yellowstone to Yukon  
Conservation Initiative

June 15, 2018

Dear DOI Secretary Zinke and Acting BLM Director Steed,

The Yellowstone to Yukon Conservation Initiative (Y2Y) appreciates the opportunity to provide comments and suggestions for issues to be addressed in the Draft Environmental Impact Statement (DEIS) for the proposed oil and gas leasing program on the coastal plain of the Arctic National Wildlife Refuge.

This is an issue of significant importance to Y2Y since some of the porcupine caribou herd winter within Y2Y in the Peel River watershed of the Yukon. We are concerned about the impacts of proposed development in the Arctic National Wildlife Refuge on this caribou herd and other migratory species. More generally, Y2Y is an entity with significant transboundary collaborative conservation expertise. An important consideration is to ensure that the transboundary nature that the two countries share are not impaired by one or the other country but rather that both countries are working positively together to ensure that our collective natural heritage thrives for future generations. In addition, in my previous work both at the Wildlife Conservation Society and at the Sierra Club, I worked on conservation of the Arctic National Wildlife Refuge and the Arctic more generally and understand deeply how fragile and unique the ecosystem is.

The Arctic National Wildlife Refuge is a significant protected area in the Arctic which sustains the physical, cultural and spiritual well-being of the Gwich'in people of Canada and the United States. As the ecological heart of the Arctic Refuge, the Coastal Plain provides critical calving and nursing habitat for the Porcupine Caribou Herd. More than 200,000 caribou embark every year on the longest land migration of any animal on earth. They journey from the taiga and boreal forest ecosystems of northeast Alaska and the adjacent northwestern Canada, including in the Y2Y region, to the Coastal Plain where they calve and nurse their young. Caribou biologists have repeatedly warned that oil development on the Coastal Plain would constitute a grave threat to the health of the herd.

In addition to nurturing caribou, the Coastal Plain provides nesting and feeding habitat for millions of migratory birds. It is literally the nursery for birds from every continent and ocean in the world. This area also offers the most important on-shore denning habitat in the US Arctic for polar bears, now listed as threatened under the Endangered Species Act, as their traditional sea ice habitat continues to disappear due to climate change.

Given the above, Y2Y is gravely concerned that the oil and gas exploration and associated development could compromise this fragile nursery. The inevitable habitat fragmentation from energy infrastructure on the coastal plain, together with the likely spills of oil and other toxic substances, will inevitably lead to stress, displacement, and population decline for the many species dependent on this presently intact habitat.

Phone: 403.609.2666  
Fax: 403.609.2667  
Toll-free: 1.800.966.7920

100-1350 Railway Ave  
Calgary, AB T1W 1P6  
Canada

P.O. Box 157  
Calgary, AB T2C 1A1  
Canada

www.y2y.net  
info@y2y.net





An especially significant aspect of this proposal and requirement for the connected EIS is the need to consider the many complex transboundary issues involving the environmental and socio-economic-cultural values and relationships that could be affected by an oil and gas leasing program in the Arctic Refuge. Some of these issues are treaty-based -- most notably the Porcupine Caribou Herd Conservation Agreement between U.S. and Canada -- while other issues stem from NEPA obligations to consider transboundary environmental and associated socio-economic effects. Thus, it is critically important for the BLM to cooperate and coordinate closely on these transboundary issues with relevant Canadian government officials, agencies, and indigenous peoples -- as well as with the U.S. Fish and Wildlife Service, the U.S. State Department, and other federal and state agencies, and with Gwich'in representatives and other affected Native Alaskans.

A statutory purpose of the Arctic Refuge is "to fulfill the international treaty obligations of the United States with respect to fish and wildlife and their habitats." (ANILCA, Sec. 303(2)(B)(ii)). Notably, the 1987 Porcupine Caribou Herd Agreement signed between the United States and Canada requires that both parties:

1. Take appropriate conservation measures to sustain the Porcupine Caribou herd and its habitat;
2. Ensure that the Porcupine Caribou are given effective consideration in evaluating proposed activities within the range of the herd;
3. Consult with the other party on any activities having a potential impact on the conservation of the Porcupine herd and those activities will be subject to impact assessment and review consistent with domestic laws and regulations.

**Y2Y asks that the BLM describe in detail in its Arctic Refuge Leasing DEIS how it will ensure compliance with the International Agreement for the Conservation of the Porcupine Caribou Herd between the United States and Canada while developing an oil and gas leasing program for the Coastal Plain. Towards this end, we also ask that before development of the DEIS, the BLM and other U.S. agencies coordinate with Canadian government officials, agencies, and indigenous peoples as part of the EIS process, including inviting Canadian agencies to participate as cooperating agencies in the EIS process.**

Furthermore, we ask that the BLM analyze in its EIS pertinent questions and requirements that connect to the agreed-upon "conservation" obligations of the two countries that are specifically spelled out in the following seven clauses of Article 3 of the Agreement:

*"1. The Parties will take appropriate action to conserve the Porcupine Caribou Herd and its habitat."* **Please address how the proposed oil and gas leasing program and alternatives in the EIS conserve the Porcupine Caribou Herd and its habitat.**



