
From: Hayes, Miriam (Nicole) <mnhayes@blm.gov>
Sent: Thursday, March 14, 2019 8:43 AM
To: coastalplainAR; Sean Cottle
Subject: Fwd: [EXTERNAL] State of Alaska Coastal Plain Draft EIS Comments
Attachments: State of Alaska Coastal Plain Draft EIS Comments 03-13-2019.pdf

Nicole Hayes

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From: **Martineau, Faith C (DNR)** <faith.martineau@alaska.gov>
Date: Wed, Mar 13, 2019 at 5:33 PM
Subject: [EXTERNAL] State of Alaska Coastal Plain Draft EIS Comments
To: Nicole Hayes <mnhayes@blm.gov>
Cc: BLM_AK CoastalPlain_EIS <blm_ak_coastalplain_eis@blm.gov>, Knudson, Kip C (GOV) <kip.knudson@alaska.gov>, Feige, Corri A (DNR) <corri.feige@alaska.gov>, Brune, Jason W (DEC) <jason.brune@alaska.gov>, Vincent-Lang, Douglas S (DFG) <doug.vincent-lang@alaska.gov>

Hi Nicole,

You may please find attached the State's comment letter and technical comment matrix on the Coastal Plain Oil and Gas Leasing Program Draft EIS.

Please contact me directly for questions.

Thanks,

Faith Martineau

Executive Director

Alaska Department of Natural Resources

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THE STATE
of **ALASKA**

GOVERNOR MICHAEL J. DUNLEAVY

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March 13, 2019

Nicole Hayes, Project Coordinator
BLM, Alaska State Office,
Attention—Coastal Plain EIS,
222 West 7th Avenue, Stop #13
Anchorage, AK 99513-7599

Re: State of Alaska Comments on Draft Environmental Impact Statement for the Coastal Plain
Oil and Gas Leasing Program

Dear Ms. Hayes:

The State of Alaska (State) received the Notice of Availability (NOA) for the Draft Environmental Impact Statement (Draft EIS) for the Coastal Plain Oil and Gas Leasing Program published by the Department of Interior, (DOI) Bureau of Land Management (BLM) in the Federal Register. The Office of Project Management and Permitting (OPMP) coordinated with the State's resource agencies to review and develop comments on the Draft EIS. Our comments are based upon the collective technical and regulatory expertise of the:

- Department of Natural Resources (DNR).
- Department of Environmental Conservation (DEC), and
- Department of Fish and Game (DFG).

Please refer to the State of Alaska Coastal Plain Draft EIS Technical Comments Matrix, attached.

With assistance from the Department of Health and Social Services, Department of Law, and Alaska Oil and Gas Conservation Commission, these agencies have participated in the development of the Draft EIS throughout the federal National Environmental Policy Act (NEPA) process, most notably during scoping, alternatives development, and administrative review of the preliminary Draft EIS. We have also dedicated staff resources to the interdisciplinary team (IDT), assisting with the hypothetical development scenario, hydrocarbon potential mapping, and description of terrestrial mammals in Chapter 3, Affected Environment and Environmental Consequences.

The State has demonstrated over the past several decades that oil and gas exploration, development, production, and transportation can occur safely and responsibly with the appropriate regulatory controls and environmental protections in place. We will continue contributing our agencies' extensive experience and expertise regulating oil and gas development activities on State lands and managing resources on both State and federal lands during the final stages of the EIS development and beyond, as BLM fulfills its legal obligations under the Tax Cuts and Jobs Act of

2017, Public Law 115-97 (Tax Act) to administer an oil and gas leasing program in the Coastal Plain.

We commend BLM for the work completed by the IDT to date. Although the Coastal Plain has long been recognized for its high resource development potential, and the associated economic benefits to the State and to all Alaskans, we acknowledge concerns from the general public regarding how BLM will implement an oil and gas leasing program in this part of the North Slope. In conducting our review, we believe that the Draft EIS reflects a good faith effort by BLM to balance those concerns with its legal responsibilities to implement an oil and gas leasing program, with varying degrees of success.

In our assessment, the primary flaw with the Draft EIS is that there appears to be confusion among the contributing authors regarding Congressional direction in the Tax Act, which is the guiding legislation for the Coastal Plain oil and gas leasing program. This is most evident in the proposed withdrawal of lands from oil and gas leasing and specific lease stipulations. We have identified and described how no surface occupancy (NSO), controlled surface use (CSU), and timing limitations (TL) stipulations may pose potential challenges to future oil and gas activities, including access. We also describe our concerns with how Draft EIS describes key provisions in the Alaska National Interest Lands Conservation Act (ANILCA) and the applicability of other laws and policies to an oil and gas leasing program in the Coastal Plain.

To finalize the EIS, BLM must select a preferred alternative that strikes the *most* balanced management approach, distinguished by the entirety of the Coastal Plain being made available for oil and gas leasing and lease stipulations that provide maximum flexibility for future decision-makers. For the reasons described below, the State endorses selection of Alternative B as the preferred alternative – pending minor modifications.

Tax Cuts and Jobs Act of 2017

The Draft EIS' alternatives all pose challenges to future oil and gas leasing, exploration, and subsequent development, production, and transportation of oil and gas in and from the Coastal Plain. These challenges – that are common to all the analyzed alternatives – are inconsistent with the Tax Act and must be addressed in the Final EIS.

BLM's overreliance on outdated resource development potential data and proposed use of expansive surface use restrictions results in unnecessarily prescriptive management approach that fails to provide the necessary flexibility for future decision-makers to utilize new information and the robust project-specific permitting processes that will occur prior to any future oil and gas activities beyond leasing.

Seismic exploration

Appendix B, Reasonably Foreseeable Development Scenario, summarizes past oil exploration, oil occurrence, and development potential in the Coastal Plain:

“[A] single oil and gas exploratory well was drilled within the boundary of the Coastal Plain... A two-dimensional seismic survey was conducted by an industry group in the winters of 1984/1985 and 1985/1986... Estimates of oil occurrence and development potential were developed based on the location of the plays discussed above in Description of Geology.”

While the best available data allowed the IDT to delineate areas with low, medium, and high hydrocarbon potential, as shown in Figure B-1, Hydrocarbon Potential, BLM must adapt the alternatives to consider the uncertainty associated with the current mapping. Improvements in exploratory seismic survey collection have not only reduced the temporal impacts associated with the activity but have also radically improved the level of detail and quality of the information.

Although it appears this data uncertainty will not be resolved timely for the first anticipated lease sale, we recommend that exploratory seismic work in the Coastal Plain, the permitting process for which is already underway, be allowed to move forward as soon as possible using the best management practices and mitigation measures that have been developed and implemented successfully in other parts of Alaska, including on other federally managed lands.

Due to the limited data available to potential bidders, BLM must consider the possibility that the additional seismic data may reveal that the highest potential areas are different from what is currently mapped. The BLM must not speculate on where the resource may be located but instead build flexibility for future decision-makers by making the total acreage of the Coastal Plain available for oil and gas leasing.

