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Ms. Nicole Hayes
Project Manager
BLM Alaska State Office
222 West 7th Ave. #13
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6 March 2019

Ms. Nicole Hayes
Project Manager
BLM Alaska State Office
222 West 7th Avenue, #13
Anchorage, AK 99513

Dear Ms. Hayes:

The Tax Law of 2017 (Section 20001 of PL 115-97) altered the purposes described for the Arctic National Wildlife Refuge, and in doing so, if allowed to proceed, will destroy the heart of the refuge itself—the Arctic Coastal Plain. Table 3-31 on DEIS 3-209 lists the purposes for the Arctic National Wildlife Refuge (ANWR):

- (i) To conserve fish and wildlife populations and habitats in their natural diversity
- (ii) To fulfill the international fish and wildlife treaty obligations of the US
- (iii) To provide the opportunity for continued subsistence uses by local residents
- (iv) To ensure water quality and necessary water quantity in the refuge
- (v) To provide for an oil and gas program on the Coastal Plain.

That last clause, added on by the Tax Law, in a process that was not adequately debated or transparent, is the death knell for the Arctic Coastal Plain. Where in all environmental law and protection of an ecosystem is there a clause included that will lead to the damage or death of that very ecosystem?

There is only one Alternative offered that is in keeping with the original purposes for ANWR—Alternative A. This Draft EIS states that Alternative A is for comparison purposes only and is not an option as it does not meet the purpose for the EIS. It is, however, the only option that will help this fragile ecosystem face its greatest threat, and that is climate change. By its very nature, oil and gas development will only exacerbate climate change. The BLM has been faced with an impossible task as **it is not possible to implement an oil and gas leasing program and its subsequent development that is consistent with the purposes of the Arctic National Wildlife Refuge.**

The BLM's efforts to authorize oil and gas leasing in the Coastal Plain are happening at a speed and level far beyond what the BLM is required to consider. Conducting an environmental impact statement on an area that is the breeding and nesting ground for hundreds of thousands of birds, the calving ground of the Porcupine Caribou Herd, and "The Sacred Place Where Life Begins" for the Gwich'in people should be a multi-year, multi-part process that

offers the public ample opportunity to provide input. The wildlife who depend on this plain come from six continents and all 50 states. Offering public meetings only in Alaska and one in Washington, D.C. does not begin to address the concerns of all of the land owners—the citizens of the United States. Except for this comment period, there has not been an opportunity to speak in any substantial way outside of Alaska. This is our national heritage, and all those who value, care, and who might be affected by the impact oil and gas leasing will have on Alaska Native/First Nations peoples and wildlife have a right to speak beyond this short comment period.

Specifically, this DEIS is deficient, misleading, or inaccurate in many respects, including the following, which I will discuss in more detail below.

- The 2,000-acre disturbance limit
- Each sale offer for lease was to include at least 400,000 acres of the highest hydrocarbon potential, which is approximately 25 percent of the program area; why is the EIS offering “from **66 to 100 percent** of the 1.56 million-acre Coastal Plain” (DEIS unnumbered page following letter from Ted A. Murphy)
- Human rights, food security, and environmental justice issues
- Water quantity needed for oil and gas development
- Meeting international wildlife treaty obligations
- Ruling out impacts on whale habitat
- Too much power delegated to the BLM Authorizing Officer

The 2,000-acre disturbance limit

The Tax Law set an upper limit of “surface disturbance” to 2,000-acres “to be covered by production and support facilities (including airstrips and any area covered by gravel berms or piers for support of pipelines)” (Vol.1, I-6). One at first envisions a relatively small, contiguous footprint. But, no—“it would not be clustered in a specific area but would be spread out. There would be various discrete facilities connected by a network of gravel or ice roads and pipelines. Approximately 208 miles of gravel road would be needed [under Alternative B] to connect facilities” (Vol. 1, 3-221). The DEIS states that “Typical gravel roads in the Arctic require 7.5 acres of surface disturbance per mile (BLM 2012)” (Vol. 2, B-16). That means 1,560 acres would effectively be disturbed just for gravel roads under Alternative B! These gravel roads would be “linear barriers” to caribou movement and migration and would impact surface water, vegetation, and permafrost.

