
From: Hayes, Miriam (Nicole) <mnhayes@blm.gov>
Sent: Friday, January 18, 2019 10:55 AM
To: coastalplainAR; Sean Cottle
Subject: Fwd: [EXTERNAL] Coastal Plain Draft EIS
Attachments: Coastal Plain EIS statement.docx

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Nicole Hayes

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

From: Warren, Jim <WarrenJ@wlu.edu>
Date: Fri, Jan 18, 2019 at 9:43 AM
Subject: [EXTERNAL] Coastal Plain Draft EIS
To: mnhayes@blm.gov <mnhayes@blm.gov>
Cc: Warren, Jim <WarrenJ@wlu.edu>

Dear Ms. Hayes:

I am submitting a first statement on the Draft EIS and Notice of Intent published by BLM for leasing sales in the Coastal Plain of the Arctic Refuge, also known as Area 1002.

My statement addresses some fundamental issues in logic and argumentation presented in this Draft EIS. While I am not a scientist, I am a trained professional in logic, analysis, and argumentation. With nearly 40 years of experience in those areas, you may even consider me an expert in the field. I say this in order to ask you to address my concerns with professional seriousness. They are of utmost concern to me and to the decisions we make about the uses we make of the Refuge, a place I hold dear.

In addressing these fundamental problems, I raise the question of scope and scale regarding climate change. This relates to how a EIS is to be framed. In the case of the present Draft EIS, I think the framing is much too limited, to the

detriment of the analysis and the conclusions drawn in the document. This is a matter of argumentation, but it is of specific import regarding climate change, a global problem we cannot address merely with local scales and scoping.

My statement further addresses arguments concerning water resources. While not complete by any means, the statement intends to provide some factual numbers about water usage in the projected drilling leases and will be of some interest to BLM and to the public. These numbers come from the Draft EIS itself, even though they are not presented in this form. Please address these statistics with utmost seriousness.

I intend to write further statements concerning potential impacts polar bear denning, caribou calving areas, and migratory birds.

Even though we are in the middle of a government shutdown, I hope my comments will be duly recorded and that you will contact me ASAP to let me know that is the case.

James Perrin Warren

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To Nicole Hayes, Bureau of Land Management
Re Draft EIS for development of Coastal Plain Area 1002 in Arctic Refuge
Submitted by James P. Warren, 1780 Willow Run, Fairbanks, AK 99709 warrenj@wlu.edu
907-888-2489
January 18, 2019

Dear Ms. Hayes:

I am still working my way through the entire text of the draft EIS you have released, but I already have some comments I'd like to submit. I am sending this to you as an attachment via email. My comments address some specific aspects of the draft EIS, but first I want to point out logical problems with the analysis used for the arguments in the draft EIS.

Alternatives

- 1) The Draft EIS presents Alternatives A-D, with Alternative D given two specific sub-headings with different approaches to the calving grounds and periods of the Porcupine Caribou Herd. Alternative A is a kind of null hypothesis, an alternative that is not an actual alternative. But Alternative A—not to develop the Area 1002—is clearly an alternative within Section 1002 of ANILCA. The Tax Bill contradicts the Section 1002 language because that language allows for NO DEVELOPMENT of the area. According to Section 1002, “The purpose of this section is to provide for a comprehensive and continuing inventory and assessment of the fish and wildlife resources of the coastal plain of the Arctic National Wildlife Refuge; an analysis of the impacts of oil and gas exploration development, and production, and to authorize exploratory activity within the coastal plain in a manner that avoids significant adverse effects on the fish and wildlife and other resources.” Within this sentence, we can see that it would be possible to judge that **no exploratory activity within the coastal plain should be undertaken if it cannot avoid significant adverse effects on fish, wildlife, and other resources**. In short, Section 1002 allows Alternative A of the Draft EIS. This makes the decision to state Alternative A and then reject it out of hand not only self-contradictory but potentially contradictory of ANILCA Section 1002. Only with a very thorough analysis of potentially “significant adverse effects” can Alternative A be rejected.
- 2) The Draft EIS reads in a very confusing manner in Section 2.3, ALTERNATIVES CONSIDERED BUT ELIMINATED FROM DETAILED ANALYSIS: “The BLM considered an alternative that would make only 800,000 acres available for lease sales, which is the minimum acreage necessary to comply with the requirement in Section 20001(c)(1) of PL 115-97 to hold not fewer than two lease sales, each of which offers not fewer than 400,000 acres of the areas having the highest potential for discovery of hydrocarbons. The best available information regarding hydrocarbon discovery potential

