
From: Hayes, Miriam (Nicole) <mnhayes@blm.gov>
Sent: Wednesday, January 23, 2019 9:51 AM
To: coastalplainAR; Sean Cottle
Subject: Fwd: [EXTERNAL] Response Requested-Extension re: Coastal Plain EIS
Attachments: 2019 01 23 Extension Request Followup FINAL w Attachments.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Nicole Hayes

Project Coordinator
Bureau of Land Management
222 W. 7th Avenue #13
Anchorage, Alaska 99513
Desk: (907) 271-4354
Cell: (907) 290-0179

----- Forwarded message -----

From: Brook Brisson <bbrisson@trustees.org>
Date: Wed, Jan 23, 2019 at 8:14 AM
Subject: [EXTERNAL] Response Requested-Extension re: Coastal Plain EIS
To: mnhayes@blm.gov <mnhayes@blm.gov>, t75murph@blm.gov <t75murph@blm.gov>, [blm ak coastalplain EIS@blm.gov](mailto:blm_ak_coastalplain_EIS@blm.gov) <blm ak coastalplain EIS@blm.gov>
Cc: dwbernhardt@ios.doi.gov <dwbernhardt@ios.doi.gov>, james_cason@ios.doi.gov <james_cason@ios.doi.gov>, joseph_balash@ios.doi.gov <joseph_balash@ios.doi.gov>, stephen_wackowski@ios.doi.gov <stephen_wackowski@ios.doi.gov>

Ms. Hayes and Mr. Murphy, and Sirs,

Attached is a follow-up letter to our Dec. 21 and Jan. 14 letters requesting extensions of the public comment period for the Arctic National Wildlife Refuge Coastal Plain EIS. To date, we have not received a response to either. An extension of the comment period to account for the partial government shutdown is necessary and reasonable. *Please respond to this request and our pending requests promptly.*

Please do not hesitate to contact me if you have any questions.

Regards,

Brook Brisson

Senior Staff Attorney

Trustees for Alaska

1026 W. 4th Ave., Suite 201

Anchorage, Alaska 99501

office (907) 276-4244 x 112

direct (907) 433-2012

fax (907) 276-7110

bbrisson@trustees.org / www.trustees.org /  Follow us on Facebook



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January 23, 2019

Submitted via email; Response requested

Nicole Hayes
Project Manager
Attn: Coastal Plain Oil and Gas
Leasing Program EIS
Bureau of Land Management
222 West 7th Avenue, Stop #13
Anchorage, Alaska 99513
mnhayes@blm.gov
blm_ak_coastalplain_EIS@blm.gov

Ted Murphy
Acting State Director
Bureau of Land Management
222 West 7th Avenue
Anchorage, Alaska 99513
t75murph@blm.gov

Re: Impacts of government shutdown on public involvement and renewed request for extension of public comment period for Arctic National Wildlife Refuge Coastal Plain Oil and Gas Program Draft Environmental Impact Statement, 83 Fed. Reg. 67,337 (Dec. 28, 2018).

Dear Ms. Hayes and Mr. Murphy,

We, the undersigned organizations representing millions of members nationally and internationally, write to express our concerns with the adverse impacts of the now 33-day partial government shutdown on the public comment period for the Bureau of Land Management's (BLM) Notice of Availability of the Draft Environmental Impact Statement for the Coastal Plain Oil and Gas Leasing Program and Announcement of Public Subsistence-Related Hearings, 83 Fed. Reg. 67,337 (Dec. 28, 2018). We request a prompt response.

BLM announced that it was releasing the draft EIS on December 20, 2018. On December 21, 2018, we submitted a letter respectfully requesting an extension of the public comment period for an additional 77 days. At midnight that night, funding for the Department of the Interior lapsed and the agency shutdown. Agency officials, however, have continued to work on the project. On January 14, 2019, we submitted a request for BLM to hold additional public hearings and to extend the public comment period to account for the shutdown, as well as to grant our originally-requested 77-day extension. We received an out-of-office response to that submission from Ms. Hayes but not the other individuals copied on the letter. To date, we have not received a response from BLM on either request. We also understand that on January 8, 2019, a group of senators requested an extension of the comment deadline, which BLM has similarly not responded to.

