December 16, 2020

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

Re: Call for nominations and comments on the lease tracts considered for the upcoming Coastal Plain Oil and Gas Lease Sale.

Dear Director Padgett:

I am writing on behalf of the Wildlife Conservation Society (WCS) in response to the Bureau of Land Management's (BLM) call for nominations and comments on the lease tracts considered for the upcoming Coastal Plain (CP) oil and gas lease sale. WCS's conservation legacy in the Arctic National Wildlife Refuge goes back more than half a century. On an exploratory field survey co-sponsored by WCS, graduate student George Schaller, whose later work with WCS established him as the pre-eminent field biologist of his time, accompanied the famed Murie Expedition into northeastern Alaska. The expedition's findings prompted the Department of the Interior under the Republican Eisenhower Administration to set aside this dramatic landscape in 1960. On the basis of this and subsequent information, WCS continues to oppose oil and gas development in the Arctic National Wildlife Refuge, including the Coastal Plain, and urges the Administration and Congress to protect this unspoiled and internationally treasured landscape from development.

WCS saves wildlife and wild places worldwide through science, conservation action, education, and inspiring people to value nature. To achieve our mission, WCS, headquartered at the Bronx Zoo, harnesses the power of its Global Conservation Program—in nearly 60 nations and in all the world's oceans—and its five wildlife parks in New York City, visited by 4 million people annually. WCS's Arctic Beringia Program and its field efforts in Chukotka, Alaska, and the Inuvialuit Settlement Region are working on the ground with local partners to find workable conservation solutions that allow development where appropriate, while seeking to mitigate the impacts of transportation and industrial activities in the quickly changing Arctic that affect wildlife and their habitats, as well as the food and economic security of local residents.

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Based on our experiences in the Arctic, WCS firmly opposes any oil and gas development in the Arctic National Wildlife Refuge. While we recognize the role of resource extraction economies more broadly in the region, the comments below focus on the specific ecological values of the Refuge and the United States' responsibilities to ensure Arctic conservation, which supports our position that this development should not proceed.

BLM Must Not Proceed with the Nomination of Lease Tracts Because of the Ecological Values of the Arctic National Wildlife Refuge and the U.S. Government Commitments to Arctic Conservation

The Arctic National Wildlife Refuge is home to a wide variety of wildlife and roughly 700 kinds of plants, 200 bird species, 47 mammal and 42 fish species can be found there. The Refuge provides important habitat and migration passage for a diverse array of wildlife, including caribou, wolverines, Arctic foxes, lemmings, gyrfalcons, ptarmigans, and a vast international assemblage of migratory birds that breed there in the summer before dispersing to every continent on the planet. The Coastal Plain is the calving ground of the Porcupine Caribou herd, the only barren-ground caribou herd in North America that is not declining at present. It also has the highest density of denning polar bears in Arctic Alaska. Winter/spring exploration and development particularly jeopardizes these two species in the prospective leasing area, as they are more aggregated at the critical time of birth for calves and cubs, respectively. Furthermore, for species like muskoxen, some population segments may be absent from an area such as the Coastal Plain, and then return because it assures the long-term food resources and other appropriate habitat components to facilitate reproduction and survival. Many species living in the Arctic Refuge are in jeopardy through much of the rest of their range.

In addition to the wildlife they support, these healthy ecosystems have been, and continue to be, relied on by local indigenous communities for maintaining food security and cultural identity. The Porcupine Caribou herd, in particular, is essential to the culture and food security of peoples in Alaska and Yukon. Similarly, there are likely to be impacts to polar bear subsistence opportunities as managers respond to both non-lethal and lethal takes on this species by industrial activities.

The Arctic National Wildlife Refuge also represents the most significant protected landscape that the U.S. has in the Arctic and helps fulfill U.S. international commitments. For example, this area helps fulfill numerous responsibilities for the United States as a member of the Arctic Council, such as those articulated in recommendations that have been agreed to from the Arctic Council's working groups such as the Conservation of Arctic Flora and Fauna. These include "identifying and safeguarding important areas for biodiversity," and "addressing individual stressors [e.g., habitat modification] on biodiversity."[1]

Several specific areas of concern which must be analyzed include bilateral responsibilities for transboundary conservation with Canada, the importance of coastal areas to wildlife and

[1] Conservation of Arctic Flora and Fauna (CAFF), Arctic Biodiversity Assessment: Report for Policy Makers, CAFF, Akureyri, Iceland (2013), *available at* https://www.caff.is/assessment-series/arctic-biodiversity-assessment/229-arctic-biodiversity-assessment-2013-report-for-policy-makers-english.