Furthermore, the DEIS has interpreted this 2,000-acre limitation to exclude ice roads and gravel mines, hundreds of miles of elevated pipelines, and other types of infrastructure as being “impracticable” for Congress’s establishment of an oil and gas program (Vol. 2, B-9). And in Vol. 2, F-23, the DEIS states that “acres of potential habitat would be affected by mining (acres of gravel sites, assuming all acres would be in rivers), and acres of gravel sites in the 50-year floodplain.” **How can gravel mining not be included as “surface disturbance”?** The DEIS readily

admits that the impacts to the environment and wildlife are substantial from gravel mining. “Impacts of gravel mining on physiography would last beyond the development phase because the pits remaining from gravel extraction would typically not be completely backfilled, and any remaining depression could fill with water and become a permanent lake” (Vol. 1, 3-26). The problem with that scenario is that a newly formed lake would then become a heat source that would further damage the permafrost. And what about all those gravel roads? In Vol. 2, Appendix B.7.5, the section on Abandonment and Reclamation states, “Gravel from pads and roads would be removed and reused in other areas or placed back in the gravel mine it was extracted from.” How can gravel be removed from pads and roads and reused or replaced without causing even more surface disturbance? The wilderness and “outstandingly remarkable value” (ORV) of the Coastal Plain would be completely scarred by gravel mining and gravel roads.

The DEIS also reframes the meaning of 2,000 acres of disturbance by counting the acreage at “any given time” (Vol. 1, 3-221). This means that there is a rolling cap interpretation such that any land that is “reclaimed” can be deducted from the 2,000-acre limit and credited toward more development. This interpretation would allow for the entirety of the Coastal Plain to see the sprawling impacts of development over time. Given how long it takes for the fragile tundra environment to recover even from the presence of ice roads, one can anticipate the scars of exploration and development will take well over a hundred years for recovery as the upper end of the abandonment and reclamation period is estimated to be 130 years after the Record of Decision (ROD) (Vol. 2, B-11).

The BLM needs to include all of the oil and gas development-related infrastructure in calculating the 2,000-acre surface disturbance.

Why so much acreage?

All of the action alternatives offer considerably more acreage than is required by the Tax Act. **The DEIS gives no reason why it is offering 66 to 100 percent of the 1.56 million-acre Coastal Plain for leasing purposes in the action alternatives**, when Congressional direction only stipulated “at least” 400,000 acres be offered—just 25 percent of the total program area.

Human rights, food security, and environmental justice

The Arctic Coastal Plain is vital to the human rights and food security of the Alaska Native/First Nations Gwich’in people. They are culturally and spiritually connected to the Porcupine Caribou Herd that relies on the Coastal Plain for calving and post-calving habitat. They are adamantly opposed to oil and gas leasing, exploration, and development of the Coastal Plain—“*Iizhik Gwats’an Gwandaii Goodlit*”—the Sacred Place Where Life Begins.

This DEIS ignores the traditional knowledge of the Gwich’in and Iñupiat, whose roots go back 12,000 years; the Alaska Native/First Nations peoples say that any development in the program area would have devastating effects on the population of the Porcupine Caribou Herd,

migratory birds, and fish (see Vol. 1, 3-173). This knowledge has been passed down through generations, and they have seen the effects of oil and gas development on the rest of the North Slope.