Alternatives D-1 and D-2 do not account for the known data gap because they eliminate the southeastern part of the Coastal Plain from oil and gas leasing entirely. Without the ability to lease, companies are unlikely to expend resources conducting exploratory seismic surveys in the unleaseable areas, thus eliminating a valuable opportunity to update assessments of the subsurface resource potential using current technology. BLM should clarify in the Final EIS that Alternatives D1 and D2 were carried forward for detailed analysis but were ultimately determined to be inconsistent with the Tax Act because of these issues and therefore cannot be selected as the preferred alternative.

Oil and gas leasing.

The Tax Act directed BLM to administer an oil and gas leasing program in the Coastal Plain in manner similar to the program within the National Petroleum Reserve-Alaska (NPR-A), for which BLM is also responsible. While there are differences between the two areas, BLM has opportunity to draw upon previous experience in NPR-A.

The State participated as a cooperating agency during development of the 2012 NPR-A Integrated Activity Plan EIS, which determined which areas of the petroleum reserve to offer for lease sale. The State protested DOI's decision to allocate the highest resource potential areas as “[u]navailable for leasing or exploratory drilling” and/or “[u]navailable for leasing and no new non-subsistence infrastructure.” The corresponding restrictions on most surface uses, including access to subsurface resources, has chilled industry interest and participation in subsequent lease sales. This

was most notable in the 2017 NPR-A lease sale, when BLM offered all 900 tracts available for development under the current IAP for bid but only seven total bids were received.

We believe that the DOI Secretary's recent direction to BLM to re-evaluate the 2012 NPR-A IAP and 2013 Record of Decision signifies recognition that the management strategy previously selected by BLM fails to facilitate a competitive oil and gas leasing program. While Alternatives B and C make the entire acreage of the Coastal Plain available for lease sale, each alternative includes large swaths subject to NSO, CSU, and TL stipulations, in addition to the 43 required operating procedures that apply to the entire Coastal Plain. This restrictive management approach and major land withdrawal has already proved problematic for oil and gas leasing within NPR-A.

Regarding proposed TL stipulations, BLM has an agreement with DFG to facilitate data sharing for the current and historical biological data on the Porcupine Caribou Herd. We request that BLM coordinate with DFG to supplement the existing figures in the Draft EIS with a figure showing annual use for the past 10 years (2011-2018) or for as many years as recent data is available, and consider potential revisions to Alternative B, Lease Stipulation 7-Porcupine Caribou Primary Calving Habitat Area if the resulting mapping substantially alters earlier assumptions regarding use.

Identifying areas for oil and gas leasing while restricting surface uses necessary to access subsurface resources is functionally identical to designating those areas as unavailable for oil and gas leasing and violates the Tax Act.

Subsequent development, production, and transportation.

The surface use restrictions, as currently proposed, may be unnecessarily prohibitive and pose significant challenges for an operator to develop subsurface resources after leasing. Responsible resource development has occurred on State lands over the past several decades and more recently on private lands, by relying on the permitting process to provide satisfactory protections for resources of concern.

Before oil and gas activities within the Coastal Plain are authorized, there are legal requirements for BLM to complete a determination of NEPA adequacy, which would result in additional environmental analysis for any activities not covered by the oil and gas leasing program EIS and the opportunity for BLM to mitigate potential impacts in a manner commensurate with the scope and scale of the proposed activity. The State and North Slope Borough each also have permitting authority and responsibilities for work proposed within the Coastal Plain. The overlapping federal, State, and local jurisdictions result in a robust regulatory framework that BLM must anticipate during development of this programmatic EIS.

In proposing sweeping NSO and CSU measures, including proposed setbacks along rivers and streams that are larger than those developed for federally managed lands in NPR-A, BLM fails to meet the Tax Act's requirement that 2,000 surface acres shall be provided for production and support facilities.

Additionally for Alternative B, Lease Stipulation 1-Rivers and Streams is shown in Map 2-2 as being applicable to the entire Canning River Delta or "from the western boundary of the Coastal

Plain to 2 miles east of the eastern edge of the active floodplain.” The State of Alaska claims title to about 20,000 acres in the northwest portion of the Coastal Plain, which appears to be encompassed by Lease Stipulation 1 as it relates to the Canning River. That acreage is subject to a lawsuit brought by the State that is pending before the Interior Board of Land Appeals (IBLA 2016-109 and IBLA 2017-55). We request that BLM eliminate Lease Stipulation 1 from the Canning River and consult further with the State in the context of our cooperating agency relationship on this important issue.

Permitting for oil and gas development, production, and transportation in and out of the Coastal Plain, which fall under BLM management of oil and gas activities within the Coastal Plain, will necessarily become an iterative process during which BLM and the cooperating agencies will work closely to evaluate a project-specific proposal that allows the operator to develop the resource while providing adequate protections. This future permitting effort would also need to be conducted with robust participation by North Slope resident stakeholders, including the community of Kaktovik, which would also ensure resources of concern are identified and protected.

It is incumbent upon BLM to provide maximum flexibility to future decisionmakers as new, better, and/or activity-specific information becomes available, and to rely upon the permitting process to facilitate responsible development, production, and transportation of oil and gas resources to and from the Coastal Plain.

Alaska National Interest Lands Conservation Act

The State of Alaska has substantial concerns about sections in the Draft EIS that conflict with provisions in ANILCA and mischaracterize elements of the Wild and Scenic Rivers Act and 1964 Wilderness Act. The result is a disjointed analysis that in some instances correctly identifies how the Tax Act supersedes prior administrative actions, such as the wilderness recommendations for the Coastal Plain put forward in the 2015 Revised Arctic National Wildlife Refuge Comprehensive Conservation Plan (2015 Arctic Refuge CCP), and in others incorrectly proposes overly restrictive measures that would only be appropriate under administrative designations no longer applicable to the Coastal Plain.

To remedy these issues, we recommend revisions to the Draft EIS and propose that DOI direct US Fish and Wildlife Service (USFWS) to later conduct a targeted amendment to the 2015 Arctic Refuge CCP that describes the effect of the Tax Act and lifts the minimal management category for the Coastal Plain. The Draft EIS must be changed to reflect the Tax Act; BLM should not wait for amendments to the Arctic Refuge CCP to make those changes in the Final EIS.

Wilderness and Wild and Scenic River Recommendations.

BLM is correct that the Tax Act nullified the Arctic Refuge CCP’s wilderness recommendations for the Coastal Plain . The Tax Act also nullified the USFWS’ previous planning decision to recommend rivers located in the Coastal Plain in the 2015 Arctic Refuge CCP’s Wild and Scenic River (WSR) review. The Draft EIS fails to recognize this nullification. Instead, the Draft EIS

recommends overly restrictive prescriptions for these rivers, both eligible (not recommended) and suitable (recommended), to ensure Congress retains the option to designate them in the future.