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ecosystem services, impacts on migratory birds, and the cumulative effects of development in a rapidly changing Arctic.

1. Bilateral Responsibilities Toward the Transboundary Conservation of Key Species

The Arctic National Wildlife Refuge and the Coastal Plain are important habitat for transboundary species and any analysis of the impacts of development in the Coastal Plain must consider the transboundary impacts of that development. The Coastal Plain is the calving ground of one of America's largest caribou herds, known as the Porcupine caribou herd, which migrates widely through the region in both the U.S. and Canada. Belonging to the barren-ground ecotype of this species, it was assessed as Threatened in Canada by the Committee on the Status of Endangered Wildlife in Canada, in November 2016;[2] community consultation for listing under the Canadian federal Species at Risk Act has been ongoing across northern Canada. Throughout their transboundary range, the Porcupine caribou are an essential subsistence and cultural resource for local communities.

The significance of barren-ground caribou to the people of northern North America is evident from archaeological findings tracking the distribution of people and caribou as long as 12-15,000 years ago in the central range of the Porcupine herd. Today, this herd numbers at 218,000 individuals, having grown annually by 3.7% since 2010.[3] One of the largest herds in North America, it is the only one currently on an increasing trend, with many others having experienced profound declines over the past decade.

As a species, caribou demonstrate a well-documented sensitivity to human disturbance, having a significantly wide zone of influence relative to new roads (> 20 km) and poor population responses (e.g., recruitment) in the face of cumulative disturbance. In spite of a lengthy history of mitigation measures deployed in Prudhoe Bay, there has been little learning from these experiences, with no documentation in either gray or peer-reviewed literature. For example, any positive caribou population trends cannot be separated from the sustained practice of predator control that occurred in tandem with oil development in central Alaska. In the particular geography of the Coastal Plain lands, the coastal strip for calving is particularly narrow such that any displacement of calving will be into foothills where calf survival is known to be reduced. WCS maintains that, given the high potential for significant cumulative impacts of development on this fragile ecosystem and critical calving ground of this herd, the lease sale should not go forward.

The Porcupine caribou herd is unique for its transboundary distribution and is thus covered by an international agreement signed between Canada and the United States in 1987.[4] The Canadian

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[2] COSEWIC, COSEWIC assessment and status report on the Caribou *Rangifer tarandus*, Barren-ground population, in Canada, Committee on the Status of Endangered Wildlife in Canada, Ottawa (2016), *available at*: http://www.registrelep-sararegistry.gc.ca/default.asp?lang=en&n=24F7211B-1.

[3] Press release, Government of Yukon, New Population Estimate for the Porcupine Caribou Herd (Jan. 3, 2018), *available at* http://www.gov.yk.ca/news/18-002.html.

[4] Agreement on the Conservation of the Porcupine Caribou Herd, with Annex, U.S.-Can., July 17, 1987, 2174 U.N.T.S. 267.

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government has stated its opposition to development in the Arctic Refuge, including statements in April 2018 that "Canada supports the continued conservation of the Porcupine caribou herd's habitat, including in the Arctic refuge, and opposes opening this area to resource development,"[5] and that "Canada has long opposed development in the Arctic National Wildlife Refuge due to the potential impact to the Porcupine caribou herd and to Indigenous Peoples. Porcupine caribou and their calving grounds are invaluable to the culture and subsistence of the Gwich'in and Inuvialuit peoples."[6] The government of Yukon Territory has officially opposed any oil and gas exploration and development in the Arctic refuge as recently as November 2020, pointing out that U.S. regulators have not taken into account scientific information about Porcupine caribou that was provided to the environmental impact assessment process by the Yukon government. The Gwich'in people of Yukon are vehemently opposed to putting the Porcupine caribou herd at risk by allowing exploration activities for oil and gas reserves on the Coastal Plain. The concern about the fate of the Porcupine caribou herd is widely held within Canada, being expressed concretely by the fact that all five of Canada's major financial institutions -- Toronto Dominion Bank, Bank of Montreal, the Royal Bank of Canada, Scotiabank, and Canadian Imperial Bank of Commerce—have vowed not to finance any resource extraction in the Arctic refuge.[7] This action by Canada's lenders mirrors similar pledges made by U.S. major lenders Goldman Sachs, JPMorgan Chase, Wells Fargo, Citi, Morgan Stanley, and most recently, Bank of America.[8] BLM has not sufficiently taken into account how the proposed actions will impact the United States' international commitment to protect the Porcupine caribou herd in collaboration with Canadian jurisdictions.