We write now to reiterate our request for an extension based on the government shutdown. An extension to account for the shutdown is reasonable and justified. The government shutdown is now the longest ever, in its 33rd day. A shutdown of this length is an extraordinary circumstance, accounting for over 70% of the total public comment period. It has significantly impacted the public's ability to engage in this important and controversial process during what is already a short public comment period.

Public participation is a core purpose of NEPA. BLM must ensure adequate opportunity to engage the public in each step of this process.¹ It is imperative that BLM ensure that any process to consider leasing on the Coastal Plain allows for robust participation by the interested public.² The shutdown has significantly frustrated public involvement during the already inadequate public comment period, including in the following ways:

- Since the date after BLM announced the draft EIS, no agency officials have been available to answer questions about the analysis or BLM's proposal. This stymies the public's ability to gain the understanding necessary to provide substantive comments on the agency's proposal.
- The public has been unable to gain access to important additional information during the shutdown. Without staff available, the public is not able to request cited materials and data used by the agency in its analysis. BLM's Coastal Plain e-planning page and comment portal were also unavailable for at least 7 days during that time (Dec. 22–26, Dec. 28, Jan. 21), meaning that no one could access the draft EIS and related documents or utilize the commenting portal during that time.
- Federal agency staff at agencies with relevant expertise, as well as other cooperating federal agencies, will not have adequate time to review and comment on the draft EIS. Given the significant and numerous deficiencies with the draft EIS, input by those agencies is critical to inform BLM's analysis and proposal.
- The shutdown has created general uncertainty about the public comment period. With a shutdown, a reasonable assumption is that the agency is not proceeding and the comment period will resume once the government reopens. However, it appears that BLM is keeping the deadline of February 11th. It is also unclear if and how comments are actually being received during the shutdown.
- Given the agency's recent announcement that it was postponing public hearings,³ it is unclear if the agency will be able to schedule the hearings before the February 11th comment deadline. The agency cannot close the public comment period before holding the hearings. Hearings are one avenue for the public to submit comments, and are an important venue for the public to gain information about the proposal to inform their comments.

Due to the circumstances of a shutdown, including the hardships described above, agency practice during past shutdowns has been to automatically extend open public comment periods by an equivalent number of days to the duration of the shutdown. BLM should do the same here

¹ 40 C.F.R. §§ 1500.2(d), 1506.6.

² 40 C.F.R. § 1503.1(a)(4).

³ See attachment.

and extend the comment period to account for the shutdown period, in addition to granting the pending 77-day extension request and request for public hearings.

Given that BLM recently reaffirmed the public-comment deadline of February 11th, and that that date is fast approaching, *we request your prompt attention to this matter.*

Sincerely,

Leah Donahey
Legislative Director
Alaska Wilderness League

Ed Schmitt
President of the Board
Alaska Wildlife Alliance

Norma Kassi
Indigenous Collaboration
Arctic Institute of Community Based
Research

Kristen Monsell
Senior Attorney
Center for Biological Diversity

Nicole Whittington-Evans
Alaska Program Director
Defenders of Wildlife

Erik Grafe
Staff Attorney
Earthjustice

Erik DuMont
Public Lands Conservation Campaign
Director
Environment America

Jessica Gerard
Coalition Care
Fairbanks Climate Action Coalition

David C. Raskin, Ph.D.
President
Friends of Alaska National Wildlife Refuges

Garett Rose
Staff Attorney - Alaska Project
Natural Resources Defense Council

Ryan Arash Marsh
Arctic Program Coordinator
Northern Alaska Environmental Center

Alli Harvey
Senior Arctic Campaign Representative
Sierra Club

Matt Krogh
Extreme Oil Director
Stand.earth

Ben Greuel
Arctic Refuge Campaign Director
The Wilderness Society

Brook Brisson
Senior Staff Attorney
Trustees for Alaska

Fran Mauer
Alaska Representative
Wilderness Watch

Jim Kowalsky
Chair
Alaskans FOR Wildlife

Helen Cherullo
Executive Director
Braided River

Chris Rider
Executive Director
Canadian Parks and Wilderness Society,
Yukon Chapter

Sarah Greenberger
Senior Vice President, Conservation Policy
National Audubon Society

