



Friends of Alaska National Wildlife Refuges National Friends of the Year 2010

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Becharof NWR

Innoko NWR

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Kanuti NWR

Kenai NWR

Kodiak NWR

Koyukuk NWR

Nowitna NWR

Selawik NWR

Tetlin NWR

Togiak NWR

Yukon Delta NWR

Yukon Flats NWR

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Coastal Plain Oil and Gas Leasing Program EIS
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Anchorage, Alaska 99513

The Friends of Alaska National Wildlife Refuges appreciates the opportunity to provide comments on the Draft Environmental Statement (DEIS) for the proposed oil and gas leasing program on the Coastal Plain of the Arctic National Wildlife Refuge. Established in Alaska in 2005, our volunteer members work closely with the USFWS to assist them in maintaining and enhancing the wildlife and habitat of all 16 Alaska National Wildlife Refuges. The Arctic Refuge was established by President Eisenhower uniquely "For the purpose of preserving unique wildlife, wilderness and recreational values." We participated in the several-year CCP and EIS process that in 2015 resulted in the full wilderness recommendation by Interior Secretary Sally Jewell that President Obama sent to Congress.

The Arctic National Wildlife Refuge is the crown jewel of the world's largest wildlife refuge system and is the largest intact natural ecosystem in the United States. It is currently managed as wilderness by the USFWS and is an incomparable and valuable living scientific laboratory. The Arctic Refuge sustains the physical, cultural, and spiritual well-being of the Gwich'in people of Alaska and Canada. The 1987 agreement between the US and Canada requires that both parties:

1. Take appropriate action to conserve the Porcupine Caribou Herd and its habitat.
2. Ensure that the Porcupine Caribou Herd, its habitat, and the interests of users of Porcupine Caribou are given effective consideration in evaluating proposed activities within the range of the Herd.
3. Activities requiring a Party's approval having a potential impact on the conservation of the Porcupine Caribou Herd or its habitat will be subject to impact assessment and review consistent with domestic laws, regulations and processes.

All of this is threatened by the proposed oil development for questionable short-term profits that will produce long-term, major damage to the Arctic Refuge and those who depend on it.

The November 2017 nationally-representative survey conducted by Yale and George Mason Universities revealed that 70% of the American public is opposed to drilling in the Arctic Refuge, and four times as many are strongly opposed than are strongly supportive.

The Bureau of Land Management (BLM) has produced a DEIS that is substandard in almost every respect. In 45 years of personally reviewing proposed actions by federal agencies, I have never seen a DEIS that is so deficient regarding the legal requirements of the National Environmental Policy Act (NEPA). The BLM analysis of the anticipated effects of oil and gas leasing in the Arctic National Wildlife Refuge Coastal Plain is extremely superficial and failed to fulfill its legal obligation to propose a full range of alternatives to the proposed gas leasing.

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 development on the Coastal Plain. However, any industrial development, including oil and gas development, is entirely inconsistent with the original purposes of the Arctic Refuge because it will cause lasting damage to the animal and plant diversity, disrupt subsistence activities, upset water quality and quantity, and disregard international wildlife protection obligations. The DEIS failed to provide any detailed and thorough scientific analysis how the proposed oil and gas development may interfere with the originally stated purposes of the Refuge.

In the politically-mandated rush to a hold lease sale this year, the BLM improperly limited public participation. Normally, such an impactful and complex development requires considerable new scientific studies and analyses that would take a minimum of two years to complete. Instead, the BLM relied on a superficial use of old studies and data, compressed the time frame to only five months, and issued a grossly inadequate DEIS. Furthermore, work on the DEIS continued throughout the longest government shut-down in history, even though most federal personnel, including USFWS biologists, Arctic Refuge staff, and other BLM employees were not available to provide information and participate in formulating the DEIS.