The trans-boundary Beaufort Sea population of polar bears is currently under considerable stress as a result of loss of summer sea ice, resulting in them spending more time on land trying to find food, and suffering reduced survival of some age classes and reduced total population as a result of food limitation.[9] Oil and gas exploration and development activities on the coastal Plain threaten to worsen the risks for bears by creating problem bears attracted to garbage and food waste, and by displacing bears from key foraging habitats, such as coastal lagoons and barrier islands.

WCS continues to be concerned about the impacts development in the Arctic National Wildlife Refuge will have on other transboundary shared populations including Lesser snow geese, White-fronted geese, polar bears, and muskoxen to fully analyze the impacts of development in the Arctic National Wildlife Refuge.

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[5] The Canadian Press, Canada to Oppose Oil Drilling on Caribou Habitat in Alaska, (Apr. 23, 2018, 4:24 PM), http://www.cbc.ca/news/canada/north/anwr-drilling-caribou-canada-oppose-1.4632099.

[6] Statement, Environment and Climate Change Canada, *Minister Wilkinson voices concerns over proposed project in the Arctic National Wildlife Refuge*, November 10, 2020.

[7] Julien Gignac, *Scotiabank becomes fifth major Canadian bank to refuse to fund oil drilling in Arctic refuge*, Toronto Star, Dec. 14, 2020

[8] Lananh Nguyen, *Bank of America Says It Won't Finance Oil and Gas Exploration in the Arctic*, Bloomberg Green, November 30, 2020

[9] Jeffrey F. Bromaghin et al., *Polar bear population dynamics in the southern Beaufort Sea during a period of sea ice decline*, 25Ecological Applications 634–651 (2015).

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2. Importance of Coastal Areas for Nesting Waterfowl and Fish Species, which are Critical to Ecosystem Function and Coastal Food Security

Much of the Arctic coast in northern Alaska is protected by a chain of barrier islands. The islands are a narrow band (50-150m wide) of largely unvegetated sand and gravel that protect shallow brackish and very productive lagoons. This system of barrier islands and lagoons, including those of the Arctic National Wildlife Refuge are vital to breeding and migrating birds, providing food and potentially protection from mammalian predators.[10]

The most common breeding birds on the barrier islands are common eiders. The National Fish and Wildlife Foundation (NFWF) along with the current Arctic LCC (Strategic Action Plan 2014-2016) and the U.S. Fish and Wildlife Service (USFWS) have identified the conservation of nesting eiders as a priority focus due to population declines of these birds, and associated risks to Alaska Native food security. Pacific common eiders declined by 50-90 percent between 1957 and 1992, and based on our recent surveys, have stabilized at these reduced numbers. They are listed as USFWS Birds of Management Concern and Audubon Watch List species. Although the decline of common eiders has occurred across their range, those breeding on barrier islands in the Beaufort and Chukchi seas are especially susceptible to climate-mediated factors and effects from development, and have therefore been designated a USFWS Tier 1 Priority Species, pilot Flagship Surrogate Species, and a Focal Species for the barrier islands and associated lagoon ecosystems. These barrier islands are also breeding areas for long-tailed ducks, black brant, Canada geese, and gulls and terns. WCS believes that the impacts of development to these waterfowl have not been sufficiently considered.

Marine waters and lagoons in the Arctic National Wildlife Refuge totaling approximately 91,000 acres are designated as a Marine Protected Area (MPA) and part of the National System of Marine Protected Areas.[11] BLM must consider how development would impact the functioning of these offshore areas, such as how equipment being brought into the Refuge by barge could reduce water quality or shoreline features, or how changes in predator use of these areas could negatively impact nesting waterfowl.

Finally, WCS is concerned about the impacts on fish species in coastal lagoons, ecosystem functions in coastal areas, and coastal food security.

3. The Imperative to Protect Internationally Prioritized Migratory Shorebirds

In addition to waterfowl, many other species of migratory birds use the barrier islands and lagoon system as a resting and feeding area while on migration. These species are prioritized in numerous national and international fora, including with respect to the East Asian-Australasian and Pacific Flyways. Agreements through the Arctic Council's Arctic Migratory Bird Initiative

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[10] *See, e.g.*, John M. Pearce et al., Summary of Wildlife-Related Research on the Coastal Plain of the Arctic National Wildlife Refuge, Alaska, 2002–17: U.S. Geological Survey Open-File Report 2018–1003 (2018), *available at* https://pubs.er.usgs.gov/publication/ofr20181003.