Desirée Sorenson-Groves
Vice President, Government Affairs
National Wildlife Refuge Association

Enei Begaye-Peter,
Executive Director
Native Movement

CC:

David Bernhardt, Acting Secretary, U.S. Department of the Interior, dwbernhardt@ios.doi.gov

James Cason, Associate Deputy Secretary, james_cason@ios.doi.gov

Joe Balash, Assistant Secretary of Land and Minerals Management, U.S. Department of the Interior, joseph_balash@ios.doi.gov

Steve Wackowski, Senior Advisor for Alaska Affairs, U.S. Department of the Interior, stephen_wackowski@ios.doi.gov

Despite shutdown, Trump administration continues work to begin oil drilling in ANWR

By **Elizabeth Harball**, Alaska's Energy Desk - Anchorage - January 4, 2019



Caribou graze on the coastal plain of the Arctic National Wildlife Refuge, with the Brooks Range as a backdrop. (USFWS)

Jan. 7 update:

The new Democratic chairman of the House Natural Resources Committee is demanding details on how the Department of the Interior is continuing its push toward oil lease sales in the Arctic National Wildlife Refuge despite the partial government shutdown.

0:00 / 3:19

Congressman Raul Grijalva of Arizona wrote to acting Interior Secretary David Bernhardt questioning whether his department's work is appropriate during the partial shutdown. Interior is continuing its environmental review for oil lease sales in the Arctic refuge, as well overhauling the management plan to the west of the refuge in the National Petroleum Reserve-Alaska.

Grijalva said it doesn't make sense for the department to hold public meetings when the shutdown is limiting agency staff's ability to answer questions.

"Asking people to comment on two major development processes in the Arctic with huge potential environmental and human consequences without anyone in the agency able to answer questions defeats the purpose of the public participation process," Grijalva wrote.

Grijalva asked for more information on how the Bureau of Land Management, an Interior Department agency, has the legal authority to continue the work. He wants to know what account is paying for it and how much money is being spent, in addition to the names of people who participated in the agency's decision-making process.

The congressman asked for a response by Friday. Even with the department's reduced staff, he said, "there should be no difficulty having those employees provide responses to these questions," since department employees are still in the office to work on oil development.

In a previous statement, BLM Alaska said it is using funding from a previous fiscal year to pay for the work. In a bill passed last year, **Congress did authorize a pot of money** for BLM "to remain available until expended."

Original Post:

As the partial government shutdown drags on, the Trump administration is making sure some Interior Department employees continue work on one of its biggest, most controversial priorities: opening the Arctic National Wildlife Refuge to oil drilling.

Drilling opponents were quick to criticize the move, contrasting it with the overflowing trash cans and unattended public toilets in national parks managed by Interior, which have become a symbol of the continuing stalemate in Washington, D.C.

Emails obtained by Alaska's Energy Desk show that on Jan. 3 — 13 days into the shutdown — Bureau of Land Management project coordinator Nicole Hayes wrote to community leaders in Alaska to schedule public meetings for the ongoing environmental review process needed to allow oil lease sales in the Arctic refuge.

When contacted Friday by Alaska's Energy Desk, Hayes' email account sent an automatic reply: "Due to the lapse in funding of the federal government budget, I am out of the office. I am not authorized to work during this time, but will respond to your email when I return to the office."

The partial shutdown also isn't stopping Trump's Interior Department from pressing ahead with potentially allowing more oil development in another vast, federally managed area in the Arctic, the National Petroleum Reserve-Alaska, or NPR-A.

The Bureau of Land Management confirmed it is going forward with previously scheduled public meetings on overhauling the NPR-A management plan in the North Slope communities of Utqiagvik on Fri., Jan. 4 and Nuiqsut on Sat., Jan. 5, despite

many other Interior Department activities remaining frozen.

The agency is using funds left over from the previous fiscal year to pay for the work, according to acting BLM Alaska director Ted Murphy.

"This money will be used for labor and operations for staff and contractors involved. Work may continue on these projects as long as we have appropriated funds remaining," Murphy said in a statement.

Interior officials declined to comment further.

But groups opposed to expanding oil development in Alaska's Arctic criticized Interior's decision to continue its NPR-A and Arctic refuge-related work during the partial shutdown.