There is no mandate in ANILCA that binds together consideration of wilderness and oil and gas leasing and production in the Coastal Plain. Section 1003 of ANILCA only addressed oil and gas leasing and left that decision to Congress. The wilderness recommendation is just one administrative action taken in conjunction with the 2015 Arctic Refuge CCP that conflicts with the Tax Act, which repealed the prohibition in Section 1003 of ANILCA and amended the refuge's purposes in ANILCA Section 303(2)(B) to provide for an oil and gas program that includes leasing, exploration, development, production, and transportation of oil and gas in and from the Coastal Plain. Managing rivers determined eligible and suitable in 2015 to maintain their status as potential wild and scenic rivers is another administrative action taken by the USFWS that conflicts with subsequent direction from Congress in the Tax Act. Further, like the wilderness recommendation, Congress took no action to designate any of the recommended rivers, and rivers determined eligible but not recommended were not submitted to Congress for consideration of any kind. Any administrative action that has the potential to interfere with, frustrate, or outright block the ability of the Secretary to carry out direction in the Tax Act should be eliminated.

While the Coastal Plain EIS indicates that the 2015 Arctic Refuge CCP obligates the USFWS to apply these protections, the Wild and Scenic Rivers Act only affords protections for rivers that Congress has identified for review; not agency-directed study rivers, as in this case. In addition, the 2015 Arctic Refuge CCP only applied interim management prescriptions to rivers found suitable and recommended for designation, which in the Coastal Plain applies to the lower portion of the Hulahula River (page I-F-1) and not the Canning, Okpilak and Jago rivers. Guidance issued by the Interagency Wild and Scenic Rivers Coordinating Council supports this management action by directing agencies to suspend any protections applied to eligible rivers once they are found not suitable for recommendation.¹

Additionally, many of the overly-restrictive measures applied to both eligible and suitable rivers by the 2015 Arctic Refuge CCP are inconsistent with ANILCA, and should not be included in the EIS. The blanket one- to five-mile NSO setbacks or buffers, far exceed the boundaries, withdrawals, and restrictions that Congress applied to WSRs designated by ANILCA. For example, the boundary for ANILCA designated WSRs is an average of one-half mile on each side of a designated WSR and the mineral withdrawal applied to "wild" river segments extends one-half mile from the bank (not applicable to river segments designated as "scenic" or "recreational"). ANILCA also included numerous allowances for access and use, including a process for site specific consideration of proposed transportation and utility systems, a process that still applies to

¹ Page 28, A Compendium of Questions and Answers Relating to Wild and Scenic Rivers, A Technical Report of the Interagency Wild and Scenic Rivers Coordinating Council Compiled By: Gary Marsh, Bureau of Land Management (Retired), Washing DC Contact: Dan Haas, U.S. Fish & Wildlife Service, Burbank, Washington. May 1997, Revised June 2006, May 2011, May 2014, January 2017, August 2018.

subsequent development proposals.² The 2015 Arctic Refuge CCP recognizes that ANILCA Section 1107 specifically addresses the authorization of transportation and utility systems, including pipeline rights-of-way, within designated WSR corridors.

“Rights-of-way that cross any area inside the boundaries of a unit of the Wild and Scenic Rivers System will assure that the stream flow of, and transportation on, the designated river are not interfered with or impeded, and that the facility is located and constructed in an environmentally sound manner (ANILCA Section 1107(b); 43 CFR 36.9(c) and (d)). Additional special requirements apply to rights-of-way for pipelines issued under the Mineral Leasing Act of 1920 (30 U.S.C. 185), Section 1107(c) of ANILCA, and regulations at 43 CFR 36.9(d).” (Page 2-66, 2015 Arctic Refuge CCP)

The State also strongly objected to both Wilderness and WSR reviews conducted in conjunction with the 2015 Arctic Refuge CCP on the basis that they violated several provisions of ANILCA, including Sections 1002, 1317, and 1326(b). The limited authority to conduct wilderness and WSR reviews granted to the USFWS by Congress in ANILCA has long expired and new studies without congressional approval are explicitly prohibited.³ Therefore, it is entirely inappropriate for the EIS to carry forward the results of an outdated and legally flawed WSR review by identifying both rivers found eligible and/or suitable as special WSR designations needing additional protections to ensure their status for future designation, especially considering no congressional action occurred to designate any of these rivers, nor did Congress even have the option to take any action on eligible rivers. Applying blanket NSO designations⁴ to these rivers is also excessive beyond the intent of Congress for management of designated WSRs in Alaska.

DOI must take administrative action to apply the appropriate management category to the Coastal Plain in the 2015 Arctic Refuge CCP that recognizes congressional direction to implement an oil and gas leasing program in the Coastal Plain and rescind the outdated and legally flawed Wilderness and WSR recommendations. Maintaining these administrative designations results in management direction in the Coastal Plain EIS that conflicts with or frustrates direction in the Tax Act and ANILCA and causes confusion with the public about the applicability of these

² The Tax Act directed the DOI to issue ROWs to facilitate oil and gas development in the Coastal Plain; therefore, the decision to issue the ROWs is non-discretionary; however, the procedural elements of the ANILCA Title XI process and other considerations for issuing the ROWs still applies.

³ See the State of Alaska’s November 14, 2011 and February 29, 2015 comments from Governor’s Sean Parnell and Bill Walker, respectively, on the draft and final CCP and EIS for additional discussion.

⁴ NSO is defined in the glossary of the EIS as “An area that is open for mineral leasing but does not allow the construction of surface oil and gas facilities in order to protect other resource values.” The exception for “essential” pipeline and road crossings only applies to setback areas and not the streambed itself, is entirely discretionary; therefore, future denials or required mitigation could prevent or effectively preclude oil and gas exploration and development in the Coastal Plain.

administrative planning decisions that preceded the Tax Act and the establishment of an oil and gas leasing program in the Coastal Plain.

But BLM need not wait until amendment of the Arctic Refuge CCP is complete to change the Draft EIS. The Tax Act nullified contrary recommendations in the Arctic Refuge CCP and the Draft EIS must reflect the Tax Act's requirements. BLM should remove the corresponding eligible and suitable special "WSR" designations and any related protective measures identified in the Draft EIS.

Wilderness Characteristics, Qualities, and Values

The discussion in the Wilderness Characteristics, Qualities and Values section of the EIS (Page 3-211) contains several errors or misrepresentations. First, the description of the 1964 Wilderness Act in the EIS is inaccurate. The Wilderness Act does not identify its purpose as "to preserve a representative sample of ecosystems in a natural and wild condition," nor did it designate a representative sample of ecosystems or include this concept in its criteria for future designation. BLM should remove the words "representative sample of ecosystems" in the Final EIS.

The original Arctic Range purposes⁵ are referenced in the second paragraph as having "...three purposes of preservation: wilderness values, wildlife, and recreational values." The EIS must also reference the savings clause in ANILCA Section 305, which states that while executive or administrative enabling actions for existing units of the Refuge system are still in effect (the Arctic Range was established by Public Land Order 2214), in the event of a conflict, the provisions of ANILCA and the Alaska Native Claims Settlement Act prevail.⁶ As such, there are limits to the applicability of the original Range purposes, especially in relation to the new refuge purpose to establish and oil and gas leasing in the Coastal Plain.

