



CoastalPlain_EIS, BLM_AK <blm_ak_coastalplain_eis@blm.gov>

[EXTERNAL] ANWR Coastal Plain Oil and Gas Leasing Program Draft Environmental Impact Statement

1 message

Matthew Rexford <nvkaktovik@gmail.com>

Wed, Mar 13, 2019 at 2:24 PM

To: blm_ak_coastalplain_EIS@blm.gov

To Whom It May Concern,

Please find attached to this email message comments from the Native Village of Kaktovik for the ANWR DEIS.

Sincerely,

Matthew Rexford
Tribal Administrator
NATIVE VILLAGE OF KAKTOVIK
P.O. Box 52
Kaktovik, AK 99747
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Fax: (907) 640-2044



Native Village of Kaktovik ANWR DEIS Comments.docx

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March 13, 2019

Bureau of Land Management
Attn: Coastal Plain Oil and Gas Leasing Program EIS
222 West 7th Ave., Stop #13
Anchorage, Alaska 99513

Submitted via: online portal and blm_ak_coastalplain_EIS@blm.gov

RE: ANWR Coastal Plain Oil and Gas Leasing Program Draft Environmental Impact Statement

Ms. Hayes,

This letter serves as the comments from the Native Village of Kaktovik (NVK) on the Bureau of Land Management's (BLM) Draft Environmental Impact Statement (DEIS) for the Coastal Plain Oil and Gas Leasing Program in the 1002 area of the Arctic National Wildlife Refuge (ANWR).

The Native Village of Kaktovik is the Tribal entity for the community of Kaktovik, the only community within the Coastal Plain and the only community within the bounds of ANWR. As the only community within the Program Area, we hope that you will center and address our comments as we stand to unarguably be the most directly impacted by any Leasing Program on the Coastal Plain, both positively and negatively. We have appreciated your efforts through the Scoping Phase and the development of the DEIS to consult with NVK both through government-to-government consultations and through our role as a Cooperating Agency and we hope that you will continue to seek our input as you move towards finalizing an EIS.

1. Preferred Alternative:

NVK has been supportive of developing a leasing program for the Coastal Plain of ANWR as the first step in measured oil and gas development. As the only federally-recognized tribe within the bounds of a National Wildlife Refuge, Kaktovik has long been prevented from exercising economic self-determination through the development of our own lands. NVK is in support of safe and culturally responsible resource development that centers protections for of our way of life, our food security, and our subsistence culture.

After viewing the Alternatives put forth in the DEIS, NVK feels that the only Alternative that will lead to a robust lease sale as put forth in the Tax Act, and would give Kaktovik the eventual opportunity for economic growth is a modified Alternative B. NVK has worked with local landowners Arctic Slope Regional Corporation (ASRC), Kaktovik Iñupiat Corporation (KIC), as well as Voice of the Arctic Iñupiat (VOICE), the North Slope Borough (NSB), and the State of Alaska (SOA) to develop an “Alternative B2” that would satisfy all stakeholders and provide legitimate opportunities for future industry development. We support the Alternative presented by ASRC in their comments on the DEIS.

2. General Comments:

Generally, NVK feels that the DEIS would benefit from closer alignment with other recently completed EIS’s on the North Slope, namely the 2012 Point Thomson EIS and the 2013 NPR-A IAP/EIS, which present a much more clear, accurate, and well-rounded picture of the history of Kaktovik, Iñupiat subsistence values, and our relationship with our environment. Of particular note is the false narrative that the DEIS presents in the lopsided discussion of impacts to Gwich’in communities; mistakenly inferring that those communities, hundreds of miles and a mountain range away from the Program Area, have at much at stake as our community, which is within the bounds of the Program Area. This is unprecedented and irresponsible, and displays that the contracting agency, Environmental Management and Planning Solutions, Inc. (EMPSi), and the BLM have clearly bowed under the pressure of public perception. The Final EIS must be based on objective facts, not subjectivity.

