

Date: December 6, 2020

To: State Director, BLM, Alaska Office

From: Julianne Warren, Ph.D. Wildlife ecology (Fairbanks resident, out-of-state for 2020, living in Jemez Pueblo, NM)

I begin with a brief overview of a few of the unaddressed problems with leasing in Iizhik Gwats'an Gwandaii Goodlit aka the Arctic Refuge coastal plain, calving ground of the Porcupine Caribou Herd, sacred to and inseparable from sovereign Gwich'in and Inupiat Peoples from time immemorial and to their present and futures. Following these introductory paragraphs, I include all the other comments I have written and could find and already have submitted to BLM throughout BLM's rushed (e.g., even as I write this, *before* the December 17 deadline, lease sales are to be announced tomorrow on December 7 amid the still intensifying rise of COVID in the U.S.), be democratically erosive, and legally questionable process related to drilling in this Land. These are from 2018 forward. These comments—arguing against any and all leasing in what is also known as the 10-02 coastal plain area of the Arctic National Wildlife Refuge. My comments, older and new ones just added below, remain urgently relevant as yet having been neither addressed nor heeded.

The Porcupine Caribou Herd and this place are integral to Gwich'in culture, including language, food sustenance, and ongoing health as well as justice where U.S. and international Indigenous rights are concerned, particularly as Gwich'in People have spanned since time immemorial each side of the current U.S. -Canada border. Indigenous and non-Indigenous scientists have ample evidence that oil and gas industry poisons land and disrupts caribou interactions with adverse consequences to herd health and numbers. This would especially be highly likely true on the relatively narrow plain where there is not room for animals to escape disturbance and still have the grounds with which they have co-evolved for most successful calving over generations.

Not only, as Indigenous and non-Indigenous science reveals, would everything from seismic testing to drilling infrastructure disrupt the Land, including causing hydrological changes with rippling long-term consequences, drilling in the Refuge is not tenable in terms of climate stability and land health for everyone. Nor is it tenable economically nor democratically as this is currently ground occupied by the U.S. as federal public lands.

Why should the state of Alaska get subsidized—and, only for a very very short time, if there would actually any profits at all)*, by what the U.S. occupies as Federal public lands? Moreover, why would anyone even consider asking, let alone forcing the Porcupine Caribou Herd, the sovereign and Gwich'in and Inupiat Peoples to fund the state of Alaska, for a very very short time, at the cost to their lives, time immemorial lifeways, and conditions of land health and climate habitability, also affecting everyone?

The consequences of climate change already disrupting already existing arctic oil infrastructure in expensive ways already add to the economic likelihood that coastal plain drilling will result in sunk costs. Because of this and because world-wide climate pressures and moves to shift to already tenable non-carbon energy alternatives, major oil corporations, like Exxon, are already showing huge cuts in profits. Over seventy percent of U.S. voters do not want drilling in the Refuge. All six major US Banks and several in Canada have announced they will not invest in Refuge oil and gas activities. There are several law suits ongoing over illegalities of this whole process, including involving international agreements and obligations. Relatedly, urgently, the UN is reviewing the human rights and treaty violations against Gwich'in and other Alaska Native

Peoples that leasing would mean. Above all, the will of Gwich'in People, Inupiat and many other Alaska Native communities (as such, as represented by Tribal authorities in overlap, and, also at times considerably contrast to Alaska Native Corporations)— must be heard as primary. Their will is primary in this matter particularly because their culture, language, land-ethical responsibilities sustenance, identity, lifeways, and lives would be most directly affected by drilling and not drilling.

If drilling is not economically nor climate-tenable nor moral nor just nor in any way helpful, there is no good sense in doing leasing. **Leasing could only be advanced by those interested in the raw and cruel harm to Land and People that would be a show of power for power's sake.**

* Note from May 2018: The actual U.S. federal calculations go something like this: According to average figures from the 2018 Congressional "Arctic National Wildlife Refuge Overview," during the forty-year presumed life of the fields, the coastal plain might yield over seven billion barrels of oil. This might amount to a single year's supply for the U.S. at current use rates, although the new law also does not prohibit export of the Refuge's oil and gas. The report also finds it unlikely, at current values, that coastal plain natural gas would be economically recoverable.

In terms of oil revenue (2017 report), the high-end projected federal total, again spread across forty years, might come to \$296 billion, with another \$175 billion funding Alaska. The estimated federal income would not even pay off half of this current year's budget deficit. For Alaska, the money would not cover even a single human generation's worth of annual state budgets. At the same time, keeping global atmospheric carbon dioxide levels down for habitable climate conditions requires keeping at least two-thirds (2017 report) of already proven oil and gas reserves underground, not discovering more.

Far from balancing any budget, leasing the coastal plain would be a senseless, regrettable theft of public trust. For a mere bowl of oil, drilling and burning more fossil hydrocarbons would undermine the very foundations of Gwich'in lifeways, as well as a habitable global climate, durable economies, justice and democracy.

From March 12, 2019

To BLM:

I am an Alaskan resident and voter.

First of all, the law for Refuge drilling was tucked into a bill. This was done by despite a democratic majority who adhere to its sacred and subsistence values for the US Public. First and foremost this land is for Gwich'in and Inupiaq Peoples who, already suffering apocalyptic conditions via colonization, require the health of this place to restore and sustain their traumatized bodies, cultures and spirits to health. Alongside those values, every single life and community of lives depends upon keeping oil in the ground to avoid further climate catastrophes. This is a fact.

I call on BLM to translate all DEIS documents into AK Native languages so that everyone most affected by what happens to the Refuge can participate. That is a democratic mandate.

I call on BLM to acknowledge their 19 undisclosed stateless of Scientific concern re: drilling in the Arctic Refuge. I join with many others calling for a US DOI Inspector General investigation to determine why the information was not made public nor included in the draft EIS.

- 1) Transmittal Memo—re: regulatory requirements
- 2) Noise—no research on consequences of aircraft, harvesters...grossly insufficient on seismic including to aboveground—esp. caribou—and underground e.g., nesting mammals incl. polar bears and river, wetland, and marine life, esp. whales.
- 3) Public health—there is NO baseline health assessment of consequences of oil and gas. This is a particularly openly egregious lack re: human responsibility—I know that villages near currently existing oil and gas infrastructure are suffering cancer clusters and wildlife Peoples depend upon are also getting sick.
- 4) Subsistence Use no ethnographic and socio eco info available!
- 5) Birds—esp. phenology, esp. important given climate change shifts already undermining many populations stability also wherever migrants travel to and from
- 6) vegetation, soils, permafrost—Outdated information
- 7) air quality—gaps esp. re: longer term outlook
- 8) Zero info about visitor use—how can the multiple values of this place incl by visitors be respected if they are not even understood?
- 9) Caribou—Est. rates of survival and recruitment are imprecise. According to wildlife biologist Fran Mauer who has studied caribou for decades, the Porcupine herd highly likely requires the coastal plain for inter-annual climate resilience; infrastructure will spook cows w/calves away and the narrowness of the plain would mean bumping into the mts where predators await. The Gwich'in Nation, including in Canada have depended upon this herd for thousands of years and still do. This concern is an international one that has not been taken into proper account either.
- 10) Polar bears—still don't well understand the coastal plains importance to already declining polar bears, but have pretty good idea it is critical.
- 11) Other mammals—Know little about wolves and wolverines in relation to No Slope oil and gas infrastructure.
- 12) Fish—again re: effects of seismic and water use for drilling—grave lack of attention.
- 13) Cultural resources—what is the extent? Lay it all out.
- 14) Contaminants—USFWS does not even have sufficient FTEs w/ contaminants knowledge and skills to research
- 15) Oil spills—what would happen in this expensive to reach place when a spill would occur ?
- 16) Paleontological resource—No research on this has been conducted in the 1002 area

17) Coastal Resources—Out of date shoreline erosion changes esp. given climate change future are not/but would need to be known...evidence of subsistence points to need for special attention.

18) Snow/climate—Little known about lakes' watersheds and snowmelt recharge. Given plans to withdraw water, how could anyone prudentially (in terms of water needs for would-be drilling), not to mention morally even think of going forward with drilling?

19) Water and waterways—What of the consequences of chemical contamination, of unknown underground flows and mixtures that encompass the welfare of every living thing, including AK Native Peoples.

I call for an investigation into the existence of these wholes in the DEIS in the first place. And, I call for attending carefully to each and every one of them before any of the DEIS options can even be considered.

I will also add a call for more public hearings—in every single AK Native village dependent upon the coastal plain and in every AK city where many stakeholders live and in each state in the US given that this is Federal land.

Thank you,
Dr. Julianne Lutz Warren
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October 29, 2020 Marsh Creek East Seismic Exploration" "Environmental Assessment" Comment

Here are a few of the unaddressed problems with Seismic testing in Iizhik Gwats'an Gwandaii Goodlit aka the Arctic Refuge coastal plain, calving ground of the Porcupine Caribou Herd. The Herd and this place are integral to Gwich'in culture, including language, food sustenance, and ongoing health as well as justice where U.S. and international Indigenous rights are concerned, particularly as Gwich'in People have spanned since time immemorial each side of the current U.S. -Canada border. Indigenous and non-Indigenous scientists have ample evidence that oil and gas industry poisons land and disrupts caribou interactions with adverse consequences to herd health and numbers. This would especially be highly likely true on the relatively narrow plain where there is not room for animals to escape disturbance and still have the grounds with which they have co-evolved for most successful calving over generations. Not only, as Indigenous and non-Indigenous science reveals, would seismic testing disrupt the Land, including causing hydrological changes with rippling long-term consequences, drilling in the Refuge is not tenable in terms of climate stability and land health for everyone. Nor is it tenable economically nor democratically as this is currently ground occupied by the U.S. as federal public lands. Over seventy percent of U.S. voters do not want drilling in the Refuge, in addition to the Gwich'in People and many other Alaska Native communities (as such, as represented by Tribal authorities in overlap, and, also at times considerably contrast to Alaska Native Corporations). If drilling is not tenable nor moral nor just nor helpful, there is no good sense in

doing Seismic testing. Seismic testing also would be an unspeakable waste of harm to Land and People. Seismic testing could only be advanced by those interested in the raw and cruel harm to Land and People that would be a show of power for power's sake.

With regard to international rights that have not been adequately respected, for example:

Attention to the U.N. Declaration on the Rights of Indigenous Peoples (2007), also given attention by several people at the May 29 Fairbanks scoping meeting, as you may recall. These included comments of Gwich'in people adamantly opposing leasing and drilling who live on either side of the U.S.- Canada border. Both Dana Tizya-Tramm, a Vutnut Gwich'in Councillor from Old Crow in the Northern Yukon and Ed Alexander, Gwich'yaa Gwich'in from Fort Yukon and co-chair of Gwich'in Council International noted that the genesis and expression of P.L. 115-97 was in violation of international agreements, including this Declaration.

It is important to recognize that, in 1867, the U.S. government paid Russia a few cents per acre for lands never ceded by Alaska Natives to either country. It is important to recognize that Alaska Native tribes retain their own sovereignty. It is important to recognize that the 1971 Alaska Native Claims Settlement Act did not recognize distinct tribes or respect their sovereignty when it set up 12 for-profit regional and 226 village corporations. It is also important to recognize that these corporations represent the interests of shareholder profits and do not speak for tribes themselves.