The BLM ignored its legal obligations to offer an adequate range of alternatives. The DEIS provided only three alternatives, all of which allow full oil and gas development. These alternatives fail to adhere to the limits for development and lease sales set by Tax Act. The Tax Act requires that only 2,000 acres of the Coastal Plain be impacted by oil and gas development and production. However, BLM interpreted this restriction too narrowly. They did not include the acreage that would be affected by pipelines, gravel mines, ice roads, and other industrial activity, such as seismic exploration, that the agency recognized will have significant impacts. Areas that supposedly would be “reclaimed” also were excluded from the 2,000-acre limit. Thus, the total footprint of development and the resultant impacts on the Coastal Plain would be far greater than the 2,000 acres allowed under the Tax Act. This narrow definition of the 2,000-acre limit would permit greater impacts on the Arctic National Wildlife Refuge than allowed by the 2017 Tax Act.

The proposed alternatives also failed to protect the stated purposes and biological resources of the Arctic Refuge. Not only did the DEIS fail to offer reasonable alternatives to the proposed oil and gas leasing, it did not sufficiently analyze the impacts of the proposed alternatives. The DEIS is deficient both legally and substantively. It failed to include the required analyses, the necessary mitigation measures, and alternatives necessary to protect the resources mandated by the established purposes of the Arctic National Wildlife Refuge.

BLM must thoroughly and objectively analyze the 680,000 public comments submitted during the scoping process which ended in June, 2018, and conduct the necessary analyses to understand the impacts of oil and gas leasing to comply with federal and international legal obligations.

The Coastal Plain of the Arctic National Wildlife Refuge provides vital calving and post-calving habitat for the 200,000 animals of the Porcupine Caribou Herd. These caribou depend on the unique ecological resources of the entire Coastal Plain during their annual migration and calving. BLM acknowledged that oil and gas activities will likely disturb and displace caribou, especially sensitive mothers and their young. However, BLM failed to adequately address the impacts on caribou and did not consider the full range of areas and habitats that are vital to caribou during their annual migration. They must carefully consider the

concerns expressed by the Canadian Government and the Gwich'in Nation, which will be adversely impacted by the proposed developments. The Gwich'in people of Alaska and Canada are culturally and spiritually connected to the Porcupine Caribou Herd, which in turn relies on the Arctic Refuge Coastal Plain for calving and post-calving habitat. The Coastal Plain is sacred to the Gwich'in people, and protecting the Arctic National Wildlife Refuge is vital to their human rights and nutrition. A significant portion of Gwich'in subsistence comes from the Porcupine Caribou Herd. However, the BLM disingenuously claimed that there will be no impact on the Gwich'in subsistence food sources, even though they acknowledged that there will be oil and gas development impacts on caribou. The DEIS failed to provide effective mitigation measures even though the DEIS acknowledged that the proposed oil leasing could disrupt 633,000 acres of caribou habitat, which is 40% of the Coastal Plain. Its proposed mitigation strategy to continue drilling and suspend "major construction activities" for only a single month of the year is severely insufficient. BLM asserted that the Gwich'in do not qualify for an 810 hearing (necessary under the Alaska National Interest Lands Conservation Act), which is required for development that will substantially affect subsistence. The DEIS also ignored the traditional knowledge and human rights of the Gwich'in people.

Seventy-seven per cent of the Arctic Refuge Coastal Plain is designated Critical Habitat for polar bears, which are listed as threatened under the Endangered Species Act. The Southern Beaufort Sea population of polar bears, which den on the Coastal Plain of the Refuge, have lost about half their population since 1980. This area of the Refuge is one of the world's largest polar bear denning sites, and nearly one third of these bears depend on the Coastal Plain to den and give birth to their cubs. The DEIS acknowledged that the proposed action alternatives could cause injury or death to polar bears and would affect large areas of polar bear Critical Habitat. However, BLM failed to identify how many bears would be impacted and how the impacts to these bears would affect this threatened species. BLM also failed to identify and analyze sufficient mitigation measures to protect the bears. BLM relies on lease stipulations and operating procedures to mitigate impacts to the Refuge, but the DEIS failed to indicate how BLM will be able to enforce any mitigation requirements.