ANILCA Section 101(b) is accurately quoted; however, the discussion needs to clarify that the quote applies generally to the purposes of the Act *as a whole* and are not specifically attributed to the Arctic Refuge as currently implied. Other provisions in ANILCA Section 101 clarify Congressional intent in balancing the national conservation interest with the economic and social needs of Alaska and its citizens, which is also relevant to the EIS but not referenced in the discussion. So as not to mislead the public, the discussion of Section 101 of ANILCA in the Final EIS must be discussed more comprehensively by including summaries of all subsections, not just 101(b).

The second paragraph references ANILCA section 304(g)(2)(B), implying that ANILCA granted the Service authority to conduct the 2015 wilderness review. This is inaccurate. The only

⁵ In 1980, ANILCA expanded and re-designated the Arctic Range as the Arctic National Wildlife Refuge.

⁶ "All proclamations, Executive orders, public land orders, and other administrative actions in effect on the day before the date of the enactment of this Act with respect to units of the National Wildlife Refuge System in the State shall remain in force and effect except to the extent that they are inconsistent with this Act or the Alaska Native Claims Settlement Act, and in any such case, provisions of such Acts shall prevail." (ANILCA Section 305)

provision in ANILCA that granted the Service any authority to conduct a wilderness review is Section 1317, the timeframe for which has long passed.⁷ ANILCA Section 1326(b) bars the Service from conducting new wilderness reviews absent subsequent direction from Congress.⁸ The sentence “Further, ANILCA 304(g)(2)(B) requires the Secretary of Interior to identify and describe ‘the special values of the refuge, as well as...wilderness value of the refuge’ when developing plans” must be removed.

We appreciate the recognition that Congress did not act on the Wilderness recommendations that resulted from the 2015 Arctic Refuge CCP planning process. DOI needs to direct the USFWS to amend the management category that applies to the Coastal Plain as a result of the passage of the Tax Act, as follows:

In the Arctic Refuge CCP (USFWS 2015a) the USFWS recommended the lands in the program area for wilderness designation; however, Congress did not act on these wilderness recommendations, and subsequently, Congress passed PL 115-97 authorizing an oil and gas leasing program in the Coastal Plain, necessitating a change to the minimal management category applied to the Coastal Plain in the CCP ~~the minimal management standard for the Coastal Plan must now be adjusted to account for the oil and gas leasing program required by the PL 115-97.~~

This section also needs to recognize that ANILCA established the Mollie Beattie Wilderness Area on the Refuge, which included establishing specific boundaries. Applying a wilderness area buffer that extends beyond that boundary into the Coastal Plain and applies wilderness area protections, such as NSOs, beyond the wilderness area boundaries is inconsistent with ANILCA (Page 3-217). Further, as referenced in the above WSR comments, ANILCA included numerous exceptions for designated wilderness in Alaska, including the ability to authorize transportation and utility systems, motorized use, and other development in designated wilderness; therefore, these administrative restrictions exceed those intended by Congress for designated wilderness in Alaska. It is inappropriate to apply them as restrictions either within or beyond designated wilderness. All designated wilderness buffers and related restrictions must be removed in the Final EIS.

In addition to the above discussion regarding the preferred alternative, which emphasized addressing consistency with the Congressional intent in the Tax Act and other applicable laws and regulations, the State’s attached detailed technical comments are provided to assist with BLM’s preparation of the Final EIS.

⁷ *Within five years from the date of enactment of this Act, the Secretary shall, in accordance with the provisions of section 3(d) of the Wilderness Act....review as to their suitability or unsuitability for preservation as wilderness, all lands with units of the National Park System and units of the National Wildlife Refuge System in Alaska not designated as wilderness by this Act and report his findings to the President.* (Emphasis added, ANILCA Section 1317(a))

⁸ *No further studies of Federal lands in the State of Alaska for the single purpose of considering the establishment of a conservation system unit, national recreation area, national conservaton area, or for related or similar purposes shall be conducted unless authorized by this Act or further Act of Congress.* (Emphasis added, ANILCA 1326(b))

We have appreciated the opportunity to participate as a cooperating agency and contribute technical staff resources to the IDT during development of the EIS to date. To ensure our continued coordination in developing a responsible and competitive oil and gas leasing program, we specifically request the following opportunities for coordination as we approach the conclusion of the NEPA process:

- Invite State IDT members to participate on the strike team in addressing substantive comments received on the Draft EIS, and
- Provide cooperating agencies with an administrative review period of the preliminary Final EIS, to include BLM's preferred alternative with the complete terms and conditions proposed to be included in the Record of Decision.

Please contact me directly at faith.martineau@alaska.gov or (907) 269-0949 for questions.

Sincerely,



Faith Martineau
Executive Director

Attachment: State of Alaska Coastal Plain Draft EIS Technical Comments Matrix

Ecc: BLM Administrative Record (blm_ak_coastlplain_eis@blm.gov)
Kip Knudson, GOV Director of State/Federal Relations (kip.knudson@alaska.gov)
Corri Feige, DNR Commissioner (corri.feige@alaska.gov)
Jason Brune, DEC Commissioner (jason.brune@alaska.gov)
Doug Vincent-Lang, DFG Commissioner (douglas.vincent-lang@alaska.gov)

Coastal Plain Oil and Gas Leasing Program EIS
State of Alaska Technical Comments on Draft EIS – Submitted March 13, 2019