Despite acknowledging that oil and gas development can have adverse impacts on caribou, fish and waterfowl, the DEIS concludes that there will not be an impact on the subsistence resources for the Gwich'in and that subsistence needs of the Gwich'in do not qualify for an 810 hearing under ANILCA (Alaska National Interest Lands Conservation Act). This hearing is required for development that will substantially affect subsistence users. The DEIS does acknowledge that a public subsistence hearing will be held in Kaktovik because its subsistence uses and needs could be significantly restricted (Vol. 1, I-7; ES-5).

Buried in Appendix E, p. E-9, the DEIS states: "while the PCH caribou population size would continue to fluctuate, potential impacts to herd size as a result of displacement of maternal caribou would be negligible. Caribou abundance for Kaktovik, Arctic Village and Venetie would not be significantly impacted." "PCH caribou abundance may be affected due to minor displacement of maternal caribou, but large-scale displacement and consequent large decreases in the abundance of PCH caribou available for subsistence use is unlikely. A positive determination pursuant to ANILCA Section 810 is not required" (Vol. 2, E-10). Result: the Gwich'in do not qualify for a hearing. It is as if all of the prior documentation and caribou studies is for naught. This conclusion is just not substantiated by a close reading of this DEIS.

The DEIS states that the communities of Kaktovik, Nuiqsut, Arctic Village, and Venetie, based on their identified use of subsistence resources are relevant to an environmental justice analysis (Vol. 1, 3-193). Environmental justice means that "no racial, ethnic, cultural, or socioeconomic group disproportionately bears the negative environmental consequences of programs, policies, or activities (DOI 2016)" (Vol. 1, 3-193). The DEIS acknowledges that all of these communities meet "more than one criterion for potential impacts of the action to be of environmental justice concern" (Vol. 1, 3-194).

The DEIS correctly states that "climate change can be understood as an environmental justice issue," citing the Iñupiaq who are disproportionately affected by it because of their subsistence activities on the North Slope and the Gwich'in communities of Arctic Village and Venetie, because climate change threatens their way of life (Vol. 1, 3-195).

The DEIS then avoids addressing the potential impacts by dispersing the answer to the question of "whether the potential environmental effects of post-lease oil and gas activities would be disproportionately high and adverse" over four separate sections—Sections 3.4.3, 3.4.4, 3.4.10 and 3.4.11 (Vol.1, 3-196)—which makes hunting for the answer exceptionally difficult. On p. 3-169, it states: **"In all cases, future development would affect subsistence uses of resources of major importance for the subsistence study communities."** Furthermore, potential impacts to the Porcupine Caribou Herd could be more intense "because of their lack of previous exposure to oil field development" (Vol. 1, 3-169). But then, in the Appendix E.2.2.4, the DEIS states: Alternative B [the most aggressive and egregious of the alternatives] will not result in a

significant restriction to subsistence uses." Point me to the proof of this. If anything, this DEIS has shown over and over just the opposite.

Why is the critical conclusion to these impacts buried in an Appendix? The conclusions seem arbitrary and unrelated to any of the findings that have come before.

In Appendix E, p. E-6, the DEIS states that "it is not likely that development on 2,000 acres in the calving grounds, insect relief habitat, or general summer habitat would reduce forage enough to affect caribou health or body fat reserves on a large scale. . . Caribou could still forage within the total footprint of a CPF and its associated satellite well pads, for example. Caribou abundance or availability and the subsistence use thereof would not likely be affected as a result of direct habitat loss."

How the DEIS arrives at this conclusion after ample pages and pages that explicitly identify and enumerate how caribou respond to development and disturbance is mind-boggling. It is not just a question of forage reduction! Furthermore, the 2,000 acres is not a concentrated footprint; it is a sprawling network that *over time* could disturb the entire program area since 100 percent of it could be offered for lease sale. "Griffith et al. (2002) predicted that calf survival would decline linearly with the distance that the annual calving ground was displaced and predicted an 8 percent decline in annual calf survival if there were full development of the ANICLA [sic] defined 1002 Area, essentially the current program area" (Vol. 1, p. 3-115). At the very minimum, the Gwich'in deserve a public hearing; the BLM would be well advised to take the wisdom of the caribou people to heart. I believe that most of the DEIS actually supports the conclusion of the Gwich'in that oil and gas development in the Arctic Coastal Plain will have a devastating, long-lasting effect.