Caribou

NVK would prefer a different format for maps related to PCH Caribou Calving, specifically maps 3-21, 3-23, and E-1 in the DEIS.

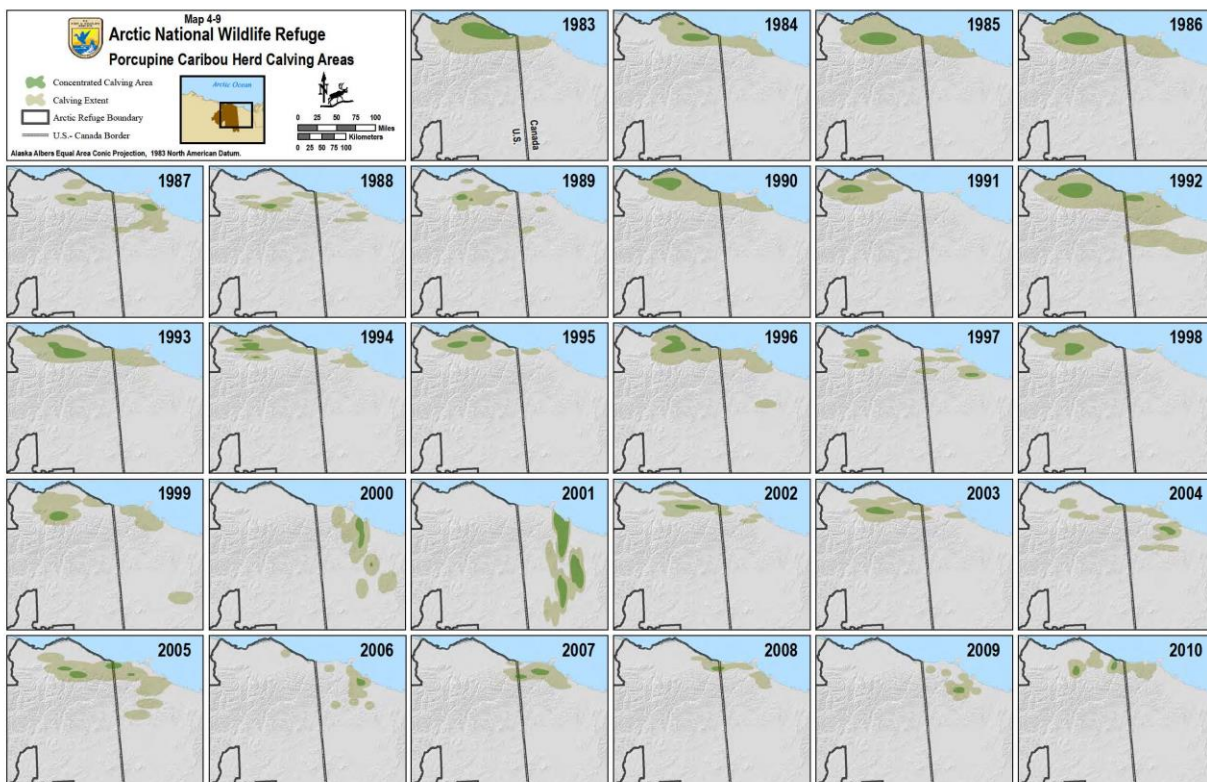
1. There should be clear references to what data was used to compile these maps – beyond what date that they were generated – as they do not reflect data that we have seen in other studies, nor our own experience. Recently, we have noticed that the herd is around our village for a very short time or sometimes not at all. They rarely venture on to the privately held lands around the village that we are able to access and we notice that they mostly stay in the foothills of the Brooks Range. We have relied much more heavily on the Central Arctic herd in recent years.
2. We prefer the map format used in the Fish and Wildlife Service (FWS) Comprehensive Conservation Plan (CCP) [**Figure 1**], which shows calving data per year. This kind of information is important as it shows changes in the herd's preferred calving area and how often the Coastal Plain is actually used by cows for calving. The CCP data shows that starting in the early 2000's, concentrated calving areas were mostly in the Canadian Arctic and there are only a few years where calving occurred in the Coastal Plain. When this data is presented on top of itself in an aggregated, cumulative format, these nuances are lost. For such an important resource to both Iñupiat and Gwich'in communities, the data must be as clear and accurate as possible.
3. Traditional Knowledge should be incorporated into the subsistence and wildlife data. Our hunters are out on the land far more than any agency biologists are, and the information we can provide is invaluable. We notice often that due to weather or sheer bad timing, surveys are not conducted during calving time, but often a week or more later. Additionally, there are very few, if any, references to Traditional Knowledge in the DEIS and no conversations with hunters or knowledge keepers are referenced. NVK recommends remedying this for the Final EIS with clear citations to the knowledge and who presented it.
4. While we understand that the maps focus on the Program Area, it is misleading that they end at the United States and Canadian Border. Data from the CCP¹, the Alaska Department of Fish and Game², and elsewhere shows that the Porcupine Caribou Herd is just as reliant on the Ivavik and Vuntut National Parks east of the Program Area for calving. Only showing the Program Area is misleading and skews perception that the PCH *only* use the 1002 area for calving, which is false.