ID	Reference	Resource/Type	Comment
1	Executive Summary, ES-3, Paragraph 6	Insufficient description of development scenario in Executive Summary	Paragraph six on this page is titled "hypothetical development scenario" but that title is misleading, because the scenario is not described, and the reader must find the details of the actual scenario in Appendix B. CEQ regulations at 40 C.F.R. 1502.12 states that "each environmental impact statement shall contain a summary which adequately and accurately summarizes the statement. The summary shall stress the major conclusions, areas of controversy, and the issues to be resolved." Because the rest of the draft EIS documents is based upon addressing the impacts and consequences of this hypothetical development scenario, it would be important to provide a brief summary of the hypothetical scenario so that the reader has a clear understanding of what is being discussed, rather than having to search for an appendix which does not provide any clearer summary.
2	Executive Summary, ES-5, Paragraph 1	Missing data source for projections in recreational use	The last sentence in paragraph one on this page notes that "With expected increases in recreation, coupled with decreased access to recreation in areas, users of the Coastal Plain would be likely to experience impacts from future post-lease development." It is not clear where this forecast of an increase in recreation came from. Please cite to a source or a location elsewhere in the document.
3	Chapter 2, Section 2.2, Page 2-1	Surface use designations unclear	Section 2.2 offers a description of the alternatives by providing a table 2-1 that highlights the key differences among the alternatives. Unfortunately the table includes BLM specific abbreviations that are not known to the general public, which forces the reader to search elsewhere in the document to determine the meaning of acronyms or abbreviations. The information would be clearer to the reader if No Surface Occupancy (NSO), Controlled Surface Use (CSU, and Timing Limitations (TL) were spelled out and describe in an introductory paragraph to the table.
4	Chapter 2, Section 2.2, Pages 2-2 and 2-3	Failure to disclose other regulatory control measures	Pages 2-2 and 2-3 of this Chapter discuss the lease stipulations and required operating procedures for this lease sale. This section needs a discussion of the state regulatory landscape before discussing the alternatives. Otherwise it would appear that BLM's BMPs and lease stipulations are the only regulatory controls. It would be clearer if this chapter included a section covering the "Permits, Licenses and Other Approvals" as well as "Regulatory Setting for Alternatives Analysis". See pages 1-15 through 2-1 of the Point Thomson Project Final EIS for an example of what should be included.
5	Chapter 2, Section 2.2	Lease Stipulation 1 – Rivers and Streams	In Lease Stipulation 1, a mixture of 'active floodplain' and 'ordinary high water' is used to delineate setback distances from various rivers. One term should be used for all setbacks.
6	Chapter 2, Section 2.2	Lease Stipulation 2 – Canning River Delta and Lakes	"See ROP 9 for additional requirements/standards" that is included in Alternatives B and C should also be included in Alternative D as water withdrawal could be used for seasonal activities (e.g., seismic) or exploration activities. Alternative D as written is directed at permanent facilities that are essentially prohibited in this Alternative. It would be useful to identify the minimum size waterbody that is included in the Canning River Delta area under the National Hydrography Dataset discussed in footnote 2. Is it 1 acre, 10 acres, 50 acres? This is important to know as Alternative D includes a 0.5-mile setback from any one of these waterbodies.
7	Chapter 2, Section 2.2	Lease Stipulation 3 – Springs/Aufeis	In the Objective for Alternatives B and C, the last sentence of the Objective states "..., use buffer areas around the major perennial springs that support fish populations in which no leasing is permitted." There are no surface occupancy buffers along streams in these alternatives; however, leasing is permitted in these areas in Alternatives B and C. In the Requirement/Standard (a) for Alternatives B and C, add the State of Alaska as an agency that would be consulted during the development of study plans of perennial springs as the state has authority over these waters. In Alternative D, Requirement/Standard (d), the aufeis field in the Jago River drainage (05N035E and 05N036E) that has a no new non-subsistence infrastructure restriction is not clearly identified in Maps 2-6 or 2-8.
8	Chapter 2, Section 2.2	Lease Stipulation 4 – Nearshore Marine	The Requirement/Standard (NSO)(a) for all three alternatives states " Exploratory well drill pads, production well drill pads, of a CPF for oil or gas would not be permitted in coastal waters, lagoons or barrier islands within the boundaries of the Coastal Plain." In Alternative D, Requirement/Standard (NSO)(b)(iii) discusses siting of facilities that are generally associated with drilling or processing. This directly conflicts with Requirement/Standard (NSO)(a) that prohibits these types of structures. The list of facilities permitted in Requirement/Standard (NSO)(b)(iii) should match that found in Requirement/Standard (NSO)(a). In Alternative D, (TL) describes oil and gas exploration operations, such as drilling, seismic exploration and testing, that would be allowed under timing restrictions. This directly conflicts with Requirement/Standard (NSO) that states exploratory well drill pads, production well drill pads, or a CPF for oil and gas would not be permitted in coastal waters, lagoons, or barrier islands within the boundaries of the Coastal Plain.
9	Chapter 2, Section 2.2	Lease Stipulation 5 – Coastal Polar Bear Denning River Habitat	Under Alternative D, the No Surface Occupancy area depicted on Maps 2-6 and 2-8 appears to extend beyond the coastline to 5-mile inland boundary.

Coastal Plain Oil and Gas Leasing Program EIS
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ID	Reference	Resource/Type	Comment
10	Chapter 2, Section 2.2, Page 2-9, Table 2-2	Definition of open water season unclear	The third paragraph in the Alternative D columns notes that "(TL) Oil and gas exploration operations such as drilling, seismic exploration, and testing are not allowed on the major coastal water bodies and coastal islands between May 15 and November 1 or when sea ice extent (as defined by Fetterer et al. 2017)....is beyond 10 miles of the coast each season, whichever is later." It is not clear from the second part of this statement what is being described. The first part of the statement appears to describe open water season, but the second part describes sea ice extent which is the antithesis of open water. The inclusion of the definition by Fetterer et al does not help, since no additional information regarding that reference was provided with the EIS document. This has implications for oil spill prevention and response. Please clarify.
11	Chapter 2, Section 2.2, Page 2-15, Table 2-2	Non-applicability of lease stipulation to adjacent State of Alaska lands	The information contained in the column for Alternative D that is labeled "Lease Stipulation 10 - Wilderness Boundary" states that "Surface occupancy including exploration and production well drill pads, structures and facilities, and gravel and ice roads would not be allowed within three miles of the southern and eastern boundaries of the Coastal Plain where they are near designated wilderness." According to Map 1-1 contained in Appendix A, this would preclude any surface occupancy on state lands adjacent to the wilderness area boundary. According to the Alaska National Interest Lands Conservation Act at 16 U.S.C.3101(c) "Only those lands within the boundaries of any conservation system unit which are public lands shall be deemed to be included as a portion of such unit. No lands, which before, on or after the date of enactment of this Act, are conveyed to the State, to any Native Corporation, or to any private party shall be subject to the regulations applicable solely to public lands within such units." This language precludes such buffers being added to the boundary with State lands adjacent to the Mollie Beatty Wilderness. Make this clarification in the text.
12	Chapter 2, Section 2.2, Page 2-16, Table 2-2	Clarification of stipulation – Solid Waste	b. Change 'rotting waste' to 'putrescible waste.' Rotting suggests decomposing material the emits foul odors. Putrescible waste is defined as likely to become rotting/putrid. Fresh putrescible wastes (e.g. kitchen scraps), while not yet rotting, can still be an attractant to wildlife before the waste becomes rotten.
13	Chapter 2, Section 2.2, Page 2-17, Table 2-2	Clarification re: State of Alaska primacy	Item "d." at the top of this page includes text that notes "Disposal of wastewater and domestic wastewater. The BLM prohibits wastewater discharges or discharges of domestic wastewater into bodies of fresh, estuarine, and marine waters, including wetlands, unless authorized by a National Pollutant Discharge Elimination System (NPDES) or State permit." It should be noted that the State of Alaska obtained full regulatory primacy for wastewater discharge permitting in 2012. The only remaining NPDES permits within the State are found in national parks. This statement should be changed to read "unless authorized by an Alaska Pollutant Discharge Elimination System (APDES) or State permit. Please clarify.
14	Chapter 2, Section 2.2, Page 2-17, Table 2-2	Clarification of stipulation	The information contained in the column for Alternative D that is labeled "Required Operating Procedure 3" states that "Refueling equipment within 500 feet of the active floodplain is prohibited." This conflicts with a sentence later in the column which states "The BLM Authorized Officer may allow storage and operations at areas closer than the stated distances if properly designed to account for local hydrologic conditions." The caveat "is prohibited, except where specifically allowed by the BLM Authorized Officer" should be included in the introductory sentence.
15	Chapter 2, Section 2.2, Page 2-18, Table 2-2	Non-applicability of proposed air quality requirements	The information for all the alternatives discussed under Required Operating Procedure 6 "Prevent unnecessary or undue degradation of the lands and protect health" discusses BLM requirements for air quality. This information neglects to mention that ADEC has regulatory authority under the Clean Air Act for air quality permitting. Item "f." in this section states that "If the air quality analysis show potential future exceedances of National Ambient Air Quality Standards (NAAQS) or Alaska Ambient Air Quality Standards (AAQS) or impacts above certain levels of concerns for AQRVs, the BLM would require air quality mitigation measures and strategies within its authority and in consultation with local, State, federal, and tribal agencies with responsibility for managing air resources, in addition to regulatory requirements and proponent committed emissions reduction measures and for emission sources not otherwise regulated by the ADEC or EPA." It is not clear what is meant by BLM air quality mitigation measures and strategies within its authority. In the specific context of Air Quality Related Values (AQRVs), such as visibility, the impacts over certain levels of concern for AQRVs only exist when an emission source is located within a reasonable distance of federal lands with a Class 1 air quality designation, such as national parks. The closest Class 1 lands are in Denali National Park 526 miles away.
16	Chapter 2, Section 2.2, Page 2-19, Table 2-2	Clarification of stipulation	The information discussed under Required Operating Procedure 7, "Ensure that permitted activities do not create human health risks by contaminating subsistence foods." Unfortunately this section does not discuss specific contaminants, such as fugitive dust or oil spills, so there is no way of knowing how these impacts could be mitigated. If this information is incomplete or unavailable, then the lead agency must follow the requirements of 40 C.F.R. 1502.22 regarding incomplete or unavailable information.
17	Chapter 2, Section 2.2 Page 2-19, Table 2-2	Clarification of stipulation – Water Use	<p>a. Remove the requirement that ice aggregate may be removed only from lakes at or less than 7 feet deep. If the area of ice aggregate removal is grounded, it does not matter how deep the lake is.</p> <p>b. Remove the requirement that ice aggregate may be removed only from lakes at or less than 5 feet deep. If the area of ice aggregate removal is grounded, it does not matter how deep the lake is.</p> <p>d. Include 'the total use would not exceed the respective 15 percent, 20 percent or 30 percent volume calculations above, unless recharge calculations, river overbank flooding, or a connection to a stream or river indicate recharge will replenish withdrawal amounts above these levels.</p> <p>Water use restrictions need to be coordinated for federal areas east of the Canning River and west of the Colville River.</p>