Water quantity

How much water will be needed for oil and gas development and where will it come from? When ANWR was first established under ANILCA, one of its specific purposes was to ensure "water quality and necessary water quantity within the refuge" to conserve fish, wildlife and habitats. This DEIS must demonstrate adherence to that purpose and show how lease sales will not negatively impact water quality and quantity.

The DEIS seems to avoid providing clear estimates on how much water will be required for drilling wells. "Drilling and completing each potential well would require anywhere from 420,000 to 1.9 million gallons of water" (Vol. 2, B-17). All of the alternatives have at least 17 "satellite pads" and 1 anchor pad (Vol. 2, Table B-5). The DEIS estimates that 30 wells will be drilled from the average pad (Vol. 2, B-17). That means at least 540 wells would be drilled, which would require between 227 million and 1 billion gallons of water just to drill the wells! And then, "a field with a daily production rate of 50,000 barrels of oil per day would require approximately 2 million gallons of water per day" (Vol. 2, B-17).

Freshwater is scarce on the Coastal Plain; there is no way the lakes and rivers could supply that amount of water without completely decimating fish and wildlife habitat. The DEIS corroborates that freshwater sources “may” not be sufficient (Vol.2, B-16). A seawater treatment plant is assumed and envisioned in the DEIS, but the DEIS also notes that this increases the cost for development, and this infrastructure would increase the footprint for infrastructure; it would also require a road and seawater transport pipeline.

A seawater treatment plant would have its own environmental impact on the Arctic Coastal Plain as it would have to be placed in critical denning habitat for polar bears. “All the action alternatives would affect large areas of the designated terrestrial-denning unit of critical habitat for polar bears; any facilities constructed within 20 miles of the coast would be located in that critical habitat unit” (Vol. 1, 3-133). Polar bears are an endangered species who are critically threatened by climate change alone. The DEIS does not address how the United States will honor the international Agreement on the Conservation of Polar Bears (Vol. 2, D-1) by adhering to “sound conservation practices by protecting the ecosystem of polar bears.”

Meeting international wildlife treaty obligations

The DEIS acknowledges the 1987 treaty between the U.S. and Canada regarding the conservation of the Porcupine Caribou Herd and its habitat (Vol. 1, I-5; Vol. 2, D-1), but it does not say how the U.S. will mitigate the risk of irreversible damage or long-term adverse effects to the caribou or their habitat as a result of oil and gas leasing and development.

Is that because the BLM does not believe irreversible damage or long-term adverse effects will result? Given what has happened to the landscape of the North Slope with the development of oil and gas, that is a shocking conclusion. Canada has a special interest in the region because two of its national parks border ANWR. The treaty requires an impact assessment and requires one country to be notified and given an opportunity to consult prior to final decision if there will be significant long-term adverse impact on the Porcupine Caribou Herd or its habitat. **The DEIS does not specify how the U.S. will meet its treaty obligation with Canada.**

And the **only** mention of the Migratory Bird Treaty Act of 1918 that protects migratory birds is culpably incomplete. In Vol. 2, p. D-4, the DEIS lists what the Act makes illegal regarding migratory birds, but **it does not mention killing birds or depriving them of their habitat.** Subsistence users are allowed to hunt migratory birds through a legal process. But subsistence users do not jeopardize the habitat of the animals and birds they hunt. Displacing bird breeding, nesting, and staging grounds can effectively threaten or kill hosts of migratory birds. Of the 156 species recorded on the Coastal Plain (Vol 1, 3-85), only 57 species occur in substantial numbers, leaving 99 species as uncommon or rare. The DEIS states, “Potential loss and alteration of habitat from direct effects of gravel deposition and indirect effects of dust, thermokarsting, and impoundments would be long term and would occur over about 17,000 acres (2,000 acres total gravel footprint plus approximately 15,000 acres within 328 feet), or about 1 percent of the program area (1,563,500 acres)” (Vol. 1, 3-95). But the actual habitat areas impacted depend on the configuration of roads: “. . . with a standardized footprint of 750

