



**Region 10 Tribal Consortium  
P.O. Box 689  
Spokane, Washington 99210**

December 17, 2020

Chad B. Padgett  
State Director  
Bureau of Land Management  
Alaska State Office  
222 West 7th Avenue, Mailstop 13  
Anchorage, AK 99513-7504

**RE: Comments for the Coastal Plain Alaska Oil and Gas Lease Sale**

Dear Mr. Padgett:

This letter is sent on behalf of the Tribal Caucus members of EPA Region 10's Tribal Operations Committee ("RTOC"). This letter is not sent on behalf of EPA Region 10 or any employees of EPA, but solely tribal government representatives of the RTOC. The Tribal Caucus unequivocally oppose any efforts to hold an oil and gas lease sale for any tracts on the Coastal Plain of the Arctic National Wildlife Refuge ("the Refuge").

Tribal communities are situated near the boundaries of the Arctic Refuge that depend on the caribou, migratory birds, and other subsistence resources supported by the Coastal Plain for culture, identity, spirituality, and way of life. Oil and gas development on the Coastal Plain of the Arctic Refuge threatens these Tribes' way of life, is incompatible with responsible stewardship of the Sacred Place Where Life Begins, and should not be approved. Leasing any part of the 32 tracts described in the Call for Nominations would facilitate oil and gas development incompatible with such a revered place.

The Tribes urge BLM not to offer any tracts within the Refuge for lease in the upcoming Coastal Plain Oil and Gas Lease Sale because: (1) the Environmental Impact Statement ("EIS") did not adequately address tribal concerns; (2) the lack of meaningful consideration of Tribal input creates legal deficiencies within several federal regulations; and (3) lease offers for the entirety of the Refuge are inappropriate and inconsistent with BLM's regulations and past practices.

Tribes that were cooperating agencies in the development of the Environmental Impact Statement (“EIS”) and are deeply concerned that the Final EIS failed to meaningfully address tribal input, inappropriately minimized the potential impacts to Arctic Village and Venetie, and failed to take a hard look at the Leasing Program’s direct, indirect, long-term, regional, and cumulative impacts, including, but not limited to, impacts on the Porcupine Caribou Herd and other migratory species, subsistence, cultural resources, sociocultural systems, public health, and food security.

BLM consistently ignored the Tribes’ concerns up through its record of decision (“ROD”) and its adoption of a Preferred Alternative that disregards the concerns the Tribes raised throughout the EIS process, allowing for the most acres available for leasing while providing the least protections for biological and ecological resources of critical importance to the Tribes. Because of BLM’s failure to meaningfully consider the Tribes’ input in the EIS process and during consultation as required under the National Historic Preservation Act (“NHPA”) and the Alaska National Interest Lands Conservation Act (“ANILCA”) and because of its decision to open the entire Coastal Plain to oil and gas leasing, the Tribes have filed a lawsuit against BLM in the U.S. District Court in Alaska. Until the many legal deficiencies raised in this lawsuit are resolved and remedied, BLM should not move forward with offering any tracts within the Refuge for lease in the upcoming Coastal Plain Oil and Gas Lease Sale.

BLM must conduct more a robust and site-specific analysis of the impacts of the lease sale under NEPA, NHPA, and ANILCA before it can move forward with offering leases. The Leasing Program Final EIS, issued in September 2019, is inadequate to support a lease sale. Rather, a site-specific EIS is required that analyzes the site-specific direct, indirect, and cumulative impacts from leasing on the Coastal Plain and in turn the impacts on the Tribes.

The NHPA process and ANILCA analysis relied on the Final EIS is similarly inadequate to support a lease sale and BLM must revise its analysis under these statutes prior to proceeding with a lease sale. BLM unlawfully excluded Gwich’in Tribes from both phases of their ANILCA § 810 process for the Coastal Plain Leasing Program. Likewise, in the NHPA Section 106 process BLM failed to undertake the consultation early enough in the process to ensure that it would inform the development, evaluation, and selection of alternatives and to provide the Tribes a reasonable opportunity to engage, through consultation, in the identification and evaluation of historic properties, the assessment of effects, and the resolution of adverse effects. BLM cannot rely on its NHPA and ANILCA findings to proceed with a lease sale, as these findings were based on legally deficient processes.

While the call for nominations and public comment period was open, BLM issued a public notice of a lease sale. 85 Fed. Reg. 78865 (Dec. 7, 2020). In its lease sale notice, BLM identified tracts that are available for bid, provided the stipulations each tract will be subject to, and set out the terms for leases. Rather than carefully considering the comments and concerns of the public to inform the tract selection process, BLM has instead chosen to offer the entire Coastal Plain to oil and gas leasing — disregarding science, human rights, and its legal obligation to protect sensitive areas and resources in the Arctic Refuge. BLM’s actions in noticing a lease sale during an open

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December 17, 2020

Page 3

call for nominations period is inappropriate and legally inconsistent with BLM's regulations and past practices. BLM must withdraw the notice of the lease sale and not reissue it until after completion of the call for nominations period.

We appreciate your consideration of these comments.

Sincerely,

A handwritten signature in black ink that reads "Raymond Paddock III". The signature is written in a cursive, slightly stylized font.

Raymond Paddock  
RTOC Co-Chair

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