
From: Hayes, Miriam (Nicole) <mnhayes@blm.gov>
Sent: Thursday, March 14, 2019 8:38 AM
To: coastalplainAR; Sean Cottle
Subject: Fwd: [EXTERNAL] Comments from the National Wildlife Refuge Association regarding the Leasing DEIS for Arctic Refuge
Attachments: ATT00001.htm; NWRA Comments on BLM Draft Leasing EIS_March 13, 2019.pdf
Follow Up Flag: Follow up
Flag Status: Completed

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

From: **Desiree Sorenson-Groves** <dgroves@refugeassociation.org>
Date: Wed, Mar 13, 2019 at 4:21 PM
Subject: [EXTERNAL] Comments from the National Wildlife Refuge Association regarding the Leasing DEIS for Arctic Refuge
To: <blm_ak_coastalplain_EIS@blm.gov>, <mnhayes@blm.gov>

Ms. Hayes,

Please see the attached comments from the National Wildlife Refuge Association on the Draft Environmental Impact Statement (DEIS) prepared by the Bureau of Land Management (BLM) of the Department of the Interior entitled Coastal Plain Oil and Gas Leasing Program Draft Environmental Impact Statement (Leasing EIS -- DOI-BLM-AK-0000-2018-0002-EIS) for the Arctic National Wildlife Refuge.

Thank you for the opportunity to comment.



March 13, 2019

Submitted via email and online eplanning comment portal

Nicole Hayes

Attn: Coastal Plain Oil and Gas Leasing Program EIS

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Comments re: 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).

Dear Ms. Hayes,

The National Wildlife Refuge Association (NWRA), a non-profit organization dedicated to the support and advocacy for the National Wildlife Refuge System in the United States, appreciates the opportunity to review and comment on the Draft Environmental Impact Statement (DEIS) prepared by the Bureau of Land Management (BLM) of the Department of the Interior entitled Coastal Plain Oil and Gas Leasing Program Draft Environmental Impact Statement (Leasing EIS -- DOI-BLM-AK-0000-2018-0002-EIS) for the Arctic National Wildlife Refuge. NWRA has also consulted with other interested parties and specifically joins in and has signed onto the thoroughgoing, detailed and comprehensive analysis of the Leasing DEIS prepared by the Trustees for Alaska and submitted to BLM. This analysis identifies the significant technical, scientific and legal deficiencies and inadequacies of the Leasing DEIS, and concludes that the document cannot legally support any determination to authorize leasing of any portion of the Coastal Plain of Arctic National Wildlife Refuge (Arctic) now or in the future.

The established purposes of the Arctic National Wildlife Refuge are “to conserve animals and plants in their natural diversity, ensure a place for hunting and gathering activities, protect water quality and quantity, and fulfill international wildlife treaty obligations”. The 2017 Tax Act (Law No: 115-97) added a fifth purpose of the Refuge “to provide for oil and gas program on the Coastal Plain”. Oil and gas drilling and extraction is entirely inconsistent with the purposes of the Refuge because it will cause significant and lasting damage to the animal and plant diversity, disrupt subsistence activities, upset water quality and quantity, and disregard international wildlife protection obligations. Notwithstanding that this “new” but inconsistent purpose was added by the 2017 Tax Law, the sponsor of that proposal, Senator Lisa Murkowski, specifically stated that all requirements of federal environmental law would be adhered to before any leasing decision was made. The DEIS, however, fails to analyze how the oil and gas



development will interfere with the originally stated purposes of the Refuge or how its impacts would be avoided or mitigated.

Environmental Impact Statements have been mandated by the National Environmental Policy Act, 42 U.S.C. 4321, et seq. (NEPA), since its adoption by Congress and signing into law by President Nixon in 1969. NEPA provides that *each person* has a responsibility to preserve and enhance the environment for succeeding generations. *Each person* includes each and every agency of the United States government. 42 U.S.C. 4331.

More specifically, NEPA sets forth the basic national charter for protection of the environment. NEPA “authorizes and directs that to the fullest extent possible: (1) the policies, regulations and *public laws of the United States shall be interpreted* and administered in accordance with the policies set forth in this chapter.” 42 U.S.C. 4332 (emphasis added). This means simply that all federal agencies when evaluating prospective projects, such as the proposed Leasing program at Arctic, have a basic obligation to fully and completely adhere to all applicable laws that apply to the Refuge. These include, without limitation, the Endangered Species Act, the Marine Mammal Protection Act, the Clean Water Act, the Clean Air Act, and the Alaska National Interest Lands Conservation Act. As stated by the court in *United States v. City of Asbury Park*, 340 F. Supp. 555, 567, n. 12 (D.N.J. 1972), NEPA “was designed to ‘encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate danger to the environment and biosphere and stimulate the health and welfare of man; [and] to enrich the understanding of the ecological systems and natural resources important to the nation...’” NEPA requires the finest diligence when evaluating the potential impacts and various alternatives for a prospective agency action. Failure to do so denies the American people the full benefit of the reasoned deliberation that NEPA intends.

BLM has rushed the Draft Environmental Impact Statement (DEIS) by compressing the scoping review and DEIS process to a mere five months. BLM must thoroughly and objectively consider the 680,000 public comments it received during the scoping process. It must carefully consider the concerns expressed by the Gwich’in Nation that will be adversely impacted by the proposed drilling, and it must conduct the necessary analyses to understand the impacts of oil and gas leasing in order to comply with federal and international legal obligations.

The Tax Act that allowed oil and gas leasing permits 2,000 acres of the Coastal Plain to be impacted by oil and gas development and production. However, BLM, in violation of the express command of NEPA, undertakes a crabbed and restrictive interpretation of the area to be affected. Specifically, it fails to include any of the acreage affected by pipelines, gravel mines, ice roads or other industry activity (such as seismic exploration) that the agency recognizes will have significant impacts. Thus, the cumulative



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development footprint will far exceed the 2,000 acre limitation set forth in the Tax Act and will permit far greater impacts. This clearly violates the provisions of the Tax Act and is illegal.

Further, the DEIS does not study the implications drilling in the Arctic Refuge's Coastal Plain will have on other national wildlife refuges throughout the United States. In the 1997 National Wildlife Refuge System Improvement Act, Congress mandated that the U.S. Fish and Wildlife Service manage the National Wildlife Refuge System as a system, and consider the impact of actions on one refuge to other refuges in the System. “(A) each refuge shall be managed to fulfill the mission of the System, as well as well as the specific purposes for which that refuge was established.” SEC. 5.(a)(3)(A)

We strongly oppose any effort to drill for oil and gas in America's Last Frontier, the Arctic National Wildlife Refuge.

Thank you for the opportunity to comment.