The UN Declaration on the Rights of Indigenous Peoples speaks to this concern when it

notes:

..that indigenous peoples have suffered from historic injustices as a result of, inter alia, their colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their own needs and interests...

This lead to Article 3's intention to quit repetitions of such injustices and violations of human rights, stating:

Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

The Porcupine Caribou Herd has been entwined for millennia with the subsistence needs, culture, and spirituality of the Gwich'in People. The coastal plain is the Herd's birthing ground. According to Gwich'in elders and also to scientists of the US Fish and Wildlife Service and other scientists, seismic testing and drilling activities would harm the Herd's birthing habitat and disrupt their safety to bear and rear calves. P.L. 115-97 violates the UN Declaration from its very genesis in not having involved consultations with Gwich'in People and other Alaska Natives whose life ways and lifescapes are directly affected. Proceeding with leasing, seismic testing, and oil and gas drilling would violate this Declaration in multiple ways.

The Department of Interior's Bureau of Land Management is tasked with implementing P.L. 115-97. They are doing so in a rush that is democratically erosive, culturally exclusive, and

environmentally reckless. The haste also reveals the deceit in Senator Murkowski's promise to "do it right."

A second point, there are FOUR lawsuits against BLM/entities imposing oil and gas in the Arctic Refuge and highly supported legislation that passed the House in 2019—H.R. 1146-Arctic Cultural and Coastal Plain Protection Act—that would nullify 115-97. I draw relevant excerpts from just one of the lawsuits here: GWICH'IN STEERING COMMITTEE, ALASKA WILDERNESS LEAGUE, ALASKA WILDLIFE ALLIANCE, CANADIAN PARKS & WILDERNESS SOCIETY-YUKON, DEFENDERS OF WILDLIFE, ENVIRONMENT AMERICA, INC., FRIENDS OF ALASKA NATIONAL WILDLIFE REFUGES, NATIONAL WILDLIFE FEDERATION, NATIONAL WILDLIFE REFUGE ASSOCIATION, NORTHERN ALASKA ENVIRONMENTAL CENTER, SIERRA CLUB, THE WILDERNESS SOCIETY, and WILDERNESS WATCH,

Plaintiffs, v.

DAVID BERNHARDT, in his official capacity as Secretary of the Interior, UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, and U.S. FISH & WILDLIFE SERVICE,

Defendants.

BLM did not analyze either the proposed SAE seismic program or the potentially significant impacts of seismic exploration in general on polar bears, tundra, vegetation, permafrost, and other resources in the draft EIS — issues that Plaintiffs raised in their comments. (Letter from Alaska Wilderness League et al. to Nicole Hayes, Project Manager)

FWS released a modeling study in December 2019 that quantitatively evaluated the impacts to denning bears and cubs on the Coastal Plain from an area-wide seismic survey, taking into account the impact of mitigation measures. (Ryan Wilson & George Durner, Seismic Survey Design and Effects on Maternal Polar Bear Dens, 84 Jour. Wild. Mgmt. 201 (2019). The study found that extensive timing and geographic restrictions on seismic activities would be needed to protect denning bears and ensure compliance with the Marine Mammal Protection Act (MMPA). (COMPL. FOR DECLARATORY AND INJUNCTIVE RELIEF Page 32 of 70 Gwich'in Steering Committee v. Bernhardt, Case No. 3:20-cv-)

BLM failed to consider a reasonable range of alternatives in the Coastal Plain Leasing Program EIS because BLM failed to consider an alternative or alternatives that had the potential to reduce the adverse effects on the Coastal Plain and better protect the purposes of the Arctic Refuge. Viable, unconsidered alternatives or components of alternatives include, but are not limited to: (a) phased-leasing of only 400,000 acres of the highest hydrocarbon areas; (b) allowing less than 2,000 acres of surface development; (c) prohibiting seismic exploration on areas of the Coastal Plain not offered for lease; and (d) more protective lease stipulations and required operating procedures to protect Coastal Plain resources, uses, and users.

BLM did not explain its failure to consider an alternative that would not allow seismic exploration on areas not offered for lease in the final EIS. See 1 id. at 2-44.

Additionally, most major investor banks have agreed not to invest in funding drilling in the Arctic

Refuge for all the good reasons above and others. Again, accumulating the nonsense it would mean to drill in the Refuge and thus to bother with Seismic testing. Seismic testing would be a huge waste of money and public trust. It would be a huge act of injustice to Indigenous Peoples, particularly Gwich'in, and it would be imprudent as we all depend on a stable, habitable climate and on clean water and vibrant lands.

None of these things are adequately considered in the EA.

30 still- unaddressed Comments Submitted to BLM Scoping Comment Period (May 15, 2018- June 13, 2018)

1. The Gwich'in Steering Committee [GSC] was formed 30 years ago in 1988 after reaching consensus in their traditional way. The GSC organized to speak with a united Gwich'in voice against oil and gas drilling in what the U.S. Government calls the Coastal Plain (perfunctorily, the 10-02 area) of the Arctic National Wildlife Refuge. The Coastal Plain is a 110-mile long and relatively narrow twenty to forty-mile-wide band of tundra between the Beaufort Sea and Brooks Range in northeastern Alaska. This is part of a wider Arctic region that spans northeast Alaska and northwest Canada in which Gwich'in People have lived for millennia entwined with caribou.

Gwich'in People have long called the Coastal Plain "Iizhik Gwats'an Gwandaii Goodlit" or "the sacred place where life begins" because it provides a sheltered calving ground for the Porcupine Caribou Herd, upon which their People depend nutritionally for 80% of their diet, as well as spiritually and culturally. This caribou nursery ground is so sacred that Gwich'in people do not even enter it themselves, not even in times of famine.

For 30 years, the GSC has been presenting their case against incessant fossil fuel threats before U.S. Congress, the United Nations Special Rapporteur on Indigenous Peoples, and public hearings. Article 1 of the International Covenant of Civil and Political Rights, ratified by the U.S. Senate, reads in part: "...In no case may a People be deprived of their own means of subsistence."

Drilling in the Coastal Plain—the sacred place where life begins—would violate Gwich'in traditional practices and, at a particularly sensitive time in their life cycle, disrupt the caribou upon which Gwich'in People depend. Drilling would deprive the Gwich'in People of their right to continue their own way of life, and endanger their very future.

As the current Gwich'in Steering Committee Chair, Bernadette Demientieff, wrote in an April 24 *Fairbanks Daily News-Miner* Op-Ed:

"Drilling in the Arctic Refuge will slice through the heart of these sacred lands, the heart of my people. The push to drill in the coastal plain of the Arctic Refuge is a direct threat to my people. It is an attack on our culture and way of life.

Let me be clear. The Gwich'in, and all who stand with us, will fight to protect this sacred space. We will fight in every hall, every hearing, every election, every courtroom and every place of power; we will fight every step of the way."

I am one of those who stand with the Gwich'in, for their rights.

2. A basic principle of democracy is that those who are affected by a decision get an equitable say in making that decision. Implicit in this principle is the ability to understand and be

understood, which requires translation of languages for those who don't speak the same one. Those most directly affected by Coastal Plain drilling plans are Alaska Natives—particularly the Gwich'in Nation—who have long called this place "Izhik Gwats'an Gwandaii Goodlit" or "the sacred place where life begins" because it provides a sheltered calving ground for the Porcupine Caribou Herd they depend on nutritionally, culturally, and spiritually. Several hundred people speak Gwich'in. Iñupiat groups have also inhabited the Arctic Refuge region for millennia with lifeways directly and intimately tied to this area. Several thousand people speak Inupiaq. At the very minimum, all materials pertaining to the leasing of and drilling decisions within the Coastal Plain must be translated into these two languages.

Furthermore, this scoping process and all decisions pertaining to Refuge uses need to honor the cultural heritages of thousands of speakers of other first languages within four Alaska Native language families, not to mention (as we are talking about federal land) many speakers of other Native languages countrywide.

In addition to the practicalities of communication, the U.S. Government must translate languages out of respect for indigenous peoples. This respect must acknowledge wrongs to many tribes whose children were forbidden to speak their first languages in schools in abusive projects of colonization and cultural "assimilation." We must not continue those abuses, but all the more make efforts to honor the sovereignty and cultural heritages of Native Nations

3. In 1867, the U.S. government payed Russia a few cents per acre for lands never ceded by Alaska Natives, including Gwich'in People, to either country.

In 1971, the Alaska Native Claims Settlement Act [ASCSA] was signed by President Nixon to resolve land claims impeding Trans Atlantic Pipeline System construction. The Act "transferred" about 44 million acres—about 1/10 the lands historically occupied by Alaska Native tribes—and \$962 million to 12 newly formed Alaska Native development corporations. These corporations are for-profit and largely invested in the Alaska oil industry. Tribal members are stockholders and get annual dividends.

In the case of the Refuge, the for-profit corporations, particularly the Arctic Slope Regional Corp, are pitted against sacred tribal values and sovereignty. It remains the case that tribes have sovereignty, not the corporations. In the words of Gwich'in Steering Committee Executive Director, Bernadette Demientieff, "Corporations don't speak for us." Yet, those corporations have the ears of the Alaska congressional delegation over those of the Gwich'in People. There is also large and growing distrust of oil and gas companies, their promises, and the risks to land and life among other Alaska Native tribes versus Native Corporations. In the words of Eyak Athabaskan subsistence and commercial fisherman Dune Lankard, "There's a large and growing concern among Alaska natives who are standing up against more oil and gas drilling in Alaska. Native people make up approximately 17 percent of Alaska's population—and the fact is that ANCSA corporations don't truly represent the indigenous people of Alaska. By law, they represent their corporate self-interests. But in reality they don't speak for those of us coming together to save what remains of our wild and irreplaceable subsistence way of life."

The law legalizing oil and gas drilling in the Refuge, P.L. 115-97, was passed disregarding tribal sovereignty. This continues a U.S. government legacy of disrespect and injustice and is deeply disturbing with regard to upholding democratic values of this country. Extra effort must be made in this scoping period to ensure hearing all Alaska Native voices in ways that matter. This should include adding many more public meetings throughout the state.

4. Section 1003 of the 1980 Alaska National Interest Lands Conservation Act designated 8 million acres surrounding the Coastal Plain wilderness and created the larger, 19.6 million acre Arctic Refuge, prohibiting oil and gas leasing and development unless authorized by an act of Congress. When Congress passed P.L. 115-97 authorizing drilling in the Coastal Plain, they did so legally. They did not, however, do it out in the open, democratically.

Alaska Senator Lisa Murkowski, Chair of the US Committee on Energy and Natural Resources, arranged to attach the drilling legislation to a bill that could not be filibustered and would require only 50 votes. The \$1.1 billion federal share of Coastal lease sales projected over the coming decade thus became a budgetary line item appended to the 2018 tax bill. The senator admits she did this quietly to avoid triggering opposition.

In passing this law, Congress slyly disregarded the Gwich'in Nation. Along with that morally and democratically unacceptable disregard, Congress also ignored the wills of seventy percent of registered U.S. voters who are against Refuge drilling (including a majority of Republicans), according to October 2017 research conducted by the Yale Program on Climate Change Communication.

At the very least, in addition to more public scoping meetings across Alaska to give Alaska Natives and other Alaskans voice, open democracy demands scheduling more public meetings nationwide.

Ultimately, P.L. 115-97, though legal, does not represent the will of the Gwich'in Nation and other Alaska Native sovereign tribes who would be most affected by drilling nor the will of most Americans. This law must be repealed. I call on Congress to quickly advance measures to repeal P.L. 115-97, and to replace it with legislation e.g., wilderness area designation that would defend the Coastal Plain against commodification and extraction and for its sacred, ecological, and cultural values.