*"2. The Parties will ensure that the Porcupine Caribou Herd, its habitat and the interests of users of Porcupine Caribou are given effective consideration in evaluating proposed activities within the range of the Herd."* **Please address how the EIS will effectively consider proposed oil and gas leasing activities within the range of the Herd.**

*"3. Activities requiring a Party's approval having a potential impact on the conservation of the Porcupine Caribou Herd or its habitat will be subject to impact assessment and review consistent with domestic laws, regulations and processes."* **Please address what activities associated with the proposed oil and gas program and alternatives could have potential impact on the conservation of the Porcupine Caribou Herd or its habitat. What are the domestic laws, regulations, and processes with which the impact assessment and review of the EIS must be consistent?**

*"4. Where an activity in one country is determined to be likely to cause significant long-term adverse impact on the Porcupine Caribou Herd or its habitat, the other Party will be notified and given an opportunity to consult prior to final decision."* **Again, BLM should, notify and consult with Canada while developing the Draft EIS – well in advance of making a final decision. Waiting to consult until just prior to a final decision would be inadvisable and could require the BLM to develop a Supplemental Draft EIS to address Canadian information, concerns, and recommendations regarding conservation of the Herd and its habitat.**

*"5. Activities requiring a Party's approval having a potential significant impact on the conservation or use of the Porcupine Caribou Herd or its habitat may require mitigation."* **Complying with this treaty obligation requires BLM to consider mitigation to protect the Herd. Please address how the BLM will use the EIS process to analyze and determine what mitigation is required to avoid significant impact of the proposed oil and gas leasing program or alternatives on the Porcupine Caribou Herd.**

*"6. The Parties should avoid or minimize activities that would significantly disrupt migration or other important behavior patterns of the Porcupine Caribou Herd or that would otherwise lessen the ability of users of Porcupine Caribou to use the Herd."* **Please address how the EIS will evaluate whether the proposed oil and gas leasing program and alternatives would significantly disrupt migration or other important behavior patterns of the Herd or otherwise lessen the ability of users of Porcupine Caribou to use the Herd.**

*"7. When evaluating the environmental consequences of a proposed activity, the Parties will consider and analyze potential impacts, including cumulative impacts, to the Porcupine Caribou Herd, its habitat and affected users of Porcupine Caribou. Please address in the EIS the potential impacts,*



**including cumulative impacts, of the proposed oil and gas leasing program and alternatives to the Herd, its habitat, and affected users of Porcupine Caribou.**

Beyond the International Porcupine Caribou treaty requirements, the NEPA has a clear obligation to consider transboundary effects which has long been recognized in the federal courts. For example, in a case involving the U.S. Interior Department and the provincial government of Manitoba, the DC district court ruled that "NEPA requires agencies to consider reasonably foreseeable transboundary effects resulting from a major federal action taken within the United States." (*Manitoba v. Salazar*, 691 F. Supp. 2d 37 (D.D.C. 2010). Reflecting the NEPA case law, the Council on Environmental Quality in 1997 "determined that agencies must include analysis of reasonably foreseeable transboundary effects of proposed actions in their analysis of proposed actions in the United States." CEQ advised federal agencies to "be particularly alert to actions that may affect migratory species, air quality, watersheds, and other components of the natural ecosystem that cross borders, as well as to interrelated social and economic effects." To obtain information about potential transboundary effects, CEQ said federal agencies "should contact agencies in the affected country with relevant expertise."

Resources that are likely to be particularly impacted by oil and gas activities in the Arctic Refuge Coast Plain, causing reasonably foreseeable transboundary effects, include but are not limited to:

- Caribou
- Polar Bear
- Migratory Birds, such as snow geese
- Fish
- Water resources
- Air quality
- Socio-economic/Subsistence

**How will the BLM, along with other U.S. government agencies, coordinate and cooperate with the Canadian federal, territorial, and First Nation governments to ensure that all reasonably foreseeable transboundary effects are identified, documented, and carefully evaluated in this EIS?**

In closing we cannot overstate how profoundly transnational is the issue of leasing the coastal plain of the Arctic National Wildlife Refuge for oil and gas development. Not only do the caribou know no borders, but the Gwich'in Nation is composed of communities situated on both sides of the international boundary. According to caribou biologists, the entirety of the calving and nursing grounds—stretching from the Arctic Refuge in Alaska through the Ivvavik National Park in the Yukon—should be protected if the herd is to thrive. Oil drilling here would not only threaten wildlife species but also threatens human communities well beyond the coastal plain. So we ask that you not rush this EIS process but take the time



needed to effectively consult with Canadian and Gwich'in governments and produce the detailed analysis of impacts and mitigation measures required.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jodi Hilty', with a stylized flourish at the end.

Jodi Hilty, Ph.D.  
President and Chief Scientist

c.c.

Canada Minister of Environment and Climate Change, Catherine McKenna  
Yukon Minister of the Environment, Pauline Frost  
Environmental Affairs Officer at Embassy of Canada, Danielle Chesky