¹ FWS CCP Pg 4-99

² Species Management Report: Caribou Management Report. ADF&G, Division of Wildlife Conservation. June 2014. Page 15-8
ADF&G Porcupine Caribou Bulletin Summer 2017

5. There is not much information on the size and current health of the PCH included in the DEIS. In July 2017, a survey³ estimated the PCH to be at 218,000 caribou – a record high of the herd. It should be included in the EIS that the PCH could be reaching their peak given what their habitat can support. According to the Alaska Department of Fish & Game, “caribou populations are known for dramatic population changes. Once a herd becomes too large for its habitat, the caribou become nutritionally stressed and the herd will decline. These fluctuations are a normal part of caribou herd biology.”⁴ NVK is concerned that any future decline of the PCH would be attributed to potential future oil and gas activity in the Coastal Plain, while the truth may be that the decline is simply a part of the natural cycle of caribou herds.

Figure 1: Porcupine Herd Calving Areas from FWS CCP 2015



³ Press Release, “Porcupine Caribou Herd Grows to Record High Numbers.” Alaska Department of Fish and Game. January 2 2018. Available at: http://www.adfg.alaska.gov/index.cfm?adfg=pressreleases.pr&release=2018_01_02

⁴ ADF&G Porcupine Caribou Bulletin Summer 2017

Duality of ANILCA Traditional Use

The DEIS has introduced a strange duality in legitimizing Arctic Village and Venetie's claim to the 1002 Area, though Map 3-44 "Arctic Village and Venetie Subsistence Use Areas" proves that even prior to the passage of the Alaska National Interest Lands Conservation Act (ANILCA) in 1980 those communities did not use the Coastal Plain for subsistence. The maps clearly show that the traditional use areas for these two communities remained south of the continental divide in the Brooks Range. Kaktovik, through ANILCA, is limited in our access to our **own** traditional use areas including allotments, campsites, important subsistence areas, and cultural and historic sites. The BLM has been clear in their response that rectifying this wrong is beyond the jurisdiction of the agency; and yet, the BLM has allowed communities that do not even claim traditional use of the Coastal Plain to hijack this process. The DEIS as presented is lopsided in its focus on the Gwich'in, who do not live within the 1002 area nor ANWR in its entirety. The BLM should adjust their analysis and remain focused on the impacted community.

Tourism to View PCH Migration

Witnessing the calving and start of migration of the Porcupine Caribou Herd has become a tourist attraction. Tourists travel every year to the Canadian/USA border to witness this event. NVK would recommend that you analyze the impacts of this tourism on herd behavior and concentrated calving areas. In our estimates, at least 100 people fly in each year for this event and we believe that between air traffic, campsites, and the sheer number of people, the PCH are impacted and this should be included in the EIS.