5. The Gwich'in People are Caribou People. They are entwined nutritionally, spiritually, and culturally. Eighty percent of Gwich'in peoples' diet is caribou. Their stories and life ways, the places they live are all shaped by the Porcupine Caribou Herd, including the Herd's migratory patterns.

The Porcupine Caribou Herd generally winters within the Northwest Territories of Canada and migrates north to the coastal plain in Alaska in spring to birth and nurse their calves, then, heads back south again—up to 3,000 miles annually.

Caribou cows with calves are particularly sensitive. They will move as much as a mile-and-a-half away from human disturbance. Within the relatively narrow sweep of coastal plain there is not much alternative space into which displaced cows could move their young. This is especially relevant to the misleading claim made by Senator Murkowski and the whole Alaska congressional delegation. They insist that oil and gas mining will be environmentally "responsible" and limited to 2,000 acres.

In fact, under the P.L. 115-97, the ground calculated in that 2,000-acre limit includes only airstrips and the area actually touched by piers holding up pipelines. That 2,000 acres does not take into account the amount of land that would be strapped under a sprawling network of

pipelines and "temporary" roads. Seismic evidence suggests any coastal plain fossil hydrocarbons would not be in one big well (as in Prudhoe Bay), but are likely widely dispersed. Accessing them would, all the more, require a spidering network of infrastructure. And, even before the roads, pipelines, and facilities got built, the industry would send in a fleet of fifty-six pound "thumper trucks" driven in grids spaced at $\leq 1/2$ mile to update seismic testing. Additionally, millions of gallons of water for drilling activities would be drained from Arctic rivers. Along with the threat of oil spills, the chemical brews also required for drilling would become waste—likely toxic—injected under the permafrost, the same permafrost that is melting due to climate change from burning oil and gas. Of course, this is the very same permafrost that has been supporting the coastal plain soil and vegetation supporting caribou giving birth to their calves supporting Gwich'in People and culture for millennia.

How could drilling in the coastal plain possibly be done "responsibly" given these interconnected ecological and cultural realities, which the scoping process must fully take into account?

6. Perhaps this poem by rap artist AKU-MATU (<https://www.allisonwarden.com>) will speak to your spirit:

she sings ceremony

atop the mountain

resetting cellular memory

a power reclamation song

(a

moose

holds space

nearby,

hidden)

she gives an offering

the wind

extracts

debris from her heart shields

(dissolution dance)

she

returns

to

her center

she

becomes

volcano

7. The bill legalizing drilling in the Refuge was slyly passed by Congress without heeding the voices of the Gwich'in Nation and other Alaska Natives--those who will be most affected—nor the will of most Americans. Adding insult to injury, the BLM is rushing the implementation of P.L. 115-97.

This law, already written aggressively, *requires* the BLM to hold at least two lease sales within ten years, the first before 2022. The Bureau intends to move even faster than that. The Bureau intends to hold the first lease sale in 2019.

How can the Bureau possibly fulfill their duties to listen responsively to concerns raised--in writing and in person--by Alaska Natives, other Alaskans, and people all across the country in such a short time? How can the Bureau possibly study and address the many concerns collected throughout this scoping period in a mere matter of months? How can a thorough scientific review be made of all the likely and complex causes and consequences of proposed drilling activities take place within a year or less?

Listening takes time. Study takes time. Deliberation takes time. Not taking due time for due process is democratically erosive, culturally exclusive, and environmentally reckless.

Moving at quick speed also belies the deceit in Senator Murkowski's promise to "do it right." What could "doing it right" possibly mean under the imposition of the law and now such impatience to implement it? This is not right. In real terms, such haste means danger to the coastal plain, the Porcupine Caribou Herd and Gwich'in lifeways, to climate habitability, and to values a large majority of Americans hold dear.

8. Before P.L. 115-97, the coastal plain was the only five percent of the North Slope (the land north of the crest of the Brooks Mountain Range and between Canada and the Chukchi Sea) of Alaska protected by statute *from* drilling. It was a refuge *from* surrounding extractive uses. Put another way, it was the only five percent protected *for* non-commodified, non-industrialized life, including the Porcupine Caribou Herd's calving entwined with the nutrition, spirituality, and culture of the Gwich'in Nation.

The new law assumes coastal plain lease sales will raise \$2.2 billion over the next decade. Half of this is marked for the federal government to offset tax cuts, the other half to fund Alaska. Based on recent bids for leases elsewhere in the North Slope, this government accounting is a ten-fold overestimate of coastal plain leasing income. Leasing revenue over the next 10 years would more likely add up to mere millions of dollars. And that depends on whether oil and gas companies decide to go forward at all in such a risky business. Drilling in the arctic is more expensive and tricky than elsewhere and the threat of sunk costs is real.

In terms of oil revenue, the high-end projected total spread across the forty year presumed life of presumed coastal plain oil fields might total \$296 billion, with another \$175 billion of funding for Alaska.

The total dollars projected, even at inflated estimates, would not pay off even half this current year's federal budget deficit. For Alaska, the money would not cover even a single human generation's worth of annual state budgets. And this is without taking into account other

costs—including increasingly expensive climate warming consequences to food security, land and human health, and infrastructure across multiple generations.

It turns out, however, that such so-called economic externalities are not actually external to robust, durable economies, but are inseparable from them. Enough is enough. I call for an accounting of the worth of the coastal plain that regards the foundations of flourishing peoples—particularly Alaska Natives. I call for an accounting that respects other-than-monetary valuations of what is non-negotiable for life—particularly conditions of health, including long co-evolved soils, waters, plants and animals in self-renewing relations with a habitable global climate.

9. There is an old story from chapter 25 of the book of Genesis that relates to oil and gas leasing in the coastal plain. A starving hunter named Esau agrees to sell his birthright to his stay-at-home brother Jacob for a bowl of stew.

Of course, fossil hydrocarbons are not food. And, the partnership of politicians and industry who have undemocratically, via P.L. 115-97, legalized oil and gas drilling in the Refuge are not planning to sell their own but others' birthright. That is immoral. In particular, these self-appointed authorities are planning to sell the birthright of the Porcupine Caribou Herd upon which Gwich'in nutrition and life ways depend. They are also planning to sell out the rightful will of a large majority of the U.S. public who also do not want this federal land to be drilled. That is undemocratic. Moreover, the intended exchange of land and oil for money and energy would have generational consequences for a very short-sighted, moreover, destructive gain. This is imprudent.

The actual U.S. federal oil recovery calculations go something like this. According to average figures from the 2018 Congressional Research Service report, "Arctic...Refuge: An Overview," the estimated yield of the presumed coastal plain oil fields over the projected forty-year duration of their productivity might equal over seven billion barrels of oil. This would amount to perhaps a single year's supply for the U.S. at current use rates, although P.L. 115-97 also does not prohibit export of the Refuge's oil and gas. The report also finds it unlikely, at current values, that coastal plain natural gas would be economically recoverable.

Scientific evidence indicates a high likelihood that drilling would harm the Porcupine Caribou Herd—who for millennia, entwined with Gwich'in People—have depended upon this ground. Those consequences would be palpable across multiple generations, if not irreversible. The coastal plain is a land of many other kinds of beings, of beauty and mystery that many U.S. voters, though they may never setting foot in it, want to defend for itself. Evidence also indicates that at least 80% of already proven reserves of fossil hydrocarbons must stay underground for there to be a reasonable chance of staying below the 2 degree C threshold global temperature rise, the estimated threshold of catastrophic climate change danger. Exploration and drilling for additional oil to burn is contrary to the health and safety of everyone.

How does it make sense to drill in the coastal plain in light of how immoral, undemocratic, and imprudent it would be?

10. The Alaska congressional delegation wants their state and country to believe that drilling in the Refuge's coastal plain will provide jobs, economic growth, and generations of energy independence. These claims must be examined.

On energy independence: The law legalizing oil and gas in the Refuge, P.L. 115-97, does not prohibit the export of coastal plain yields. And, even if burned in the U.S., projected oil yields would power only about one year of current U.S. energy demands.

On economic growth: Based on recent bids in the North Slope, leasing sales held over the next decade would not even generate the \$2.2 billion claimed in the tax bill. The estimated

revenues from oil and gas over the estimated 40-year duration of field productivity would not pay off even half of this year's federal budget deficit and would not fund Alaska's budget for even a single generation. Moreover, the possibility of sunk costs is real as drilling in the Arctic always comes with additional expenses and risks. At the same time, there is a growing global movement of institutions divesting from the fossil fuel industry, including lenders like the World Bank, and reinvesting in decarbonized energy innovation. Because of global climate change the demand for oil and gas must and will fall. Additionally, financial calculations have failed to account for increasing costs of slumping infrastructure, moving villages, and more illness as consequences of intensifying climate change due to burning fossil fuels.

On jobs: While oil industry does provide jobs, these would last only for the 40-year estimated durability of the presumed oil field, or less, as oil demand drops. Meanwhile, despite the recent U.S. withdrawal from the Paris Agreement, the U.S. has been seeing explosive growth in renewable energy jobs with a far more extensive outlook. The fact that the EU and China are outpacing the U.S. should help motivate the U.S. and Alaska to move forward more competitively. Wind industry jobs are already double those of coal, and solar employs many more. Alaskan communities already are moving forward in renewables as discussed in the recent report "Beyond Fossil Fuels" supported by the Northern Alaska Environmental Center and Greenpeace- <https://www.greenpeace.org/usa/wp-content/uploads/2017/10/Arctic-Report-2017-10-13.pdf>. While Scientific American ran an article last year highlighting how remote Alaskan communities are cutting edge for integrating renewable energies into power grids- <https://www.scientificamerican.com/article/what-rural-alaska-can-teach-the-world-about-renewable-energy/>. And, the Cold Climate Housing Research Center in Fairbanks is another example of Alaska innovation, brim with possibility supporting invention, building, and selling re/generative energy systems—providing jobs at each step of the way.

We must examine the claims of benefits upon which the Alaska delegation stake their argument for drilling in the Refuge. The claims are not supported by evidence. Should drilling activities based on falsehoods—ones that would move Alaska and the U.S. backward--still go forward? Should everyone lose—Gwich'in and other Alaska Natives, as well as other Alaskan residents and nationwide—to support the lost and dangerous cause of fossil fuel industry? I think not. It is time to shake free. It is time to look ahead.

11. Alaska's Senator Lisa Murkowski, Chair of the US Committee on Energy and Natural Resources, who secreted the coastal drilling authorization law into the tax bill, is one of a number of politicians lately delivering a schizophrenic message on climate change. The message is this: Climate change is real and destructive—including undermining millennia of conditions supporting Gwich'in and other Alaska Native lifeways. Climate change is caused mostly by carbon emitted from burning oil and gas. Yet, we will keep on mining and burning fossil hydrocarbons even though we have better options. We can keep on burning oil and gas and protecting the "environment," Murkowski says.

This is not the talk of honest and/or healthy minds. This sort of argument must be diagnosed as illogical reasoning as part of this scoping process.

In fact, on December 12, 2015, most of the world united on the Paris Agreement to curb mounting risks by committing to limit global temperature rise this century to 1.5-2 degrees Celsius above pre-industrial levels. Earth's temperature has risen approximately .85 degrees Celsius since 1880, already half of the maximum.