in the Coastal Plain provides a rough estimate of 427,900 acres of high HCP, 658,400 acres of medium HCP, and 477,200 acres of low HCP. Acreages within low and medium HCP areas must be made available, in addition to the high HCP areas, for the two lease sales to meet the 800,000-acre minimum under PL 115-97. In addition, the actual potential development area would be much less with the 2,000-acre limitation on surface disturbance. This alternative would also be similar in concept to Alternatives D1 and D2, which make only 1,037,200 acres available for lease sales. For all these reasons, an alternative that considered only 800,000 acres available for leasing was eliminated from detailed analysis.”

This paragraph is a confusing set of assertions that do not make coherent sense. The requirement is to hold two sales of at least 400,000 acres. Since any sale of that minimum will have to reach beyond the high HCP acreage, why is it not possible to hold two sales of the minimum designated in the Tax Bill? The paragraph makes that sound impossible. Why? Second, the paragraph flatly states that the “actual potential development area would be much less with the 2000-acre limitation on surface disturbance,” but that is hedging the statement about the numbers of acres to be leased, as if it is an excuse for leasing more than 800,000 acres. (Note that how BLM is defining the 2000 acres of surface disturbance is itself problematic at best.) This “actual potential development” has no logical connection to the question of the number of acres to be leased. Third, the paragraph leaps to point out that D1 and D2 are the closest to the actual minimum requirement, as if they were the least number of acres BLM can possibly make available for lease sales. That is logically fallacious: you are drawing a foregone conclusion. In at least three ways, the question of alternatives considered but eliminated is logically flawed.

Already in the question of alternatives, BLM has made several mistakes in the Draft EIS. It violates the letter and spirit of ANILCA Section 1002. It decides out of hand that there will be exploration of at least a million acres of the coastal plain. It uses interlocking arguments to justify the conclusions it wishes to reach. Clearly the document is set up to reach D1 or D2 as an alternative and to adopt that alternative going forward. But while these two alternatives are much better than Alternatives B or C, they are not the only alternatives. Alternative A remains valid. And there could be an Alternative E which sets an 800,000-acre maximum as the amount for lease sales. In failing to pursue these two alternatives, BLM is clearly putting the cart before the horse. You are deciding on the scenario you think you can persuade the public to approve, and then you draft the EIS in such a way as to make that scenario the only acceptable one. That is flawed argumentation and poor critical thinking.

Assessing Significant Effects or Harms

In many parts of the Draft EIS, the writers address the question of direct and indirect impacts on the Arctic Refuge, and nearly every time they use a set of formulaic statements to limit the assessment of those impacts. For example, in Section 3, the writers address the question of climate. There are problems with the analysis in other ways, particularly in the scope of the analysis, but here is the main logical problem, as the analysis concludes concerning “Local and Global Direct and Indirect Impacts”:

“Issuance of oil and gas leases under the directives of Section 20001(c)(1) of PL 115-97 would have no direct impacts on the environment because by itself a lease does not authorize any on the ground oil and gas activities; however, a lease does grant the lessee certain rights to drill for and extract oil and gas subject to further environmental review and reasonable regulation, including applicable laws, terms, conditions, and stipulations of the lease. The impacts of such future exploration and development activities that may occur because of the issuance of leases are considered potential indirect impacts of leasing. Such post-lease activities could include seismic and drilling exploration, development, and transportation of oil and gas in and from the Coastal Plain. Therefore, the analysis is of potential direct, indirect, and cumulative impacts on the climate from on-the-ground post-lease activities.”

The problem lies in the first clause. Direct impacts are only measured in terms of a lease, but the post-lease activities are not “potential indirect impacts of leasing.” They will be **direct** consequences of the decision to lease certain acres. The use of “potential indirect impacts” is a red herring, an attempt to air-brush the actual consequences of these decisions. Disingenuous writing and thinking do not help us arrive at proper decisions.

The other problems with the analysis of impacts come in terms of scope and scale. In Section 3, for example, the indirect impacts on climate are analyzed in such a way as to minimize the effects of the leasing. After all, the Draft EIS implies, these percentages of oil and gas being developed in this area are so small! How can this have a huge effect on the climate? But we know that climate effects are cumulative, and we know very well that the IPCC report and the recent National Assessment and the Arctic Region Report all show that we are facing an enormous challenge to halt all oil and gas production as soon as possible.