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18	Chapter 2, Section 2.2, Page 2-20, Table 2-2	Clarification of stipulation – Winter Overland Moves and Seismic Work	D(a) As ringed seals are listed under the Endangered Species Act, protective measures by the NOAA Fisheries will likely be applied across all alternatives. Make all alternatives the same, eliminate D(a) and add (c) describing the requirements for ringed seals. Simplify the ringed seal measures by stating measures developed and approved by NOAA Fisheries will be adopted by the BLM for the protective measures for ringed seals under this ROP.
19	Chapter 2, Section 2.2, Page 2-22, Table 2-2	Clarification of stipulation – Winter Overland Moves and Seismic Work	ROP 15 should be merged with ROP 11 as both discuss the use of snow fences.
20	Chapter 2, Section 2.2, Page 2-22, Table 2-2	Clarification of stipulation	For clarity, consider adding ‘amendments of snow and/or ice chips from approved sources’ as an allowable activity to ROP 10 and ROP 11 for all alternatives. This is a common practice for snow trail and ice road construction in order to meet snow depth requirements and protect the tundra.
21	Chapter 2, Section 2.2, Page 2-25, Table 2-2	Clarification of stipulation – Exploration Drilling	Requirement/Standard: Construction of a gravel road for permanent oil and gas facilities would be prohibited for exploratory drilling. Change to: "Construction of a gravel road would be prohibited for exploratory drilling" to simplify and clarify the probable intent of the Requirement/Standard.
22	Chapter 2, Section 2.2, Page 2-27, Table 2-2	Clarification of stipulation – Pipelines/Roads	Required Operating Procedure 23c. Add "An exception, modification, or waiver to the pipeline/road separation requirement may be granted if separation alternatives are not feasible or practicable.
23	Chapter 2, Section 2.2, Page 2-27, Table 2-2	Clarification of stipulation – Gravel Mines	For Alternative D (a), consider including gravel mine sites within the active floodplains of the Canning, Sadlerochit, Hulahula and Aichilik rivers as mine sites in these floodplains or outside of the floodplain but connected to a river channel may provide additional overwintering fish habitat and final water volumes would easily be recharged on a yearly basis. Appropriate site selection criteria would need to be developed for these in-floodplain sites.
24	Chapter 2, Section 2.2, Page 2-29, Table 2-2	Clarification of stipulation – Nesting Raptors	Requirement/Standard (b) regarding instream mining and raptor cliffs needs clarification regarding what bank heights define 'river bluffs' as well as the proximity to a cliff/bluff that would initiate the requirement to conduct a hydrological study regarding the potential instream mining effects to the river bluffs.
25	Chapter 2, Section 2.2, Page 2-32, Table 2-2	Clarification of regulatory roles	The information discussed under Required Operating Procedure 35 "Ensure ongoing and long-term reclamation of land to its previous condition and use" discusses BLM approved reclamation plans for well pads, production facilities, access roads and airstrips. It is not clear if this reclamation work includes well closure and capping. If well closure and capping is involved, proper plugging and abandonment of well is governed by Article 2 of the Alaska Oil and Gas Conservation Commission (AOGCC) regulations at 20 AAC 25.105.
26	Chapter 3, Page 3-4	Justify analysis	The statement that dispersion and turbulence increase with wind speed, should be amended to read'thereby locally decreasing air pollutant concentrations resulting from an emitted plume of pollutant.' The statement otherwise is too broad and is not supported by any of the information provided.
27	Chapter 3, Page 3-6	Justify analysis	Paragraph two on this page discusses "Direct GHG Emissions from Future Development" and appears to use the ConocoPhillips GMT-2 project as a scaling proxy for the proposed future development in the ANWR Coastal Plain. It is not clear why the GMT-2 project is used as a proxy, because it was not discussed in any detail in the hypothetical development scenario in Appendix B. It would make the hypothetical development scenario much easier to understand if it was compared in size and impacts to a similar project on the North Slope.
28	Chapter 3, Page 3-6	Justify analysis – inconsistencies	The last sentence on this page notes that "This is because the Coastal Plain development would still represent approximately 9 to 59 times the estimated oil production and therefore 9 to 59 times the direct GHG emissions of the GMT2 development." This statement implies a very wide range of possible impacts appears to imply that the proposed development could be up to 60 times larger than the proposed GMT-2 project. If is not clear how a development of this magnitude could occur on the 2,000 surface acres allowed by the Tax Act. Please explain.
29	Chapter 3, Page 3-8	Justify analysis	The last paragraph on this page focuses specific attention on methane leaks but does not quantify the methane emissions due to leaks. The rest of the paragraph quantifies the GHG emissions from oil and gas production, which appear to be due to the combustion process and not leaks. If information on methane leaks are incomplete or unavailable, the agency must make it clear that such information is lacking, identify if the incomplete information is relevant to reasonably foreseeable significant adverse impacts, the cost of obtaining the incomplete or unavailable information and a summary of the existing credible scientific information which is relevant to evaluating the reasonably foreseeable significant adverse impacts. See the requirement in the CEQ regulations at 40 C.F.R. 1502.22. Please clarify.
30	Chapter 3, Page 3-9	Justify analysis – inconsistencies	Paragraph five on this page discussed the potential for sea level rise within the approximate 50-year life of the production facilities or access roads. This is confusing because the discussion of greenhouse gas emissions on page 3-7 is based on a 70-year period for the potential production. Please clarify which time period is being used for forecasting impacts.