According to the IPCC Report, remaining below a two-degree rise will require keeping atmospheric carbon dioxide (eq) concentrations below 450 ppm in 2100. This will require reducing global greenhouse gas emissions by 40 to 70% of 2010 levels by 2050, and bringing "emissions levels near zero or below" by the end of this century.

According to the International Energy Agency, carbon dioxide from fossil fuel combustion contributes almost 70% of total global greenhouse emissions from human activity. Keeping carbon dioxide concentrations down, therefore, as the IPCC Report states, will require phasing out fossil fuel power generation by the end of this century. This means keeping at least two-thirds of proven fossil fuel reserves under the ground. Avoiding climate catastrophe requires a different global investment landscape. It requires shifting hundreds of billions of dollars to low-carbon ventures, stranding investments left in fossil fuels.

Drilling in the coastal plain is economically as well as prudentially and morally senseless. It is unwanted by a large majority of registered U.S. voters. It is unwanted by those who it would be most directly affected, the Gwich'in Nation whose lifeways are entwined with the caribou for whom this landscape is for calving, sacred.

This scoping process must recognize the dangerous illogic supporting the will to drill in the coastal plain. We must respond in defense of healthy lands, waters, cultures, and minds and truly durable economies. We must find the legal, just avenues for keeping any oil and gas that might be found in the coastal plain in the ground.

12. On May 9, the Gwich'in Steering Committee posted a letter asking "oil and gas companies, and the banks that fund them, to stand with the Gwich'in Nation by not initiating any oil and gas development in the Arctic Refuge." Doing so, they argue, would be wrong because it would ruin sacred land, harm caribou, erode Gwich'in culture entwined with them. It would be wrong because burning more fossil fuels would further intensify climate change, undermining Arctic land health and human health as well as economic conditions. The Gwich'in Steering Committee and more than 100 institutional signatories on their letter emphasize that the brands of any oil company or bank supporting drilling in the Arctic Refuge face "enormous reputational risk and public backlash." Doing so also would be an "irresponsible business decision," they stress, because the world is transitioning away from fossil fuels to decarbonizing energy innovations (<http://www.alaskawild.org/wp-content/uploads/2018/05/Corporate-Investor-Letter-Group-Statement-5-14-2018.pdf>)

This Gwich'in statement was supported by a May 14 letter signed by investors representing \$2.52 trillion in assets. These investors "oppose any efforts to develop oil and gas" in the Refuge. They "strongly urge oil and gas companies, and the banks that fund them, not to initiate any oil and gas development in the Arctic Refuge." The investors' letter details climate, financial, and reputation risks of pursuing such a "speculative fossil fuel source" accompanied by devastating ecological and human rights consequences that must not be allowed.

Yesterday's news reported that the likewise adamantly contested proposed Pebble Mine project lost a major investor. This was thanks in no small way to public pressure illuminating the rightness of prioritizing the health of waters, fish, land and people--the foundation of durable economies--over destructive mining for short-term corporate profit.

Leasing the Refuge for drilling is a venture likewise destined to fall apart. The BLM should not ignore the informed and firm voices of Gwich'in and other Alaska Native tribes and more than 100 organizational allies with Gwich'in against coastal plain drilling. The BLM must not ignore potential investors as well as the will of a majority of U.S. registered voters. The BLM dare not be so gravely irresponsible.

13.



Early May 2002, Arctic National Wildlife Refuge, Alaska. Pregnant female caribou from the Porcupine River herd migrating over the Coleen River in the Arctic Refuge, on their way to the coastal plain for calving.

<http://www.subhankarbanerjee.org/photohtml/arctic-photo-white-02.html>

14. Today is Memorial Day. What is the liberty the U.S. has told ourselves we've fought for and won?

Land of the Free by Pulitzer Prize-winning author Archibald MacLeish was published in 1938 amid the Dust Bowl. "For a hundred and fifty years we've been telling ourselves," MacLeish wrote, "We told ourselves we had liberty... We told ourselves we were free because we said so..."

With the land blown away, people starving, having to move, he continues, "Now we don't know./ We're wondering."

"Maybe the constitution assured us our liberties," MacLeish writes, "But tell the six-year cotton-tops in Texas/ Canning the crawfish in ten cent cans—Heading the shrimps because the law can't stop it...tell the cotton choppers..." Tell the Lenape People, the Sioux, the Navajo, the Inupiat, the Gwich'in Nations.

"Maybe we thought," suggests MacLeish, "because the land went on/ Liberty went with the land: there was always liberty:/ There was all outdoors to be liberty...// There was always the forest ahead of us opening on..."

But, now we know, there is an end to the forest, there is an end to fertile soils supporting wheat, there is an end to clean water and a reliable climate, there is an end to Arctic coastal plain, caribou herds and salmon, there is an end to liberty that ends when the land ends along with lands' peoples.

If the BLM stands for the liberty that U.S. soldiers have lived and died for, the BLM must stand for its foundation—for the land, for the coastal plain. The coastal plain of the Refuge is a unique and precious lifescape upon which human lives depend. Healthy land inseparable from a

habitable climate is the lifeblood of Gwich'in People. It is their freedom. It is the freedom, in the U.S., we all stand for.

15. Bernadette Demientieff, executive director of the Gwich'in Steering Committee said this in an interview for "On Call" on May 23 (<http://kalw.org/post/gwichin-nation-resisting-drilling-arctic-refuge-matter-survival?platform=hootsuite#stream/0>):

My elders are my scientists. They have been living in this area a lot longer than any body else. And, when they say this is the wrong thing to do, when they say that our way of life is at risk, I'm gonna take their word before anybody else's. They know our animals, they know how, they know that...[sobs] I'm sorry...I'm just trying to really protect our identity as Gwich'in, and our way of life. And, it's all connected. It's connected to the land, to the water, to the animals. And, it's scary to think that, you know, we're having people making decisions about our future, and they're not even involving us. We're adults. We are, you know, one of the First Nations of this country. And, they're just coming in demanding changes, and tearing apart our homelands. And, that's just not ok.

It's not ok, in the first place, that this law legalizing drilling in the coastal plain passed without consultation with the Gwich'in Nation and other Alaska Native tribes—those most directly affected.

It's not ok that this law was purposely passed quietly as a rider on the tax bill, and not out in the open. It is not ok that this law passed against the will of 70% of U.S. registered voters.

It's not ok, that the scoping process is happening in such haste and with such minimal outreach. Today, in Fairbanks, one of merely six public meetings scheduled by the BLM is to take place. There is another in Anchorage tomorrow. There is one in Washington D.C. on June 15. There have been four scheduled in Alaska Native—Inupiat and Gwich'in—villages: Kaktovik, Arctic Village, Utqiagvik, and Venetie. This is not enough. There should be public meetings, at least, in all thirteen Gwich'in villages whose ways of life depend on the Porcupine Caribou Herd who depend on the coastal plain as their nursery. There should be public meetings in all 33 coastal villages already dealing with thawing permafrost, rising seas, and erosion, as well as declining food security, connected with climate change from burning fossil fuels. The coastal plain is also U.S. federal land. There should be meetings not only in D.C., but outside Alaska in all the other 49 states.

The narrow value of fossil fuel profit driving drilling in the coastal plain also is not ok. It is not ok that this harmful industry and a few politicians be allowed to talk over the knowing voices of Gwich'in People and over most of the rest of us in the U.S. It is not ok to trample democratic process and values that hold us together as human beings—including respect for elders, food security, land and human health, sacred beauty, and the flourishing of future generations. These are responsibilities, as Bernadette notes, that Gwich'in take seriously. These responsibilities also belong to all of us. The BLM scoping process must uphold the capacities of the Peoples of this country—foremost the First Nations who know the land better than anyone—to carry out their responsibilities.

16. This scoping period is crucial for giving voice to people. But, voice must include both chances to give accounts of ourselves as well as ways to know listening is happening. Having a voice means that our accounts matter in relation to advancing goals and living values.

At the scoping meeting in Fairbanks last night, Dana Tizya-Tramm, a Vutnut Gwich'in Councillor from Old Crow in the Northern Yukon, Canada said, "I am going to use my voice today. My people were first to be here...this voice has travelled to me" across many generations of ancestors. In an October 25, 2017 CBC Yukon interview, Tizya-Tramm said, "the land speaks for itself but for those who cannot hear, the Gwich'in will speak even louder." The Refuge process has, he said, represented the "complete degradation of your democracy. This process has not upheld "free, prior nor informed consent" as required by the UN Declaration on the Rights of Indigenous Peoples.

Bernadette Demientieff, Executive Director of the Gwich'in Steering Committee from Fairbanks, Alaska, said that she had requested an extension on the scoping period from BLM, but had not heard back. She would like an answer. "We're not asking...for schools...jobs...We're asking to live as we always have."

Steve Ginnis, Gwichyaa Zhee Traditional Chief from Fort Yukon, Alaska, stressed that the process to open the Refuge was unfair. The Gwich'in would be most affected, yet they had never been invited to meetings about it, never were directly consulted. "In my worldview," he said, "that's not a democratic process...[that is] ramming through...We're the ones that are going to pay the price for this—big time...We are talking about our People's long-term survival."

Rhonda Pitka, First Chief of the Beaver Village Council and Vice Chair of the Council of Athabaskan Tribal Governments, said the Council chiefs had been requesting meetings as well as translation of scoping and other related materials into Alaska Native languages, but this request had not been respected. She "strongly opposes development in the Refuge...coastal plain."

Adeline Raboff, an author in Fairbanks, said, as a Gwich'in person and also a member of this world—as we all are—one meeting after another, year after year, these continual demands to defend land and lifeways are "innervating." The energy dominance "manifestation of Manifest Destiny," she says, this attitude that means "destruction of everything in its path...this has got to stop." We must "find another way."

For decades, Gwich'in and other Alaska Natives have been fighting, and a majority of U.S. voters have been saying "no" to drilling in the Refuge. Who is listening? How will we know?

As an Inupiat member of the Caribou Clan (whose name, unfortunately, I missed), asked BLM representatives last night: "How do you plan to...catalogue this data?" How will our voices count in this scoping process? How will we be able to know that they count?

The Fairbanks meeting gave time and space for some voices, but not nearly enough. There were at least 30 people lined up at the mic when the BLM representatives ended the meeting at 9pm:

Each of those people requested another scoping meeting in Fairbanks, as well as meetings in all villages that would be affected by leasing and drilling.

We also requested meetings outside in each of the U.S. states, since we also are talking about federal public land.

We also requested an extension of the scoping period. For instance, Rhonda Pika explained that being there last night meant missing helping her grandmother set up fish camp. She recommended at least a 120 day extension to cover much of the fishing season.

We also requested translations of all information into and testimonies from Native languages through this process.

We need to know—all of us—that BLM is listening to the vast majority of voices last night who raised concerns and opposition to leasing and drilling in the Refuge. BLM must make clear that our representatives, that the administration, are listening to us.

We need to know—all of us—how BLM is listening to those who would be most directly affected by leasing and drilling in the Refuge—that is, Gwich'in People and other Alaska Natives. BLM must make clear that their people are listening to Gwich'in People and other Alaska Natives.

We need to know—all of us—how BLM is listening to those outside, in the other 49 states. BLM must make clear that our government administrators are listening to the public concerning how public lands are treated.

This scoping process must be extended and must also include more times and spaces for people to speak.

This process must not allow the oil and gas industry to drown out the voices of real people and the land that speaks.