The Arctic Refuge Coastal Plain is an essential nesting, foraging, and migratory stopover for millions of birds each year. Over 200 species of birds from every state in the Nation and six continents nest on the Coastal Plain. The BLM analysis of effects on birds is grossly inadequate and contains major loopholes that would allow oil and gas activities to move forward regardless of harm to birds. A thorough analysis of direct and cumulative impacts on world bird populations that spend their summer on the Coastal Plain is necessary to determine the environmental impacts of oil and gas leasing in the Arctic National Wildlife Refuge.

A specific purpose of the Arctic National Wildlife Refuge is to "protect water quality and necessary water quantity." The DEIS acknowledged that drilling an oil well could use 2,000,000 gallons of water and that each mile of ice road uses 1, 000,000 gallons of water. The Refuge has few fresh water sources, especially in winter, and the DEIS does not specify how much water oil and gas activities could use without causing negative impacts on the Arctic Refuge. In their comments on the Notice of Intent, the USFWS stated, "Water withdrawals from the streams, rivers and springs could have significant and detrimental implications to the populations and habitats of fish and wildlife," but the DEIS failed to fully evaluate the impacts of oil and gas development on the already scarce water resources and the resultant effects on fish, habitat, vegetation, and hydrology.

The DEIS failed to meaningfully evaluate potential impacts of oil and gas activities on air quality in the Arctic Refuge. The BLM concluded that future projects on the Coastal Plain of the Arctic National Wildlife Refuge would be "unlikely" to exceed important air quality standards, but it failed to support this conclusion with sufficient analysis. The DEIS did not quantify pollution emissions nor did it assess the air quality impacts of oil and gas development on the environment and on human health.

The DEIS failed to consider the impacts of proposed seismic surveys. SAExploration, LLC plans to conduct seismic exploration surveys on the Coastal Plain during the winters of 2019 and 2020, but the DEIS failed to analyze the impacts of this proposed seismic exploration. BLM is required to consider all environmental impacts of the proposed oil and gas program.

The DEIS failed to address the economic value of the Arctic Refuge. It recognized that the Arctic Refuge has significant 'ecosystem service values, e.g., the biological resources of this land are highly valuable. BLM recognized that their value would be harmed by oil and gas development, but it did not conduct an economic analysis to quantify or identify these values or impacts. The DEIS failed to include an economic projection of revenue from lease sales and failed to assess the immense value of wilderness and Refuge lands to air and water quality, wildlife, scientific inquiry, human well-being, and America's natural and cultural heritage.

The DEIS failed to address climate impacts. It failed to provide any analysis of how expanding fossil fuel development in the Arctic Refuge would exacerbate the severe impacts of climate change already occurring across the Arctic. The DEIS failed to address how to minimize the impacts on climate. Developing oil and gas in the Arctic Refuge is inconsistent with the urgent need to address climate change.

The DEIS lacks scientific integrity. The BLM is required to ensure scientific integrity, acknowledge where it lacks information, and obtain that information. BLM did not acknowledge missing or outdated information in the DEIS and failed to identify the source of the information used in their analyses. BLM did not conduct any new studies or obtain the missing information. This lack of scientific integrity is evident in its use of outdated studies of polar bears, lack of analysis of caribou calving habitat, and the potential impacts of oil and gas development on birds.

The BLM clearly failed to produce a DEIS that comes even close to a comprehensive evaluation of the widespread effects of the proposed oil and gas developments on the Arctic National Wildlife Refuge that satisfies the legal mandates of the National Environmental Policy Act. Therefore, it is incumbent on the BLM to withdraw the present DEIS, perform the required science and analyses of the potential impacts, propose reasonable alternatives that include a no-action alternative, issue a thoroughly revised DEIS that complies with the requirements of NEPA, and reissue the revised DEIS for another round of public comment.