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31	Chapter 3, Page 3-13	Justify analysis – inconsistencies	The last sentence in paragraph five on this page notes that "Future development proposals on the Coastal Plain are anticipated to be similar in scope to the GMT2 project described and analyzed in the GMT2 Final SEIS (BLM2018a)." This appears to conflict with the discussion of GHG emissions on page 3-6 of this chapter which notes that the Coastal Plain GHG emissions could represent approximately 9 to 59 times the estimated oil production of the GMT2 development. Please clarify.
32	Chapter 3.2.3, Alt. B, Page 3-20	Supplement analysis - Noise	In the last paragraph on this page, the text indicates there would be no sources of sound from ground-based equipment in areas with No Surface Occupancy (NSO). However, as essential pipeline and road crossings in NSO areas in Lease Stipulation 1, and barge landings or docks in Lease Stipulation 4 are permitted within these areas in Alternative B on a case-by-case basis, sound from industrial activities would be generated. The text needs to be corrected to account for these potential noise sources.
33	Chapter 3, Page 3-39	Clarify regulatory roles	Sentence two on this page notes that "Operators would be required to implement spill prevention and control plans in compliance with applicable federal regulations." This sentence should be modified to include the phrase "and state regulations" because in some instances state requirements for spill response are more stringent than federal regulations. Please clarify.
34	Chapter 3, Page 3-43	Clarify language – Paleontological Resources	Setbacks from streams for NSO buffers will do little to protect fossils from being eroded by streams as only areas immediately next to streams will be eroded by streams. Streams may do this anyway, so stating buffers will prevent this is an overstated conclusion. Buffers MAY prevent or reduce, but it is not unequivocal.
35	Chapter 3, Page 3-46	Revise analysis - Soil Resources	Settlement and ponding only occurs if soils are thaw unstable. If they are not, such as frozen sand and gravel tend to be, then thawing of permafrost will not cause subsidence or water accumulation. As much of the Coastal Plain is underlain by granular materials that will be thaw stable, this an over simplification. The next section on sand and gravel resources outlines how abundant these generally thaw-stable soils are in the northern and western portion of the area. Placement of fill does tend to cause permafrost degradation under thin fills and embankment slopes, but permafrost can aggrade into thick embankments.
36	Chapter 3.3.2 Fish, Page 3-78; Table 3-18	Correction	The complete scientific name for burbot is <i>Lota lota</i> . The complete scientific name for ninespine stickleback is <i>Pungitius pungitius</i> .
37	Chapter 3.3.2 Fish, Page 3-79	Supplement analysis – Fish, Climate Change	Often changes in climate can result in expansion or contraction of a habitat or range of a fish species. Add to this paragraph some language describing the potential for species (such as Pacific salmon but also others) to begin colonization of newly available habitat.
38	Chapter 3, Page 3-80	Revise analysis – Fish and Aquatic Species	Comments on gravel mining appear to reflect mining in active channels or floodplains, not adjacent to them. Mining adjacent to active channels would have much lower impact, but this is written to address the worse-case mining scenario, which is quite unlikely to happen. This is biasing the rest of the discussion on this issue.
39	Chapter 3.3.2, Fish. Page 3-83	Justify analysis – inconsistencies	Alternative B incorrectly states, "overwintering habitat (springs) would be unprotected from both surface development beyond the 500-foot setback for fish-bearing waters and from water or ice withdrawal, which could affect the long-term survival and distribution of freshwater fish in the program area." These spring areas are within the 0.5- or 1.0-mile buffers that are established for specific streams (some containing springs) in Lease Stipulation 1 and are incorporated in Lease Stipulation 3.
40	Chapter 3.3.2, Fish. Page 3-83	Justify analysis – Fish and Aquatic Species	Please clarify how springs would not be protected by the 500 ft buffer around fish-bearing streams. Is this because of concerns regarding interception of ground water springs by drilling, VSMs, mine sites or other surface perforations? Please clarify.
41	Chapter 3.3.4, Terrestrial Mammals, Page 3-108	Correction	In paragraph 4, change rotting waste to putrescible waste as this is the more appropriate term for waste that may attract carnivores.
42	Chapter 3.3.4, Terrestrial Mammals, Page 3-115	Revise analysis	The discussion of road and pipe impacts to caribou do not mention orientation of infrastructure features, which has been a consideration in other locations to mitigate impact to migration or movement.
43	Chapter 3.4.1, Social Systems, Page 3-150	Revise analysis – Landownership and Use	In Paragraph 4, it is noted that Kaktovik is “one of the largest North Slope communities.” In both the NSB census data and ACS 5-year estimates, it is one of the three smallest communities of the eight communities on the North Slope.
44	Chapter 3.4.4, Sociocultural Systems, Page 3-185	Correction	The reference to Nalukataq states “One of the most important ceremonies on the coast <i>was</i> the whale feast.” This festival <i>remains</i> very important on the North Slope and is <i>continued</i> to be held by successful whaling captains in all communities.