This process must not allow the values of Manifest Destiny to overshadow the voices of real people and the land that speaks.

Show us that our voices count—that our government is our government. Show us that our government is for each and all—for land that is not free of destruction is not the land of the free. Show us that our government is not for corporations, as Misty Nickoli, Denaa of the Gaath Doh (Kaltag) and Tsimshian of Metlakatla, challenged last night, but is for communities and their members.

17. The Alaska National Interest Lands Conservation Act of 1980 (PL 96-487 aka ANILCA), in effect, expanded the pre-existing 8.9 million-acre Arctic National Wildlife Range, which included the coastal plain, to the 19.6 million-acre Arctic National Wildlife Refuge. All of the original range except the coastal plain was designated "wilderness area" because of potential oil and gas underneath it. The destiny of the coastal plain has been contested ever since.

The coastal plain is also sometimes called the 1002 area because Section 1002 of ANILCA applies to it. Section 1002 calls for "Arctic National Wildlife Refuge Coastal Plain Resource Assessment." At the Fairbanks Scoping Meeting of May 29, 2018, James Warren, a retired English Professor gave a professional reader's reading of this section. First, Section 1002 calls for a "comprehensive and continuing inventory and assessment of the fish and wildlife resources of the coastal plain." Secondly, Section 1002 calls for "an analysis of the impacts, of oil and gas exploration, development, and production." This begs the question "impacts" on whom or what? The first part of this section sets up fish and wildlife as primary as does the requirement that authorized exploratory activities be done in a way that "avoids significant adverse effects on the fish and wildlife and other resources. The overarching Purposes of the Act, set out in Section 101, also make clear that the whom or what are fish and wildlife and "nationally significant natural, scenic, historic, archeological, geological, scientific, wilderness, cultural, recreational, and wildlife values," which are for present and future generations' "benefit, use, education and inspiration." It is also the intent of this ANILCA "to provide the opportunity for rural residents engaged in a subsistence way of life to continue to do so." This applies to the Gwich'in People who depend upon the Porcupine Caribou Herd who depend upon the coastal plain as their birthing ground as well as other Alaska Native Peoples.

According to this ANILCA, including with reference to the 1002 Section, oil and gas activities may proceed only if they can do so without adverse effects on the health of the coastal plain as a home for life. Oil and gas activities may proceed only if they can do so in accordance with the Section 101 Purpose of ANILCA (detailed in Section 810), including protecting subsistence needs of the area's interdependent Peoples.

For millennia, the Gwich'in People have depended—nutritionally, culturally, and spiritually--on the Porcupine Caribou Herd who birth on the coastal plain. Caribou make up 80% of the Gwich'in subsistence diet. As Bernadette Demientieff, director of The Gwich'in Steering Committee, stresses, "My elders are my scientists. They have been living in this area a lot longer than any body else. And, when they say this [oil and gas activities] is the wrong thing to do, when they say that our way of life is at risk, I'm gonna take their word before anybody else's. They know our animals." Additionally, institutionalized scientists report evidence that caribou cows with newborn calves are particularly sensitive to disruptions. They will move as many as 1.5 miles away from human disturbance. Within the unique coastal plain, which is relatively narrow, there is not much alternative space into which displaced cows could move their young.

BLM would need to be able to give highly certain evidence that oil and gas activities will not breach the purposes of ANCILA, which are primarily to protect fish and wildlife—caribou as well as musk oxen, polar bears, over 135 kinds of birds, plants, soils and the permafrost upholding them--and other natural values as well as cultural values, including traditional subsistence for present and future generations. There is already plenty of evidence that oil and gas activities and ANCILA's primary purposes are not compatible. BLM must respect this evidence particularly taking into account the knowledge of Gwich'in and other Alaska Natives who know this land better than anyone else and have been responsible to it for longer than anyone else.

18. At the May 29 scoping meeting in Fairbanks, AK, a local UAF anthropology Ph.D. candidate, Odin Miller, noted the need for the coastal plain EIS to recognize Alaska Statute 16.05.094. According to this law, the Alaska Fish and Wildlife Division of Subsistence must gather and share information on the details of state residents' subsistence needs. These are to include evaluation of "the impact of state and federal laws and regulations on subsistence hunting and fishing, and when corrective action is indicated, make recommendations to the department." These recommendations may include "amendment and appeal of regulations affecting subsistence hunting and fishing." This seems to resonate, as well, with ANCILA's purposes. According to the 1980 Act, oil and gas activities may proceed only IF they "avoid significant adverse affects on fish and wildlife" and "provide the opportunity for rural residents engaged in a subsistence way of life to continue to do so." Miller also noted that there are no data on the role of subsistence caribou hunting for the Gwich'in People in Alaska's Fish and Wildlife Division of Subsistence files. He recommended a minimum of three years of Porcupine Caribou Herd studies in relation to the needs of all villages dependent upon them.

I would like to add a call to respect the Gwich'in People's knowledge of their own needs and knowledge about the needs of the Porcupine Caribou Herd accumulated across thousands of years of interdependence. They knowingly insist that oil and gas drilling can not co-exist with their subsistence (as well as other spiritual and cultural needs). As Bernadette Demientieff, director of The Gwich'in Steering Committee, stresses, "My elders are my scientists. They have been living in this area a lot longer than any body else. And, when they say this [oil and gas activities] is the wrong thing to do, when they say that our way of life is at risk, I'm gonna take their word before anybody else's. They know our animals."

On May 29 we heard testimony after testimony of Gwich'in people and other Alaska Native neighbors to this effect, adamantly opposing oil and gas activities in the coastal plain. For example, Steve Ginnis, Gwichyaa Zhee Traditional Chief from Fort Yukon, Alaska, stressed the unwillingness to "be outsourcing resources on our land [as indeed, Alaskan lands have never been ceded by sovereign tribes to Russia nor the U.S.]," which are for "future generations...We are," he said, "talking about our people's long-time survival. I am very concerned about what's going to happen."

Dr. Jessica Black, a Gwich'in professor in the Department of Alaska Native Studies and Rural Development at UAF stressed the interdependence of coastal plain, caribou, Gwich'in culture, and intergenerational health. She left us with a vision of Gwich'in children running free mirroring caribou babies freely running in their birthing grounds.

Writer, actor, film director, and former Executive Director of the Gwich'in Steering Committee, Princess Daazhrai Johnson of Fairbanks, also stressed how little sense it makes to drill in birthing grounds. She left us with an audible impression--the Porcupine Herd's cows insisting, "Do not drill where I am having my calves."

Mr. Jeffrey Johns, an elder of Venetie, speaking his first language Gwich'in and then English, pled for the caribou babies. They must have the peace of the coastal plain to "grow bigger and stronger." From there the maturing calves travel to Arctic Village, to Venetie, to other villages. Gwich'in villages are where they are—across the far more recent U.S.-Canada border—because of the Porcupine Herd's traditional patterns, generation after generation of flows. "Please do not disturb them."

19. Ed Alexander, Gwich'yaa Gwich'in from Fort Yukon and co-chair of Gwich'in Council International, who "unilaterally condemn oil and lease sales," emphasized there is no place else on the continent of North America or anywhere like the coastal plain. It is world-renowned, unique in itself. It is, he warned, "un-ethical not to heed Gwich'in" in a "rushed process that may destroy our ways of life." It also goes against state and federal agreements and mandates.

This scoping process, then, must take into account the purposes, intents, and requirements of Alaskan and Federal laws regarding subsistence as mentioned above. This includes gathering and sharing related data, which has not yet been done. In doing so, however, the Gwich'in People and other Alaska Natives must not be treated merely as subjects of research, but as scientists themselves. The Gwich'in Nation and other Alaska Native Peoples know the Arctic, the coastal plain, the caribou, their own cultures, and their interdependent needs, obviously, far longer and far more intimately than anyone else. Required information on subsistence and coastal plain caribou must be gathered according to principles, for example, as explained in Linda Tuhiwai Smith's blockbuster work, *Decolonizing Methodologies*. And, ultimately, oil and gas drilling may not go forward while cutting off subsistence interdependencies with the coastal plain.

20. The Porcupine Herd generally winters within the the Northwest Territories of Canada and migrates north, including within Yukon Territory, to the coastal plain in Alaska in spring and back again—up to 3,000 miles annually. The caribou herd, not the imposed political boundary, determines where Gwich'in live. The Gwich'in's 13 villages and tribes—about 9,000 people—are spread along the Herd's traditional routes on both sides of the U.S.-Canadian border. In 1987, the U.S. and Canada crafted an "Agreement Between the Government of Canada and the Government of the United States of America on the Conservation of the Porcupine Caribou Herd." It was signed by the Canadian Minister of the Environment and the US Secretary of the Interior.

This Agreement recognizes the need for international cooperation in conserving the Porcupine Caribou Herd. It recognizes the importance of doing so for generations of Peoples who depend upon and are responsible for the well-being of the Herd and its lifescape. The objectives of the Agreement include appropriate actions by both the US and Canadian governments to "ensure that the Porcupine Caribou Herd, its habits and the interests of users of Porcupine Caribou are given effective consideration in evaluating proposed activities within the range of the Herd." This includes the coastal plain of Alaska, which is the Herd's traditional calving ground. This Agreement includes the promise that activities that will potentially affect the Herd or its habitat "will be subject to impact assessment and review consistent with" regulations

of both countries. And, where an activity in one country is likely to have adverse consequences to the Herd, that country is to be consulted prior to a final decision on that activity.

Dana Tizya-Tramm, a Vutnut Gwich'in Councillor from Old Crow in the Northern Yukon, Canada traveled to the May 29th Fairbanks, AK scoping meeting. He also traveled to Washington, D.C. last year to testify in the Senate Energy Committee against opening the coastal plain to oil and gas activities. On the 29th, he testified that the U.S. process moving those activities forward "is a complete representation of the complete degradation of you democracy." Contrary to public agreements and public will, drilling has been "pushed through." "This is about money, this is about oil and gas, because it is definitely not about honoring agreements."

From the U.S. Ed Alexander, Gwich'yaa Gwich'in from Fort Yukon and co-chair of Gwich'in Council International, who "unilaterally condemn oil and lease sales," warned it was "un-ethical not to heed Gwich'in" in a "rushed process that may destroy our ways of life." It also violates international agreements, he stressed.

Drilling in the coastal plain is a direct Canadian as well as U.S. issue involving international concerns, responsibilities, and agreements. The U.S. BLM's scoping process must recognize the concerns, recommendations and needs of members of the Gwich'in Nation and others concerned in Canada. An April 20, 2018 Yukon-News article quotes the Environment Minister of Yukon, Pauline Frost, who is also MLA for Vuntut Gwich'in: "We most certainly support and firmly believe that development in the calving grounds is not sustainable and all the parties (in the Canadian delegation) have affirmed that," she said. "We do also want to look at the Indigenous rights and the importance of the caribou to the people and the communities."

A requirement of BLM's environmental review process on drilling in the coastal plain of the Refuge is to consider transboundary concerns. These concerns include not only adverse effects of drilling on the coastal plain, its caribou herd and the human beings and cultures interdependent with them, but also the very genesis of P.L. 115-97 as in violation of international agreements between the U.S. and Canada.

21. Listen to this June 2014 recording of the edge of the Arctic Ocean at Prudhoe Bay. This is about 100 miles west of the coastal plain of the Refuge. Listen.