Frequency of Studies

NVK understands that the Coastal Plain EIS for Leasing's purpose is to analyze the impacts of a leasing program at a high level and subsequent National Environmental Policy Act (NEPA) processes for on the ground activities will be much more robust and technical and will likely involve further studies on wildlife and natural resources. NVK recommends including language in the Final EIS for leasing that these studies should occur collaboratively between agencies to minimize impacts of multiple studies on subsistence activities. Scientific studies often require low-flying aircraft and other invasive activities that can have a negative impact on hunting, fishing, and trapping.

Public Health Study – Longevity of Life

In 2017, the Journal of American Medical Association published a study by Laura Dwyer-Lindgren and colleagues titled “Inequalities in Life Expectancy among US Counties 1980 to 2014: Temporal Trends and Key Drivers.”⁵ The study objectives was to “estimate annual life tables by county from 1980 to 2014; describe trends in geographic inequalities in life expectancy and age-specific risk of death; and assess the proportion of variation in life expectancy explained by variation in socioeconomic and race/ethnicity factors, behavioral and metabolic risk factors, and health care factors.” The results of the study show that the average life expectancy of people living in the North Slope Borough over this 34-year interval increased by 13 years. No other area experienced a higher increase in life expectancy, and very few other Boroughs saw an increase of that magnitude.

The factors identified as explaining this enormous increase over a relatively short amount of time were poverty rate, high school graduation, unemployment, and access to health care. The North Slope Borough, which receives 96% of its revenue through taxes placed on industry infrastructure on the North Slope, is the largest local employer in the region and is responsible for schools, health care, and provides basic sanitation services in our communities. When considered with the fact that oil was discovered on the North Slope in the 1960’s and production began June 20, 1977, it is clear that economic development from oil and gas industry activity has had a huge positive impact on the health of the people living on the North Slope and these facts should be included in the final EIS.

FWS Management

NVK is concerned about the management of any unleased land in the Coastal Plain. The final EIS should make clear who is responsible for management decisions on those lands. Currently, the FWS, through their CCP, manages land in the Coastal Plain as wilderness, which we find incompatible with the purpose of the Leasing Program – to establish and administer a competitive oil and gas program for the leasing, development, production, and transportation of oil and gas in and from the Coastal Plain.

⁵ Dwyer-Lindgren L, Bertozzi-Villa A, Stubbs RW, et al. Inequalities in life expectancy among US counties 1980 to 2014. JAMA Intern Med. Doi: 10.1001/jamainternmed.2017.0918. Published online May 8, 2017

The CCP must be updated prior to a lease sale to be compatible with this purpose set forth in the Tax Act. The FWS has a responsibility not to hinder the pursuit of a successful oil and gas program through burdensome restrictions on adjacent lands that would ultimately hurt local stakeholders – as well as the State of Alaska and the federal government, whom each have a 50% revenue interest in ANWR. Further, dual management of the 1002 Area would create a “patchwork” of land managers – between privately held KIC lands, BLM managed leased lands, and FWS managed unleased lands, NVK feels that this could be burdensome to right of ways and create confusion around subsistence access.

6. Specific Revisions to DEIS:

Section 3.4.2 Cultural Resources

This section biases the Gwich'in people of the Interior over the Iñupiat people, the Kaktovikmiut, who are the actual residents of the Coastal Plain. The Kaktovikmiut subsist, live, raise our families within the bounds of the Program Area but are barely mentioned in the section. This presents a subjective, biased analysis, is insulting and must be fixed.