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45	Page 3-210, Wild and Scenic Rivers, 3 rd paragraph	Correction	This discussion indicates stipulations would only be applied to rivers found suitable and recommended to Congress; however, the EIS applies stipulations to both suitable and eligible rivers; eligible rivers have not been recommended to Congress for designation. As discussed above, we object to applying protections to both suitable and eligible rivers to preserve their status for future designation and request they be removed from the EIS.
46	Page 3-214 and 3-215	Correction	For all alternatives, there are no designated WSRs in the Coastal Plain and the WSR review conducted by the USFWS in the 2015 Arctic Refuge CCP is legally flawed and outdated. Remove all references to eligible and suitable rivers and related discussion of impacts to WSRs or river preliminary classifications.
47	Page 3-216, first paragraph	Correction	The WSRA only applies protections to congressionally-directed study rivers. The following statement “Examples are maintaining ORVs or the free-flowing nature of eligible or suitable segments in the program area, in accordance with the Wild and Scenic Rivers Act” implies the WSRA requires these study rivers be protected, which is not the case, as the study was agency-directed, not congressionally-directed.
48	Chapter 3, Page 3-232	Revise analysis– incongruous representation of the benefits vs. impacts	Paragraph five on this page notes that "For the purposes of this analysis, the projections are based on the hypothetical development scenarios on potential economic impacts area carried through 2050 only." This 31-year time frame appears to conflict with the 50-year and 70-year time frames discussed elsewhere in the EIS documents. One time-frame should be used from for comparison across all the different disciplines, and we recommend the 50- or 70-year time frame
49	Chapter 3, Page 3-239	Clarification	The first sentence in paragraph five notes that "Under NEPA regulations, projects that require an EIS must include an analysis of health impacts associated with federal actions." Although this has been a common practice with recent EISs for projects located in Alaska, this requirement does not appear to be specifically spelled out in CEQ regulations. Please provide a citation to CEQ regulations or NEPA case law where this requirement is spelled out.
50	Chapter 3, Page 3-248	Revise analysis	These comments only list losses due to permanent commitment of resources, and not any associated benefits. As noted earlier gravel mines can be a positive for overwintering fish.
51	Glossary, Page 9	Clarification	Insect relief area. For clarity change to: An area of the North Slope with relatively low numbers of insects <u>because of wind, ice, or cooler temperatures</u> that caribou use for relief from insects.
52	Glossary, Page 12	Clarification	No-Surface-Occupancy (NSO). This definition needs to be modified for clarity as certain essential surface facilities are allowed in or allowed to cross NSO areas within Lease Stipulations and ROPs. These facilities include essential roads and pipelines, docks, and seawater treatment plants. Add: <u>Facilities such as essential roads, pipelines, a dock, and a seawater treatment/desalinization plant may be allowed in these areas on a case-by-case basis.</u>
53	References	Correction	The first listing under ADEC cites to a draft Integrated Water Quality Monitoring and Assessment Report. This citation should be updated to refer to the final report that was issued on November 2, 2018.
54	Appendix A, Maps 3-21, 3-22, 3-23,	Clarification	The timeframe for the years of data should be included for each image (e.g., 22 years of data spans 1980 to 2002? 1990 to 2012?). The data source should reference the original or significant sources rather than BLM GIS.
55	Appendix A, Map 3-23	Clarification	The top calving in-map legend for Alternative C likely should include "Calving period, just cows and calves."
56	Appendix B, Table B-3 and text	Correction	The hypothetical development scenario suggests 3D seismic will be completed before the ROD is finished. A seismic program will not begin until late 2019 or early 2020 which should be after the ROD is finished.
57	Appendix B, B.7.2 Exploration Paragraph 3, Page B-12 and Appendix B, B.7.3, Development Paragraph 4, Page B-13	Development Scenario	The text indicates water for exploration activities could be taken from nearby lakes or rivers. Current policy on Alaska's North Slope is to prohibit water withdrawal from rivers because of a general lack of winter flow and to maintain available free water for overwintering fish survival. Naturally grounded ice in rivers may be available for use on a case-by-case basis.

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58	Appendix B, B.7.3 Development, Page B-13 to B-18	Development Scenario	One item that seems to be missing in the development scenario is the likely need for extensive support facilities and services necessary for successfully operating an oilfield. This oilfield supply complex (essentially a "Deadhorse East") would likely include drilling contractors, equipment rental contractors, well testing, fuel storage, drilling mud storage, equipment maintenance facilities, and camp facilities. Additional pad space will be required for these facilities and operations. Proper food storage and handling, and solid waste management, particularly putrescible waste and attraction of bears and foxes to these wastes, are important issues to be evaluated in the total evaluation of these support facilities and services.
59	Appendix E, Alternative B, Page E-9	ANILCA 810 Analysis	As Alternative B, which is the most accommodating to oil and gas development, allows many activities and facilities along the Beaufort Sea coastline, the potential exists that these activities and facilities may adversely affect either the distribution of caribou in summer along the coastline or the use of this area by Kaktovik residents to harvest caribou by boat in summer. A careful evaluation of these potential effects should be included in the development of the finding of significant or non-significant restriction to subsistence uses.
60	Appendix E, Table E-1	ANILCA 810 Analysis	Re-examine all values in this table. The No surface occupancy/not offered for lease sale numbers presented for Alternative D1 and D2 do not match any number provided elsewhere in the document.
61	Appendix J, Table J-9, Page J-18	Birds	Probable typo: <i>Fao</i> should be changed to <i>Falco</i> as the genus for the American Kestrel, Merlin, Gyrfalcon, and Peregrine Falcon.
62	Appendix K, Fish, Page K-2	Pacific Salmon	The paragraph on Pacific salmon gives detailed life history information, implying that there are self-sustaining populations of Chinook, pink, and chum salmon found in North Slope streams. At this time, there is no evidence that Pacific salmon are successfully spawning and rearing North of the Point Hope area, and many in the science community believe that the salmon observed on the North Slope are strays. The reasoning is that upon smolting, juvenile salmon would have to migrate all the way to the southern Bering Sea before the onset of ice formation in the Beaufort Sea. Best evidence is that Pacific salmon cannot tolerate the supercooled water under the ice. There is some research being done on salmon in Beaufort Sea drainages by the Department of Fisheries and Oceans-Canada, but definitive proof of self-sustaining populations has not been found.
63	Appendix M, Pages M-17, M-22, M-25	Seasonal round- Nuiqsut, Arctic Village, and Venetie	The seasonal round for Nuiqsut, Arctic Village, and Venetie includes information on "limited, moderate, or high activity." This differs from the Kaktovik seasonal round which doesn't include this information. How were these activity levels determined, and why are they absent from the Kaktovik information?
64	Appendix M, Page M-27	Caribou Study communities	Caribou data does exist for Anaktuvuk Pass in 2014, which is not included on the table. Harvest information is included in Technical Paper 426 (which can be found at https://www.adfg.alaska.gov/sf/publications/) and is also available on the CSIS (https://www.adfg.alaska.gov/sb/CSIS/index.cfm?ADFG=main.home).
65	Appendix M, Page M-30	Caribou Study communities	Caribou data does exist for Stevens Village in 2014, which is not included on the table. Harvest information is included in Technical Paper 426 (which can be found at https://www.adfg.alaska.gov/sf/publications/) and is also available on the CSIS (https://www.adfg.alaska.gov/sb/CSIS/index.cfm?ADFG=main.home).
66	Draft EIS Volume 1 and 2	General	Overall, ADF&G subsistence data was accurately represented in the EIS analysis.