One former Interior employee, now working for a law firm that represents environmental organizations that have sued the Trump administration over oil development, said it is "unusual" to press forward with public meetings during a shutdown.

"When I was with the government I never saw anything like that happen — generally, all non-essential work was basically shut down and employees are not even supposed to be checking their emails," said Bridget Psarianos, a staff attorney with Trustees for Alaska who formerly worked as project manager for BLM's Alaska office.

Psarianos asserted that the BLM Alaska employees who are continuing work to allow more oil development during the shutdown are acting under the authority of an administration "whose priorities are drilling on our public lands rather than performing essential government services, like picking up trash in National Parks."

Elizabeth Harball, Alaska's Energy Desk - Anchorage

Elizabeth Harball is a reporter with **Alaska's Energy Desk**, covering Alaska's oil and gas industry and environmental policy. She is a contributor to the Energy Desk's Midnight Oil podcast series. Before moving to Alaska in 2016, Harball worked at E&E News in Washington, D.C., where she covered federal and state climate change policy. Originally from Kalispell, Montana, Harball is a graduate of Columbia University Graduate School of Journalism.

From: [Hayes, Miriam \(Nicole\)](#)
To: [Brook Brisson](#)
Subject: Out of the Office Re: [EXTERNAL] Request for Additional Public Hearings re: Arctic Refuge Coastal Plain Leasing Draft EIS
Date: Monday, January 14, 2019 8:30:15 AM

Due to the lapse in funding of the federal government budget, I am out of the office. I am not authorized to work during this time, but will respond to your email when I return to the office.

--

Nicole Hayes
Project Coordinator
Bureau of Land Management
222 W. 7th Avenue #13
Anchorage, Alaska 99513
Desk: (907) 271-4354
Cell: (907) 290-0179

From: [CoastalPlain_EIS.BLM_AK](#)
To: [Brook Brisson](#)
Subject: Re: [EXTERNAL] Request for Additional Public Hearings re: Arctic Refuge Coastal Plain Leasing Draft EIS
Date: Monday, January 14, 2019 8:30:18 AM

Due to the lapse in funding of the federal government budget, this email will not be monitored.

From: lellis@blm.gov <lellis@blm.gov> **On Behalf Of** Communications, BLM_AK
Sent: Wednesday, January 09, 2019 1:23 PM
To: BLM Press <blm_press@blm.gov>; Interior Press <interior_press@ios.doi.gov>
Subject: BLM POSTPONES PUBLIC MEETINGS FOR COASTAL PLAIN OIL AND GAS LEASING PROGRAM
DRAFT ENVIRONMENTAL IMPACT STATEMENT



News Release

Bureau of Land Management, Alaska State Office, Office of Communications
222 W. 7th Avenue #13, Anchorage AK 99513-7504
Tel: 907-271-5555 Fax: 907-271-5421
www.blm.gov/alaska

FOR IMMEDIATE RELEASE

News Release No. 19-01

Contact: BLM_Press@blm.gov

Date: Jan. 9, 2019

ANCHORAGE – The Bureau of Land Management (BLM) today announced its intent to postpone currently scheduled public meetings regarding the Draft Environmental Impact Statement (EIS) for the Coastal Plain Oil and Gas Leasing Program.

The BLM plans to hold public meetings in: Anchorage, Arctic Village, Fairbanks, Kaktovik, Fort Yukon, Venetie, Utqiagvik, and Washington, D.C., at times and locations to be announced at a future time in local media, newspapers, and on the BLM website. The deadline for submitting comments is February 11, 2019. Comments on the Draft EIS can continue to be sent by any of the following methods:

- **Website:** www.blm.gov/alaska

- **Mail:**

Attn: Coastal Plain Oil and Gas Leasing Program EIS
222 West 7th Avenue, Stop #13
Anchorage, Alaska 99513

-BLM-

The BLM manages more than 245 million acres of public land located primarily in 12 Western states, including Alaska. The BLM also administers 700 million acres of sub-surface mineral estate throughout the nation. The agency's mission is to sustain the health, diversity, and productivity of America's public lands for the use and enjoyment of present and future generations. Diverse activities authorized on these lands generated \$96 billion in sales of goods and services throughout the American economy in fiscal year 2017. These activities supported more than 468,000 jobs.