Section 3.4.3 Subsistence Uses and Resources

Pg. 3-173

The DEIS states “According to the Gwich'in people's knowledge, any development in the program area would have devastating effects on the population of the PCH and other resources, such as migratory birds, that have key habitat in the coastal plain.” The DEIS should then include a section summarizing the health of the Central Arctic Herd and the which migrate within the bounds of the Prudhoe Bay and Kuparuk Oilfields and calve in the Prudhoe Bay area. The BLM would also be remiss not to include that development within the Mackenzie River Delta and Eagle Plains in Northwestern Canada lies within the range of the PCH, along with the Dempster Highway⁶. Though we understand that the DEIS focuses on the Program Area, the PCH does not exist “in a vacuum” and the DEIS needs to demonstrate a complete and comprehensive view of the PCH exposure to development and infrastructure throughout its migration.

⁶ Species Management Report: Caribou Management Report. ADF&G, Division of Wildlife Conservation. June 2014.

NVK also feels that the DEIS in its current form presents the Gwich'in culture as against oil and gas development, when in fact Gwich'in communities have leased lands surrounding the village of Venetie to oil and gas companies in an effort to spur economic development and jobs for their people as well. The Senate Congressional Record for March 8, 2000 includes a published letter from the Native Village of Venetie "giving formal notice of intention to offer lands for competitive oil and gas lease. This request for proposals involves any or all of the lands and waters of the Venetie Indian Reservation....which aggregates 1.8 million acres..."⁷

Pg. 3-173

The DEIS states "Future development in the areas of high, medium, and low oil and gas potential could present obstacles to caribou migrating from inland areas to the coast, where many Kaktovik residents hunt them." We have shared that we have difficulty hunting caribou in and around Kaktovik as we do not have access into the refuge in the summer time with motorized vehicles and because the caribou rarely, if ever, migrate to our village. We are only able to harvest caribou by traveling up the river corridors by boat. Mostly, caribou, even after calving, remain in the foothills of the Brooks Range and do not venture to the coast. We are concerned with the apparent absence of Traditional Knowledge in the DEIS.

Pg. 3-177

The DEIS states "In addition, the increased existence of road corridors in traditional use areas could shift how residents access subsistence harvesting areas, such as via roads, but could also affect resource availability for those who choose not to use roads." In the current management scenario for the non-private lands in ANWR, the Kaktovikmiut do not have any access into the Refuge. While this statement may be true in other areas in Alaska, those documentations are based on a different management schematic where residents are not limited in their access. Kaktovik has long urged for road access to Kaktovik and through the 1002 area in part to increase our access to our traditional hunting areas. Furthermore, in communities with road access, such as Nuiqsut, more overland hunting is occurring as subsistence users have a greater degree of access to other subsistence areas. This statement should be corrected or deleted.

The Porcupine Caribou Management Board, an advisory board established under the Porcupine Caribou Management Agreement to communicate information about the herd and provide recommendations to agencies responsible for managing the herd, states on their website⁸ "The Dempster Highway connects Inuvik, NWT to Dawson City, Yukon. The 670-kilometre road runs through the Porcupine Caribou herd's winter range. The

⁷ Congressional Record – Senate, March 8, 2000 pg. 2242

⁸ <http://www.pcmb.ca/habitat>

road provides hunters with easy access to caribou, which means that caribou can be harvested when they are close to the highway.”

3.4.4 Sociocultural Systems

Pg. 3-183 - “Gwich’in People”

NVK strongly objects to this biased representation of the preservation of the Program Area. Our people are the actual residents of the 1002 Coastal Plain and we have lived here since time immemorial. We consider ourselves the stewards of this land as we have been for generations; any suggestions to the contrary are culturally insensitive and paternalistic. The narrative presented here is extremely selective; as mentioned and cited in a previous section, the Gwich’in people sought to lease the entirety of the 1.8 million acre Venetie Indian Reservation to oil and gas development. Not including this historical perspective seems to consciously bias one indigenous group over another, presents a false dichotomy of “for development” Alaska Natives and “against development” Alaska Natives, and must be corrected.

Pg. 3-190

The DEIS states “Increased access to program-related roads, introduction of new infrastructure in traditional use areas, and associated changes in subsistence travel routes and harvesting patterns could increase the risk of injuries and accidents during subsistence activities, causing negative social effects.” Please provide data to support this claim or remove. Kaktovik already has roads and few, if any, injuries occur on roads. Iñupiat people are capable of operating on roads; we train for, take driving tests, and are required to have driver’s licenses like people in all other communities.