Perhaps most maddening in reading the Draft EIS is the way in which “direct impacts” are given so much more attention, but the release of diesel fuel on a drill pad is not really the most significant impact that the decision to open Area 1002 will have. The cumulative effects of continuing to drill for oil and gas at any cost and in any location will make our country unable to move away from this business-as-usual approach. As the Draft EIS shows, it is to assume that we will be drilling in the Arctic Refuge for the next 70 years. That is an assumption that should be questioned and examined in great detail. We cannot afford to assume that business as usual will work anymore.

Contradictory Assessments

I submit for review the following two paragraphs, which conclude the section of the Draft EIS devoted to Water Resources:

Alternative D

Alternative D includes 1,037,200 million acres available for lease sale and provides the most protections for water resources. Lease Stipulation 1 increases the setback distances on rivers from Alternative B and adds additional rivers to the list for setbacks. There are also seasonal operational restrictions on coastal water bodies or islands between May 15 and November 1, or when sea ice is on the coast of each season. Lease Stipulation 2 reduces impacts on water quality by prohibiting permanent oil and gas facilities and infrastructure within 0.5 mile of the ordinary high-water mark of any water body in Townships 8 and 9 north of the Canning and Tamyariak watersheds. Lease Stipulation 3 protects water quality associated with these specific features and identifies areas that would not be offered for lease sale or would have NSO stipulations.

Cumulative Impacts

The geographic area relevant for assessing cumulative impacts for water resources is the program area. No other past, present, and reasonably foreseeable future actions that could affect water resources have occurred or would occur in the program area. Alternative A would have no cumulative impacts on water resources from post-leasing oil and gas activities.

If Alternative D provides the most protections for water resources, how can we then say in the next, concluding paragraph that “no other ...foreseeable future actions that could affect water resources ... would occur in the program area.” That is true only of Alternative A. The paragraph concerning Alternative D gives several setbacks, operational restrictions, prohibitions of permanent infrastructure, and unspecified protections under “Lease Stipulation 3.” But it does not give a thorough, clear assessment of the harms that would come from the Alternative D leasing plan. It does not show how water resources would be impacted. It does not support the conclusion that water resources would **not** be significantly impacted.

Water Resources and Water Quality

While the Draft EIS gives useful information on hydrology and water resources in the Coastal Plain of the Arctic Refuge, it does not adequately address the usage of water in the various activities that will be undertaken under the leasing proposed. One of the specific purposes of the Arctic National Wildlife Refuge as established in ANILCA is to ensure “water quality and necessary water quantity within the refuge” to conserve fish, wildlife and habitats.

The Draft EIS must demonstrate adherence to ANILCA and show how the lease sale will not negatively impact water quality and quantity.

Water on the Coastal Plain of the Arctic Refuge is particularly scarce. There are few open lakes and rivers compared to the Western Arctic and especially in winter when the surface is frozen there is very little free water available. The BLM does no new analysis of how much water is actually available on the Coastal Plain and therefore does an insufficient job of analyzing impact to that water quantity.

The Draft EIS avoids providing a clear estimate of how much water will be required, but the figure is staggering. The Draft EIS estimates that drilling each well requires 420,000 to 1.9 million gallons of water. All of the alternatives have at least 17 'satellite pads' and 1 anchor pad. (Volume 2, Table B-5). The Draft EIS estimates that 30 wells will be drilled from the average pad (Volume 2, B-17). So at least 540 wells would be drilled, requiring a total of between 227 million and 1 billion gallons of water just to drill the wells. In addition, every mile of ice road requires 1 million gallons of water (Vol. 2, B-13), each ice pad requires 500,000 gallons of water (B-12), and daily production of 50,000 barrels of oil would require 2 million gallons of water per day. What will the impact of these requirements be? What release of waste water will take place, and how? Where will all this water even come from?

In their comments on the Notice of Intent, US Fish and Wildlife Service emphasized concerns about the "cumulative impacts of all stages of oil and gas development" on water: "Water withdrawals from the streams, rivers and springs could have significant and detrimental implications to the populations and habitats of fish and wildlife."

Clearly, we need a much more thorough analysis and assessment of potential impacts, direct and indirect, on water resources.

Ms. Hayes, I will conclude this statement for now, but as soon as possible I will add further statements on wildlife, plants, and indigenous communities. For now, it seems to me unavoidable to conclude that the Draft EIS is a flawed document that has been rushed to press without adequate critical attention.

Sincerely,

James P. Warren

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