acres, an additional 11,820-acres of tundra within 656 feet was calculated, an additional area about 15 to 16 times larger than the gravel footprint. With a 2,000-acre gravel footprint at peak development, disturbance and displacement of breeding birds in tundra habitats could occur over about 31,000 acres, or about 2 percent of the program area" (Vol. 1, 3-97).

How is the Migratory Bird Treaty Act of 1918 going to be recognized and enforced? Some of the new conventions to the treaty stipulate protections not only for the birds themselves but also for the habitats necessary for their survival. **This is a critical omission in this DEIS.**

Ruling out impacts on whale habitat

The DEIS states on 3-135: "No whale habitat is expected to be lost or altered under any of the action alternative [sic]." This is flat out wrong. The effects of climate change, which this DEIS directly contributes to with the post-lease development of oil and gas, will impact *every* habitat worldwide. Already, whales and marine mammals who usually frequent more temperate waters are now being seen in the Arctic; this can't help but cause competition for food.

Also, with the increase of vehicular traffic and seismic exploration, the DEIS notes, "Whaling crews have reported skittish behavior in bowhead whales and other marine mammals during times of heavy air and vessel traffic and seismic exploration" (p. 3-170). And although the DEIS claims an oil spill in the Beaufort Sea is unlikely, it is still a risk for these waters, this landscape, and its inhabitants.

BLM Authorizing Officer

It is up to one individual to impose requirements or allow companies to obtain waivers, exceptions, and modifications of any of these requirements. Although I do not wish to suggest that any BLM officer would quail in enforcing mitigation requirements or in refusing to allow certain practices, the current administration has shown over and over again that it will and can appoint individuals who have been former lobbyists for the very industries that they are now overseeing. It is not out of the question, then, that the administration will appoint someone in this position who will kowtow to the oil and gas industry to the detriment of the environment, wildlife, and the peoples who depend on the Coastal Plain for subsistence. Too much authority is vested in one individual; he or she could waive procedures and grant exemptions of the final EIS. How can the public comment on the impacts of oil and gas leasing and development on what will actually happen on the ground if they do not know what will be enforced?

How can the BLM reassure the public that if a leasing program goes through and oil and gas development proceeds, that it will proceed from the point of view of protecting the Arctic Coastal Plain not exploiting it?

In sum, when viewed against the backdrop of the rest of Alaska's North Slope with its oil and gas development, the Arctic Coastal Plain is the last remaining "tiny slice" that is wilderness.

The Coastal Plain and the Arctic National Wildlife Refuge are not only worthy of wilderness designation and protection, they are also worthy of designation as a World Heritage Site: the Coastal Plain nurtures and feeds caribou that have the longest migration of any land mammal, and it is the breeding and nesting ground for at least 156 species of birds who migrate from six continents and 50 states. It is also "The Sacred Place Where Life Begins" for Alaska Natives/First Nations peoples, whose roots go back at least 12,000 years. It deserves conservation for posterity and should not be opened up to oil and gas leasing and subsequent development. I appreciate the purpose of this DEIS is to do just that, but taken in all, the documentation of the impacts of such development on the Coastal Plain argue against it. The conclusions seem arbitrary and written not in good faith for a document whose task should really be to lay out the impacts to this wild, vibrant, and fragile environment.

Best wishes,

A handwritten signature in cursive script, reading "Christy O. Stebbins", followed by a long horizontal line extending to the right.

Christy O. Stebbins

xc: Representative Dan Newhouse
Senator Maria Cantwell
Senator Patty Murray