Pg. 3-192

The DEIS states “Increased interactions with outsiders in traditional use areas and communities has the potential to affect traditional values and belief systems over time and may also result in increased social problems, if such interactions lead to greater access to drugs and alcohol.” This assertion seems baseless, please qualify this statement or remove it. Kaktovik has hundreds of visitors through polar bear viewing tours and other activities. The DEIS states elsewhere that workers are likely to be housed at camps outside of the village and are likely to have minimal interactions with community members. Additionally, industry has an extremely strict zero-tolerance policy to drugs and alcohol.

3.4.5 Environmental Justice

Pg. 3-198 – 199

The DEIS states "...however, with other oil and gas development in the NSB, income and employment have been found to be associated with an increased prevalence of social pathologies, including substance abuse, assault, domestic violence, and unintentional and intentional injuries." NVK demands that this is either referenced or deleted. This information is patronizing and condescending and ignores the history of cultural trauma at the root of these issues. Furthermore, substance abuse is increasing state- and nation-wide, and is not just a North Slope specific problem.

Pg. 3-199 – Sociocultural Systems

The DEIS states "Because of the particular spiritual and cultural importance of the coastal plain and the PCH calving grounds to the people of Arctic Village and Venetie, any disruption to that herd or contamination or degradation of calving grounds in the program area would have potential sociocultural impacts on the Gwich'in people, in terms of their belief system and cultural identity." NVK strongly objects to the insinuation that the Coastal Plain has more spiritual and cultural significance to the people of Arctic Village and Venetie than to the Kaktovikmiut people. These are lands that we have inhabited, used for hunting, fishing, gathering, and raised our families on for over 11,000 years. The footsteps of our people are all over the Coastal Plain, our ancestors are buried here, and generations of Kaktovikmiut will use, survive, and thrive off this land long after we are gone. Bowhead whales are central to our people's culture and are known to calve in the Bering Sea before they start their migration north into the Arctic. We Iñupiat do not seek to claim spiritual and cultural significance for our people to lands in the Kamchatka Peninsula or on the Aleutian Island chain at the expense of people who have lived there for generations. The BLM must be careful to separate objective facts from these subjective talking points making false claims that have been brought forth throughout the public process to oppose oil and gas development in the 1002 Area; it is offensive to us as Kaktovikmiut people for the BLM to legitimize these claims.

Pg. 3-202

The DEIS states "Future development offshore in the Beaufort Sea would likely increase the risk of accident and injury by changing harvest patterns and requiring more time on the water to harvest animals." NVK is not aware of any offshore development plans in the Beaufort and is opposed to offshore development of oil and gas due to our strong cultural ties to subsistence whaling. An EIS for offshore leasing in the Beaufort Sea is still in early stages of development the DEIS should not assume that a lease sale will occur. This is a hypothetical statement and should be struck from the document

7. Conclusion

In conclusion, NVK supports the BLM's NEPA process to develop an EIS for a Leasing Program in the Coastal Plain of the Arctic National Wildlife Refuge. We understand that responsible resource development can and does occur because we have seen it across the North Slope; however, it must be done carefully and through coordination with the local people. Leasing in the 1002 Area holds many opportunities for the Kaktovikmiut, including the opportunity to address longstanding concerns of the people of Kaktovik. Native Village of Kaktovik expects to continue to work closely with the BLM throughout this process to ensure that any future leasing program is respectful of our culture and environment. NVK would like to formally request an advanced administrative review ahead of the Final EIS and the presentation of the Preferred Alternative to review the agency's decision and lease stipulations as a Cooperating Agency.

Sincerely,

A handwritten signature in blue ink, reading "Edward Rexford Sr.", written in a cursive style.

Edward Rexford, Sr.
President, Native Village of Kaktovik