[11] U.S. Fish and Wildlife Service, Arctic National Wildlife Refuge, Revised Comprehensive Conservation Plan, Final Environmental Impact Statement, Wilderness Review, Wild and Scenic River Review (2015), at 1-40, 4-13.

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(AMBI) and with the Convention on the Conservation of Migratory Species of Wild Animals (CMS) also emphasize the need to protect breeding, staging, and wintering habitats for these birds. At least twenty species of shorebirds stage in the lagoon systems prior to fall migration from breeding grounds on the Arctic Coastal Plain. In the event of an oil spill, oil in the shallow lagoon and barrier islands ecosystem lining the Arctic coastline would effectively be there for any foreseeable future, with lasting impacts on the ecological integrity of those environments, and the birds breeding in these areas.

4. Cumulative Impacts and the Rapidly Changing Arctic

In light of the continued interest in expanding energy development in the Arctic, including the National Petroleum Reserve in Alaska and the Outer Continental Shelf, the consideration of cumulative impacts should consider the impacts of increased energy development across the North Slope of Alaska. If development were to proceed across the region from the Chukchi Sea to the Arctic Refuge, wildlife and ecosystems will experience impacts from development at a scale not previously seen, which must be fully assessed and weighed.

Further, the Arctic is one of the fastest changing environments on the planet where wildlife and people are racing to adapt to new environmental conditions. The role of the Arctic National Wildlife Refuge as an area supporting resilience for wildlife is invaluable and cannot be discounted.

Suppression of Science and Process Concerns

In March 2019, the Public Employees for Environmental Responsibility (PEER) published reports that indicate that the Department of the Interior has suppressed internal memoranda written by DOI scientists that detailed concerns with regard to oil and gas development in the Refuge.[12] Additionally, there are press reports of emails from career scientists at BLM complaining about alterations, mischaracterizations, and omissions of key findings on the environmental assessments for seismic surveys.[13] BLM has not directly addressed the issues raised by these employees in a transparent manner.

A reliance on science and the full participation of governments and stakeholders including Indigenous Peoples and local communities, are the bedrock principles with which the WCS operates in the United States and globally. WCS has serious concerns with respect to these reports of the Administration's failure to utilize the best available science and calls on BLM and DOI to directly address these allegations before a lease sale is conducted.

WCS also questions the necessity of the Administration publishing official notice that it will conduct an oil and gas lease sale in the Refuge on January 6, 2021, with sealed bids due by December 31,[14] even though Public Law 115-97 does not require that a lease sale be held until

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[12] *Undisclosed Statements of Scientific Concern: ANWR Drilling*, PEER, Public Employees for Environmental Responsibility, (Mar. 12, 2019), https://www.peer.org/undisclosed-statements-of-scientific-concern-anwr-drilling/. ,

[13] Adam Federman et al., *How Science Got Trampled in the Rush to Drill in the Arctic*, Politico, July. 26, 2019, https://www.politico.com/interactives/2019/trump-science-alaska-drilling-rush/.

[14] Notice of 2021 Coastal Plain Alaska Oil and Gas Lease Sale and Notice of Availability of the Detailed Statement of Sale, 85 Fed. Reg. 78865 (Dec. 7, 2020).

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late 2021.[15] Given the scope and gravity of the impacts at issue in developing this currently intact, healthy ecosystem that supports the wildlife, natural resources, and human communities discussed above, WCS urges the Department of the Interior not to unnecessarily expedite the lease sale prior to the end of the current Administration. Further, the Administration must consult with all levels of government representing people who would be affected by the development in the Coastal Plain. In particular, indigenous communities must be thoroughly consulted and provided sufficient time to give thoughtful comment and input, as well as transboundary interests where the livelihoods of Canadians are directly jeopardized.

Conclusion

The Arctic National Wildlife Refuge is one of our last great wildernesses and a part of our national heritage. Any oil and gas development will fundamentally change the nature of this landscape, destroying habitat for wildlife and threatening the way of life of communities that have lived there for thousands of years. Furthermore, these impacts jeopardize our international obligations to both our Canadian neighbors and to international partners engaged in the conservation of migratory species in the Arctic. WCS remains firmly opposed to any development in this landscape and urges the Department of the Interior and the Congress to work to protect this special place. Given the well understood divisions in perspectives about the fate of this iconic landscape, decisions should be transparent and fully consulted—not rushed through with lack of transparency or disregard for the best available science that is available to inform decisions.

Sincerely,

Dr. Martin Robards
Regional Director, Arctic Beringia Program

[15] Act of Dec. 22, 2017, Pub. L. No. 115-97, § 20001.

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