22. Attention to the U.N. Declaration on the Rights of Indigenous Peoples (2007) was given by several people at the May 29 Fairbanks scoping meeting. These included comments of Gwich'in people adamantly opposing leasing and drilling who live on either side of the U.S.-Canada border. Both Dana Tizya-Tramm, a Vutnut Gwich'in Councillor from Old Crow in the Northern Yukon and Ed Alexander, Gwich'yaa Gwich'in from Fort Yukon and co-chair of Gwich'in Council International noted that the genesis and expression of P.L. 115-97 was in violation of international agreements, including this Declaration.

It is important to recognize that, in 1867, the U.S. government paid Russia a few cents per acre for lands *never ceded* by Alaska Natives to either country. It is important to recognize that Alaska Native tribes retain their own sovereignty. It is important to recognize that the 1971 Alaska Native Claims Settlement Act did not recognize distinct tribes or respect their sovereignty when it set up 12 for-profit regional and 226 village corporations. It is also important to recognize that these corporations represent the interests of shareholder profits and do not speak for tribes themselves.

The UN Declaration on the Rights of Indigenous Peoples speaks to this concern when it notes:

...that indigenous peoples have suffered from historic injustices as a result of, inter alia, their colonization and dispossession of their lands, territories and resources, thus preventing

them from exercising, in particular, their right to development in accordance with their own needs and interests...

This lead to Article 3's intention to quit repetitions of such injustices and violations of human rights, stating:

Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

The Porcupine Caribou Herd has been entwined for millennia with the subsistence needs, culture, and spirituality of the Gwich'in People. The coastal plain is the Herd's birthing ground. According to Gwich'in elders and also to scientists of the US Fish and Wildlife Service and other scientists, seismic testing and drilling activities would harm the Herd's birthing habitat and disrupt their safety to bear and rear calves. P.L. 115-97 violates the UN Declaration from its very genesis in not having involved consultations with Gwich'in People and other Alaska Natives whose life ways and lifescapes are directly affected. Proceeding with leasing, seismic testing, and oil and gas drilling would violate this Declaration in multiple ways.

Following is a mere sampling of sections of the UN Declaration on the Rights of Indigenous Peoples that the forthcoming coastal plain drilling EIS must ensure would not be violated:

Article 7 section 2 says:

Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.

At the Fairbanks scoping meeting of May 29 Misty Nickoli, Denaa of the Gaath Doh (Kaltag) and Tsimshian of Metlakatla, called oil and gas activities on the coastal plain "an act of genocide" for the violence it would do to what the coastal plain depended upon by the Gwich'in Nation as "the sacred place where life begins" and thus to the Nation itself.

Article 8 section 1 says:

Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.

Destroying the health of the Porcupine Caribou Herd would be destroying that of Gwich'in culture.

Article 8 section 2 says:

States shall provide effective mechanisms for prevention of, and redress for: (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;(b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources...

Oil and gas activities would dispossess the Gwich'in Nation of lands so sacred they don't set foot in it themselves, out of respect for its primacy for caribou birthing upon which the People depend.

Article 11 section 1 says:

Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.

The coastal plain is a sacred land to Gwich'in People.

Article 12 section 1 says:

Indigenous peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.

How can Gwich'in People pass on their lifeways to future generations without the continued flourishing of the Caribou Herd they depend upon?

Article 18 says:

Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

The Gwich'in Nation have not been consulted. Their voices have not been heard in meaningful ways by those quietly and hastily pushing through P.L. 115-97.

Article 19 says:

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

The Gwich'in Nation have not been consulted. Their voices have not been heard in meaningful ways by those quietly and hastily pushing through P.L. 115-97.

Article 20 section 1 says:

Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.

Leasing and drilling activities in the coastal plain would deprive Gwich'in and other Alaska Natives of their means to subsistence and freedom in their activities entwined with the Porcupine Caribou Herd.

Article 24 section 1 says:

Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.

Leasing and drilling activities in the coastal plain would deprive Gwich'in and other Alaska Natives of their vital animals and other vital aspects of this lifescape, diminishing food security and human health.

Article 24 section 2 says:

Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.

Peoples deprived of their cultural necessities—for Gwich'in this is the Porcupine Caribou and the sacredness of the coastal plain-- suffer ill mental health.

Article 25 says:

Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

The coastal plain is so sacred to Gwich'in People they do not even set foot in it during calving and other times, not even in famine. Leasing and drilling activities would be a desecration.

Article 27 says:

States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

None of this has yet taken place. The Gwich'in Nation and other Alaska Native tribes as such have neither been included nor respected in decision-making.

Article 29 section 1 says:

Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.

Coastal plain leasing and drilling activities would be a gross violation of the Agreement Between the Government of Canada and the Government of the United States of America on the Conservation of the Porcupine Caribou Herd.

Article 29 section 2 says:

States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.

Oil and gas drilling would reportedly involved injecting waste toxic drilling fluids under the (melting due to climate change due to bring oil and gas) permafrost. No matter how much care might be promised or even actually taken, toxic oil spills will happen.

Article 31 section 1 says:

Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.

This must include the Porcupine Caribou Herd and other aspects of the coastal plain lifescape supporting them and Gwich'in and other Alaska Native lifeways. The coastal plain is a source of Alaska Native nutrition, culture, and spirit and health.

Article 32 sections 1-3 says

1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.

Gwich'in and tribes of other Nations as such have not been heeded.

2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

Gwich'in and tribes of other Nations as such have not given consent.

3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

This must be done.

Article 37 section 1 says:

Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements.

The UN adopted the Declaration of the Rights of Indigenous Peoples in 2007, and the US supported it nine years later. P.L. 115-97 is in violation of this Declaration with regard to Alaska Native Nations, particularly the Gwich'in People. Those violations must not continue.

22. "Gwich'in Niintsyaa 2012, Resolution to Protect the Birthplace and Nursery Grounds of the Porcupine Caribou Herd" brings attention to Article 1 of the International Covenant of Civil and Political Rights. The Gwich'in Resolution is a document affirming the consensus reached in their traditional way among the people of all their villages across the U.S.-Canadian landscape. These villages are located where they are in relation to the routes of the Porcupine Caribou Herd. The Gwich'in Nation has been entwined with the Porcupine Caribou Herd for millennia, nutritionally, culturally, and spiritually. The coastal plain is the Herd's traditional calving ground. It is sacred to the Gwich'in People who don't enter it themselves out of respect for this place that sustains the lives that sustain them. It is the responsibility of the Gwich'in People to respect and defend this place. It is the right of Gwich'in People to be respected, which must mean it is their right to have the sources that sustain them respected and protected from harm.

The Gwich'in Resolution states: "The Gwich'in have the inherent right to continue our own way of life; and that this right is recognized and affirmed by civilized nations in the international covenants on human rights. Article 1 of the International Covenant of Civil and Political Rights [signed by the US in 1977 and ratified in 1992]...reads in part: "...In no case may a People be deprived of their own means of subsistence." The rest of Article 1 stresses that all peoples have the "right of self-determination," which includes "economic, social, and cultural development." This Article is grounded in the premises of the Covenant, which include that individuals, as members of the whole "human family," have duties to promote the rights of each other. These responsibilities and rights, the Covenant makes clear, are the "foundation of freedom, justice, and peace in the world."

According to Gwich'in elders' deep, intimate understandings learned and passed on over millennia, and, according to US Fish and Wildlife Department and other scientists, oil and gas drilling activities in accordance with P.L. 115-97 would harm the Porcupine Caribou Herd, perhaps even leading it to extinction. The expression of P.L. 115-97 would therefore deprive the Gwich'in People of their economic, social, and cultural development, including their own means of subsistence. Oil and gas drilling in the coastal plain of the Refuge, that is, would be a violation of this Covenant (as well as a breach of other international agreements e.g., Agreement Between the Government of Canada and the Government of the United States of America on the Conservation of the Porcupine Caribou Herd; UN's Declaration on the Rights of Indigenous Peoples) that the U.S. has agreed to. Expressing P.L. 115-97 would undermine the very foundations of freedom, justice, and peace in the world as well as of the conditions of health that sustain all of us. The EIS must evaluate P.L. 115-97 in relation to international agreements with regard to human and indigenous rights. A law that is in violation of such agreements must not be allowed to stand.

23. In November 2000 Executive Order 13175 "Consultation and Coordination With Indian Tribal Governments" was published in the U.S. Federal Register. This order is intended to improve relations between tribal and the U.S. Federal Government, and to reduce burdens on tribes. It applies to federal government regulatory and legislative actions including those that "have substantial direct effects on one or more Indian tribes," including "Alaska Natives."

Section 2 of this order conveys several "Fundamental Principles" that are to guide U.S.-tribal dealings. These include recognition of tribes as "domestic dependent nations under its protection" and "a trust relationship;" recognition of tribes "right to self-government" and "sovereign powers over their members and territory;" and the right of tribes to "self-determination."

Section 3 of this order sets forth criteria for "formulating and implementing policies that have tribal implications." These criteria include adhering to principles of Section 2. Policy-making must respect the sovereignty, treaties and rights of tribes and encourage tribal self-determination of standards. Federal agencies are to consult with them, and, "where possible, defer to Indian tribes to establish standards," preserving tribal authority.

Section 4 orders that agencies not submit legislation to Congress inconsistent with Section 3 criteria.

Section 5 orders that each agency craft a tribal consultation process and submit it to the Office of Management and Budget [OMB]. It also puts limits on "promulgation" of regulations imposing costs on tribes and requires agencies to pay those costs. It also orders consultation processes be put into action from the development of regulations through their implementation. It requires documentation of this process—a "tribal summary impact statement" submitted to OMB that is to include any official tribal written communications and states "the extent to which the concerns of tribal officials have been met." Indeed it orders that "no agency shall promulgate any regulation" affecting tribes "unless the agency, prior to the formal promulgation of the regulation (1) consulted with tribal officials early in the process of developing the proposed regulation." This section encourages "consensual mechanisms" for policy-making affecting tribes.

Section 7 requires any draft final regulation with tribal implications submitted to OMB be accompanied by certification of compliance with all aspects of this order "stating that the requirements of this order have been met in a meaningful and timely manner."

P.L. 115-97, if implemented, would have significant consequences on the subsistence, culture, and spirit of the Gwich'in Nation. The Gwich'in Nation was not consulted through the process of producing nor promulgating this law. Furthermore, the Gwich'in Nation, under their own authority--according to Gwich'in Niintsyaa 2012--has resolved: "That the United States President and Congress recognize the rights of the Gwich'in People to continue to live our way of life by prohibiting development in the calving and post-calving grounds of the Porcupine Caribou Herd" and "That the 1002 area of the Arctic National Wildlife Refuge be made Wilderness to protect the sacred birthplace of the caribou."

The EIS process must include and show evidence of evaluating the production and promulgation of P.L. 115-97 relative to the requirements of Order 13175. If administrators cannot prove that these requirements have been met, the EIS must recommend that leasing, oil and drilling activities--as in violation--not be implemented.

24. In 1969, Public Law 91-190, also known as the National Environmental Policy Act [NEPA], established a "national policy for the environment." Its purposes are "To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality."

This law requires the Federal Government, in cooperation with State and local governments and public and private institutions, to foster harmony between humans and interdependencies of land, waters, air, and other life forms, which are conditions for human health, flourishing societies, and durable economies that will serve present and future generations, including those of the Gwich'in Nation and other Alaska Natives.

