From: Hayes, Miriam (Nicole) <mnhayes@blm.gov>
Sent: Monday, February 4, 2019 9:16 AM
To: coastalplainAR; Sean Cottle
Subject: Fwd: [EXTERNAL] Draft EIS for ANWR Leasing
Attachments: Comments on Coastal Plain Oil and Gas Leasing Draft EIS.docx

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From: **Paul Reichardt** <paulreichardtak@gmail.com>
Date: Fri, Feb 1, 2019 at 8:36 PM
Subject: [EXTERNAL] Draft EIS for ANWR Leasing
To: <mnhayes@blm.gov>

Ms. Hayes:
Please find my comments/testimony on the draft of the Coastal Plain Oil and Gas Leasing EIS as an attachment to this email message.
Paul Reichardt

Comments on Coastal Plain Oil and Gas Leasing Draft EIS
February 1, 2019
Paul Reichardt
2086 Toboggan Lane
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I have a number of concerns about the draft Coastal Plain Oil and Gas Leasing EIS.

My fundamental concern is that BLM has failed to develop an Alternative that provides for the minimum leasing and subsequent potential development required under the Tax Act of 2017. BLM's rationale for opening over one million acres to leasing (Vol 1, pg 2-39), rather than the 800,000 required in the legislation, is unconvincing at best. I simply could not follow the argument, and neither could several other individuals whom I asked to read it. Perhaps this section is just poorly written, but it comes across as a clumsy attempt to avoid disclosing the real reasons for going 25% beyond the required lease acreage in even the most restrictive alternative.

The Draft EIS contains more than enough information to support restricting lease acreage to the required 800,000 acres. Examples include: 1) the changing climate increases the uncertainties associated with any development in this sensitive ecosystem (Vol 1 p. 3-168); 2) Native knowledge maintains that "any development in the program area would have devastating effects on the population of the PCH" (Vol 1, pg 3-173), a view at least partially supported by a number of recent scientific studies cited in the EIS; 3) there are numerous unknowns about how the PCH will react to aspects of leasing and development activities (e.g., noise and light; Vol 1 pg. 3-112); 4) "…future development would affect subsistence use…" (Vol 1, pg 3-169). Furthermore, while the leasing of the 200,000 or so "bonus acres" provide additional risk to the PCH by encroaching on the calving area, they contain only medium or low HCP (Vo 1, pg. 3-114)

A second concern is the document's silence on the big picture with respect to water use and availability. While there is a lot of information on specific uses and sources of water, there is no analysis of the overall situation. The leasing and development process must ensure the maintenance of sufficient quantity and quality of water resources within ANWR. How much water will be needed for leasing and development spread over one to one-and-a-half million acres? How much water is available? I could not find a way to use data in this document to answer these important questions.

A third concern is the interpretation of "surface disturbance." I am far from an expert on interpretation of legislation, but it seems to me that BLM's interpretation of this phrase borders on being irresponsible. The proposal that gravel mines do not qualify as surface disturbance (because they are not directly related to leasing and development) doesn't pass the "sniff test." While elevated pipelines themselves can arguably be excluded from surface disturbance, what about the maintenance roads associated with them (e.g., roads like those along and under long stretches of the pipeline along the Dalton Highway)? It was not clear to me that they were

included in the estimate of road surface associated with leasing and development. The idea that the phrase "during the term of the leases" in the Tax Act requires, or even allows, "temporal limits" on surface disturbances implies that over time all of the leasing area could have surface disturbance as long as all but 2,000 acres of it has been "reclaimed." I doubt that is what legislators, with possibly a few exceptions, had in mind.

I think what really concerns me is that, when taken together, several aspects of BLM's approach to this EIS raise questions about the legitimacy and integrity of the organization's review and process. BLM started things with a rushed scoping and drafting process, producing the draft EIS in one year even though the legislation allows four years before leases must be sold; and rather than even taking the approach of fast-tracking one 400,000 acre lease and taking a more relaxed approach to a second one, the proposal is for leasing up to one-and-a-half million acres ASAP. The rushed process to produce the draft EIS was followed with an abbreviated timeline for public review and comment, a part of the overall process that was interrupted by the government shutdown in January 2019 (admittedly, followed by a one-month extension of the deadline for comments). Then there are aspects of the content of the EIS: no Alternative with the minimum allowable acreage, Alternatives that allow up to twice the required minimum acreage, questionable protections for the PCH and associated subsistence uses, and very industry-favorable interpretations of topics like surface disturbance. All that can't help but make one wonder if this very complex and lengthy document really amounts to a thorough, hard-nosed examination of the environmental impact of the proposed activities.

Leasing in ANWR has been mandated by Congress. However, there is no reason we cannot—and should not—be presented with an Alternative that provides the maximum allowable protection for this refuge, which many of us who live in Alaska and many others from elsewhere in the United States consider to be the "crown jewel" of U.S. Public Lands. Although I actually prefer Alternative A and would like to see an Alternative D3 with an 800,000 acre limit, of the options presented I support D2.