NEPA obligates the Federal Government to align laws and other policies to foundational environmental health. It establishes an intergenerational environmental trusteeship. It requires policies that when implemented will assure "for all Americans" surroundings that are "safe, healthful, productive, and aesthetically and culturally pleasing" without undesirable or

unintended consequences. It obligates the Federal Government and others to preserve "historic, cultural, and natural aspects of our natural heritage," encouraging "diversity and variety of individual choice" as well as just flourishing of the country's human population. This must encompass Gwich'in and other Alaska Native lifeways.

Section 102 of this Act directs that "the policies, regulations, and public laws of the United States...be interpreted and administered in accordance with this Act." This includes making detailed reports and recommendations based on "a systematic, interdisciplinary approach" with the aim of considering all "environmental amenities and values...along with economic and technical considerations" that any legislation or other Federal Action would affect. This report must include details on the "environmental impact of the proposed action," including likely adverse consequences, alternatives to the proposed action, the relationship between local, short-term uses and long-term and/or irreversible consequences on environmental capacities. This must include consequences to the Porcupine Caribou Herd and entwined Gwich'in subsistence, culture, and spirit as well as that of other Alaska Natives and others who appreciate the many non-commodifiable values of the coastal plain of the Refuge.

The NEPA report information is to be made public. This report must also describe alternatives bearing on any "unresolved conflicts" concerning uses of "resources." Furthermore, this Act obligates any Federal actions to pass the test of international cooperation "in anticipating and preventing a decline in the quality of mankind's world environment." This must include the adamant opposition of the Gwich'in Nation and other Alaska Natives of the North Slope and in Canada. It must also include consideration of how burning drilling for and burning more oil and gas will further intensify global climate change thus being a world concern.

P.L. 115-97 advancing oil and gas drilling in the coastal plain from its construction to its passage and implementation must fulfill NEPA.

According to a quote in a June 1, 2018 article in S&P Global, however, Assistant Interior Secretary for Lands and Minerals does not appear to have complete understanding of the intent of NEPA and the role of its required studies, report, and recommendations—its "Environmental Impact Statements." He says: "The purpose of the EIS is to inform the public and federal agencies on the impacts...In the scoping, we are asking people for advice on what kinds of impacts we should look for." "The draft EIS is expected in early 2019 followed by the final document in late April. We will hold the lease sale when the EIS is completed," he also insisted. The purpose of the NEPA report, or EIS, however, is more than to inform on "impacts we should look for." Why would one report "impacts" of oil and gas drilling that, if found in violation of NEPA's purposes, would only be ignored? NEPA directs not only reporting, but also making recommendations with the goal of promoting environmental health, human flourishing, and mediating conflicts and avoiding harmful and unwanted local to global environmental consequences. Moreover, it must do so with diligent studies that by their nature take time months to years. Balash's both substantial and temporal presumptions evident in Balash's words violate the spirit and letter of NEPA.

That same article also quotes Balash saying: "We will definitely have a lease sale...because it is required by Congress in the Tax and Jobs Act of 2017," he said. "The law said 'we shall' have the sales." He says the first "could come as early as July 2019."

He is referring to Page 183 of the recent Tax Bill H.R. 1—to which P.L. 115-97 was quietly appended—Sec. 20001. Oil and Gas Program with its "Requirement... IN GENERAL.—Subject to subparagraph (B), the Secretary shall conduct not fewer than 2 lease sales area-wide under the oil and gas program under this section by not later than 10 years after the date of enactment of this Act."

Title 40 Protection of Environment of the EPA (detailing regulations needed to implement NEPA), Section 1501.1(e), however, requires the NEPA report or, EIS, to discuss a "range of alternatives" to proposed government actions, in this case oil and gas drilling activities in the

coastal plain. Section 1502.14(d) requires the alternative of "no action." Depending on the situation, this can mean either a current management scheme goes forward unchanged or that a not-yet initiated plan would not go forward. In the case of P.L. 115-97 "no action" would mean the latter, that is, that no oil and gas activities would take place given that they are incompatible with environmental health, cultural rights and flourishing, as well as international concerns outlined in NEPA.

So, how can Balash say with such assurance that leasing "shall" go forward? How can the requirement for leasing in P.L. 115-97 stand as legitimate given the requirements of NEPA? If NEPA process were to recommend "no action"—no drilling activities—then the leasing mandate would become farcical. Who would want to lease land for oil and gas drilling that was not to go forward? On the other hand, P.L. 115-97's leasing requirement, if allowed to stand in the way of the intent and obligations of NEPA, would make that Act and its EIS farcical. That would be a grave wrong.

This scoping process must allow time and attention to the NEPA study and reporting process necessary to carry out the obligations of the Act. This scoping process's EIS must allow and include a no-action alternative. This process must adhere to the letter and spirit of NEPA, as must P.L. 115-97, which is not above it.

25. Ed Alexander, Gwich'yaa Gwich'in from Fort Yukon and co-chair of Gwich'in Council International, who "unilaterally condemn oil and lease sales," emphasized at the Fairbanks scoping meeting that there is no place else on the continent of North America or anywhere like the coastal plain. It is world-renowned, unique in itself. It is, he warned, "un-ethical not to heed Gwich'in" in a "rushed process that may destroy our ways of life." It also goes against state and federal agreements and mandates. He also called for a National Security Analysis to be part of this scoping process, as part of the EIS.

To support increasing fossil fuel discovery and mining in the coastal plain and elsewhere in the US, lawmakers and administrators talk about "energy independence and national security." Yet, these goals seem to be specious justifications. In the specific case of P.L. 115-97, there is not even a stipulation that oil and gas taken from the coastal plain must be used domestically. Fossil fuels from there could, that is, be mined, sold and transported elsewhere. Additionally, in a situation where energy flows are controlled by a global market where prices and demands are outside national oversight, fossil fuel "energy independence" has little meaning.

On the other hand, what might actually make the US more energy independent would be networks of local to national scaled non-fossil fuel energy systems implementing existing and innovating renewable, decarbonizing efficiencies and technologies. What might actually make us more secure, nationally are renewable, decarbonized energy systems tethered to local to national-scale economies—energy systems that could be manufactured, installed, and re/generated right here at home as well as a decrease in consumption.

What would make us less secure nationally is more fossil fuel mining polluting more of our homeland and disrupting more domestic ecosystems that sustain national food security and conditions for local to global-scale human health. The coastal plain is of special note as an intact, sacred ground with a particularly profound capacity for re/generating life, which sustains the Gwich'in Nation and other human beings nutritionally, culturally and spiritually.

What would make us less secure nationally is mining and burning more fossil fuels increasing climate change, which the Center for Naval Analysis in 2007 deemed "a threat multiplier for instability for the most volatile regions in the world," increasing human migrations, public health problems, interstate tension, and conflicts over shrinking, less dependable "resources" with heightened food insecurity. The Arctic is one of the most volatile places in the world, in the sense that it is warming twice as fast as the world average and what happens here affects global ocean flows and weather patterns. At the same time climate change is already

affecting local villages already suffering from warmed-world melting ice and permafrost, rising seas, eroding lands, and less predictable and less successful hunts on top of point-source illnesses (not to mention non-point source ones) from air, water, and land pollution caused by nearby mining activities.

Further warming global climate--increasing world-wide instability and conflict--while reducing our homeland's capacities for self-renewal--which are the foundations of human health--would be a risk to national security from the outside in and the inside out.

A full national security analysis taking the fullness of such matters into account must be part of the coastal plain EIS. Drilling and mining in the coastal plain must not go forward as a local as well as national security risk.

26. What is the rush, DOI and BLM?

Any fossil hydrocarbons that might be under the ground of the coastal plain have been there for a very, very long time. They are not going anywhere, and they would be really hard to get out. The haste of administrators, politicians, and a handful of corporations to implement drilling activities in the Refuge is not due to a risk that any existing oil and gas might suddenly disappear or be stolen. So, why move so fast?

Senator Lisa Murkowski admitted publicly that she worked "quietly" to append P.L. 115-97 to the tax bill so as to avoid opposition. This action and attitude points to the reason for the hurry. Those few people who want to get machines into the coastal plain would need to do so before getting stopped by the large majority of U.S. registered voters who do not want this to happen, many having worked for decades to keep drilling out. The machines would need to enter before being halted by the rising multitudes who stand with the Gwich'in Nation and other Alaska Natives, who are aware that oil and gas drilling in the coastal plain would violate their rights and responsibilities, and agreements with them and other Nations. The machines would need to get there before the U.S. citizenry, working through proper democratic and judicial processes, catch up and deter the irreversibility of their wrong-doing.

There is no supportable reason for fossil fuel activities in the coastal plain to go forward than as a show of dominance by the "corporate-industrial mind."

There are numerous supportable reasons for fossil fuel activities in the coastal plain to be prohibited. Fundamental among them is so that the self-renewing capacities for life of the coastal plain may have the liberty to continue. Primary among the reasons is so that the cotton grass, snow geese, Porcupine Caribou Herd, and Gwich'in People can continue for generation after generation along with a habitable climate upon which all of us depend for food security and flourishing.

The failure, in the first place, of BLM to schedule scoping meetings in each Alaska village--to give voice to everyone who would be most affected by drilling activities--and, given that this is federal land, the failure to schedule meetings in every state of the Nation, is an insult to the diverse membership of this country. The recent rejection by Interior Assistant Secretary Joe Balash of multiple requests from Alaska villages and tribes and of numerous other U.S. citizens for additional scoping meetings and a scoping period extension deepens the offense. Mr. Balash claims that he has heard "consistent messages" that will "inform the development of the EIS" yet ignores the content of those messages. His claims and decisions undermine peoples' trust in a process that is meant to reflect the will of the people while protecting the foundations of this Nation's cultures and prosperity—our land's health, including climate habitability—not that of corporations nor any authoritarian power.

The BLM continues to consider a recent permit application for seismic testing, preliminary to drilling, that a US Fish and Wildlife Service review deemed "not adequate"—with "a lack of applicable details for proper agency review," unsupported by adequate study and accurate details regarding the effects of seismic work and equipment on the coastal plain

lifescape, and, with a timetable that begins machine activities already by Dec. 10, before the EIS is even complete, continuing them into the caribou calving season. This shows reckless disregard for democratic process, the intent and law of NEPA and other pre-existing domestic and international agreements, the rights of the Gwich'in People and other Alaska Natives and, in general, people's trust. These violations are deepened by accompanying lies—that is, by claims of oil and gas politicians, administrators, and corporate industry's managers to be dedicated to "minimizing the effect of our operations on the environment" and to be "careful" and show "environmental responsibility."

These lies are tied to another lie—that Native Corporations speak for Native tribes. This is not necessarily so. Native Corporations, including Arctic Slope Regional Corporation and Kaktovik Inupiat Corp., who (with SAEExploration) submitted the first and grossly inadequate seismic testing application, speak for industry interests—that is, for profit. To respect what Native Peoples want, the tribal leaders—including the Gwich'in Nation's consensus against drilling in the coastal plain—must be heard, and must count.

I adamantly object to the haste and attitude with which the BLM under the DOI is administering P.L. 115-97. The speed and "corporate mind" controlling this process is democratically erosive, culturally exclusive, and environmentally reckless.

Who is hearing this comment, and, responding so that it matters? Show

27. https://www.washingtonpost.com/business/federal-agency-pegs-4m-for-arctic-refuge-infrastructure/2018/06/07/fe5fcc1c-6aa5-11e8-a335-c4503d041eaf_story.html?utm_term=.edbe2a3ab1a4

According to a recent Washington Post article: "Interior Secretary Ryan Zinke in a release announced \$50 million in U.S. Fish and Wildlife Service construction projects to repair and rehabilitate aging wildlife refuge and fish hatchery infrastructure at refuges throughout the country. 'The President is a builder, he loves to build and he loves our public lands, so it is a natural fit that the Trump Administration is dedicating so much attention to rebuilding our aging Fish and Wildlife Service infrastructure,' Zinke said in the announcement. The construction money includes nearly \$5.9 million for Alaska, with two-thirds targeted to support 'heightened levels of activity' connected to preparing for oil exploration in the Arctic refuge."

Hm. That doesn't make sense, does it? For one thing, building new oil and gas infrastructure is not repairing and rehabilitating aging infrastructure, is it.

As an ally with the Gwich'in Nation on behalf of defending the Refuge from "the President," here are some better uses for that money in Alaska (and nation):

- a) pay for increasing fire-fighting spurred by and spurring further climate warming.
- b) fund more scoping meetings in all AK villages and nationwide
- c) invest in re/generative energy systems and vehicles for all USFWS activities
- d) buy top-shelf body lotion for all USFWS employees and their families and friends (just kidding)

28. "Historically," writes Pete Peter in the June 8 Fairbanks Daily News-Miner, "the Porcupine Caribou Herd has always been food on the table for the Gwich'in people. We need 'grandfather rights' for the guaranteed security to fresh, healthy, organic meat source." Caribou makes up 80% of Gwich'in diet. Caribou is the lifeblood of the Gwich'in People. The flourishing of the Herd is their food security. It is their right, their responsibility to keep, and their freedom.

Pete Peter goes on to make another point. The Porcupine Caribou Herd, one of North America's largest and healthiest herds, has also helped to sustain members of the US military during the Cold War—providing food, clothing and tools. The US military established cold weather survival schools in the Gwich'in villages of Arctic Village and Venetie, after learning a hard lesson in the Aleutians. There, during World War II, Peter points out, 30% of US troops, about 2100 men, were taken out of action as victims of harsh weather. Ensuring adequate "clothing...and Soldiers' hydration and nutritional requirements" are key to survival in cold conditions, according to the US Army Combat Readiness/Safety Center. For those in the US Military defending and training in Alaska, the caribou are their food security. The Herd is their, and thus the right of all of this country, our responsibility to keep, and our liberty.

The Gwich'in People and other Alaska Natives have survived and thrived in the harshest conditions for millennia. Now, all of us face unprecedented and unpredictable consequences of climate warming, happening most dramatically in the Arctic. It is prudent to learn from those who have successful long-term experience adapting to difficult weather circumstances. The best "guarantee" of food security for the Gwich'in Nation, other Alaska Native tribes (in contrast with Native corporations), and all of us, is no drilling in the coastal plain. The Gwich'in Nation, members of other Alaska Native tribes, and 70% of registered US voters are opposed to drilling in the coastal plain of the Refuge. We are *for* keeping the resilient, self-renewing health of this area intact, including the Porcupine Caribou Herd, which is a major food source that would be diminished if not extinguished by oil and gas activities.

This is not a matter of "environmentalists" v. "industry" this is a matter precaution v. recklessness in managing risk to the sacred foundations of health and life, to food security, human nutrition, and survival in difficult conditions.

What we need now is not more of the stuff creating extreme weather circumstances, but more wits about us keeping the health of the land that funds human lives and cultures.

The BLM must seek out, listen to, and heed the deep-knowing advice of Alaska Native Peoples. The BLM must uphold the rights of their grandfathers and future generations, and of all of us.

29. Bernadette Demientieff, Gwich'in Steering Committee Executive Director, said, in a May 23 "Your Call" radio interview, that the coastal plain "ecosystem is too sensitive" for oil and gas drilling. "Not just for structures...roads...If there is an oil spill, there's just no way to take that back," she stressed. "It'll do too much damage especially for all the different animals that are there." Birds from all 50 U.S. states and 6 continents migrate to and from the Refuge. Some 70 species nest on the coastal plain. These include, for instance, buff-breasted sandpipers who travel from and to Argentina. These nutmeg-colored birds raise their dark-feathered wings and dance when they arrive to the Arctic spring. Their whole world population, because of past market-hunting and diminished wintering habitat, is now only about 15,000 strong. Building oil works in the drier coastal plain where these sandpipers tend to nest would be a grave threat to their whole existence.

Then, too, there are the more famous snow geese--some 300,000 of them depend on the coastal plain cotton grass, horsetails, willows, and other plants and fly larvae for 80% of the food that fattens them for migration between their nests in western Arctic Canada and their wintering grounds in the Southern US and Mexico.

"Some of the bird droppings," explains Bernadette, "help...the grass [and other plants] grow that feed the [Porcupine] Caribou" who feed her People. "So, it's all connected," she says, "even the whales...will migrate there [nearshore in the Beaufort Sea] and they go to the bottom of the ocean and they clean themselves." Inupiat tribes, Gwich'in neighbors, are entwined with the whales. And, with climate-warmed, melting sea ice thwarting polar bear hunting, the bears

depend all the more on sharing remains of whales harvested by the Inupiat People. "It's an amazing place," Bernadette tries to put into words, the coastal plain, "it's very sacred to us."

This is a world economy that human economies cannot exist without. This is a world economy or reciprocities that unites all of us. Buff-breasted sandpipers and snow geese deliver the nutrients of South American insects and seeds and Mexican berries and sedges to the coastal plain to fertilize the cotton grass and other plants. Having soaked up the midnight sun, the birds carry it's energy back south. The coastal plain grass thus fed, feeds not only the avian migrants, but also the caribou cows nursing their calves. The calves get strong for their own journey, carrying coastal plain nutrients to Gwich'in People of Alaska and Canada, neighbors of Inupiat villages fed by the Beaufort Sea whales who ferry nutrients between the coastal plain and ocean waters. All the while, in a complex self-organization, countless breathing life forms exchange oxygen and carbon dioxide with the atmosphere and oceans helping create a habitable climate and waters (over ages, drawing carbon into fossil stores underground). A habitable climate and waters is the security of everyone from New York to Wisconsin, from Wisconsin to the Bering Strait, from Russia to New Zealand, wrapping the planet.

The will to exchange a bit of oil and gas and fuel and cash must be evaluated in relation to the coastal plain real-world economy that holds everything together. Recognizing how the prudential and sacred values of the intact, natural economy of the coastal plain are unique and local as well as globe-encompassing makes the very idea of drilling in this area unthinkable. This must be recognized in the BLM's process.

30. Sacred. Wilderness.

Sacred.

The Gwich'in People, for millennia, have known the coastal plain of the Refuge as "lizhik Gwats'an Gwandaii Goodlit" or "the sacred place where life begins."

Evon Peter—who is Gwich'in and Koyukon from Arctic Village, a tribal leader, and now a Vice chancellor at the University of Alaska Fairbanks—once said that the spiritual reason for fighting oil and gas activities in the coastal plain was "very difficult to speak of." "The animals, the rivers—we're essentially a voice for things that cannot talk. We don't see ourselves as separate from those things. If the rivers and animals are poisoned, the poisons will work their way into us, too," Peter told visiting author Peter Matthiessen. (This is recorded in Subhankar Banerjee's 2003 photographic book *Arctic National Wildlife Refuge: Seasons of Life and Land*.) Peter took Matthiessen to talk with an elder, Trimble Gilbert. Gilbert explained that, in Gwich'in stories, "Caribou has a piece of Man's heart in its heart and Man has a piece of Caribou's heart in his heart, so that each will always know what the other is doing." As Gwich'in Steering Committee Executive Director Bernadette Demientieff said in the April 24, 2018 Fairbanks Daily News-Miner,

Drilling in the Arctic Refuge will slice through the heart of these sacred lands, the heart of my people. The push to drill in the coastal plain of the Arctic Refuge is a direct threat to my people. It is an attack on our culture and way of life.

The GSC has been defending—based on tribal consensus—the coastal plain against oil and gas and for sacredness and Gwich'in culture for 30 years now.

The coastal plain is ground sacred to Gwich'in People. Its sacredness means they do not enter it, not even in times of famine. This is ground that supports the Porcupine Caribou

Herd's cows, nursing calves who grow strong there and feed their People and their way of life. It is their only way. It is the sovereign right and responsibility of the Gwich'in Nation to keep it.

Wilderness.

The Definition of "wilderness" according to the 1964 U.S. "Wilderness Act," Public Law 88-577 is as follows:

A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this Act an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.

There are many important distinctions between what "white" people mean by wilderness and what it means to the Gwich'in People for a place to be sacred. The shortcomings of the above definition are clear. It does not, for example, openly embrace the ongoing presence of Alaska Natives and other Native Tribes throughout the U.S. who have been excluded from their ancestral lands as not "natural" enough to be part of white people's ideals of "untrammelled" lands.

Yet, there may also be deep-rooted similarities. And, among white people there have always been some, perhaps many, whose hearts—unconsumed by the corporate-industrial mind—are themselves tied to land, who know their belonging. There have always been those who understand that land's health and their own flourishing are inseparable; that the land's ancient, re/generative beauty is the origins of and sustains their own; who understand that land's co-creativity is the source of both human economy and imagination. There have always been, and still are, those who understand that human dominance over land is pyrrhic.

As Utah-born author Terry Tempest Williams wrote,

The eyes of the future are looking back at us and they are praying for us to see beyond our own time. They are kneeling with clasped hands that we might act with restraint, leaving too for the life that is destined to come.

To protect what is wild is to protect what is gentle. Perhaps the wilderness we fear is the pause within our own heartbeats, the silent space that says we live only by grace. Wilderness lives by this same grace.

We have it within our power to create merciful acts.

The act of restraint by the United States Congress in the name of the Arctic National Wildlife Refuge would be the most powerful act of all. Call it the Act of Wild Mercy, an interval of silence sustained in the twenty-first century.

And, for generations to come.

P.L. 115-97 is not a done deal. It was conceived in the dark, out of reach of democracy, and imposed on the country. It betrays the letter and intent of pre-existing laws, including the National Environmental Policy Act [NEPA] and The Alaska National Interest Lands Conservation Act [ANCILA] among relevant others, as well as international agreements.

Refuge lands surrounding the coastal plain have already been designated as "wilderness." Putting oil and gas works in the midst of this vast, sacred, wild lifescape would interrupt the fierce grace of the Refuge. Interrupting this space would disrupt the land, harm or even extinguish its buff-breasted sandpipers, snow geese and caribou, slice the heart of Gwich'in People, and stop the hearts of millions of others.

NEPA says this scoping process and coastal plain EIS must be based on "a systematic, interdisciplinary approach" with the aim of considering all "environmental amenities and values..." This includes spiritual values, matters of our hearts.

I know that the corporate-industrial mind--the mind that says "energy dominance" and "dollars"—scoffs at anything gentle, at mercy, at the blood of beating hearts. Scoff it may. Gentleness and mercy--the wildness inside us--can be surprising. We have the rule of law and we have the power in us to do right.

As Demientieff says,

Let me issue a declaration to those who refuse to listen. The Gwich'in people will not be silent. We will not stand down. We will fight to protect the Porcupine Caribou Herd and the sacred lands of the Arctic Refuge every step of the way.

And so, too, will the hosts who walk beside them to defend the wilderness of the coastal plain.

Sincerely,
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