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October 25, 2019

Ms. Nicole Hayes  
Project Manager  
Bureau of Land Management, Alaska State Office  
222 West 7<sup>th</sup> Avenue, Stop #13  
Anchorage, AK 99513  
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**Attention: Coastal Plain Final Environmental Impact Statement**

Dear Ms. Hayes,

The Government of Canada is currently reviewing the Final Environmental Impact Statement (FEIS) for the proposed oil and gas leasing plan for the coastal plain (the '1002 lands') in the Arctic National Wildlife Refuge (ANWR). We await the release of the Record of Decision (ROD) and will submit our detailed comments when we can review both the FEIS and ROD in concert. Until then, we offer the following observations.

The Government of Canada is concerned with the selection of Alternative B as the preferred alternative. We will elaborate further in our future detailed comments, but Alternative B does not balance conservation and development and poses the highest risk to species of shared management concerns, especially Porcupine Caribou. Alternative B affords few protections to the herd and its habitat during the herd's most vulnerable life history period, calving and post-calving. The objectives<sup>1</sup> of our bilateral treaty, the *1987 Agreement Between the Government of Canada and the Government of the United States of America on the Conservation of the Porcupine Caribou Herd* (PCH Treaty), emphasize minimizing the risk of effects to the herd or its habitat. We do not believe, given the risks, that Alternative B fulfills those objectives.

The Government of Canada also notes that Assistant Secretary of Lands and Minerals Joseph Balash committed to us in our bilateral meeting on May 22<sup>nd</sup> to contact Canadian Indigenous communities regarding the subsistence user and transboundary effects components of the Environmental Impact Statement (EIS) (our record of meeting is attached). Canadian Indigenous governments have informed

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<sup>1</sup> - 2(a) To conserve the Porcupine Caribou Herd and its habitat through international co-operation and co-ordination so that the risk of irreversible damage or long-term adverse effects as a result of use of caribou or their habitat is minimized; 2(b) To ensure opportunities for customary and traditional uses of the Porcupine Caribou Herd...

us that no contact was made on this important issue. Previous requests by Canadian Indigenous governments for consultations were also unfulfilled.

We submit comments below that we would like to see addressed in the ROD. They follow on comments already expressed through formal and informal channels to the U.S. government.

The Government of Canada is a formal management partner for species covered by our bilateral *PCH Treaty, the Convention for the Protection of Migratory Birds in the United States and Canada*, and the *Agreement on the Conservation of Polar Bears*. As such, we would like to ensure that we have access to data collected in association with the leasing and development process.

Canada requests that several Required Operating Procedures (ROP) be revised to explicitly allow for Canadian management agencies, or bilateral boards or committees under our bilateral agreements, access to data collected that is germane to the management of our shared wildlife, including Porcupine Caribou, Polar Bears, and migratory birds:

- ROP 4 (Human-Bear Conflicts): Any studies, and particularly the supporting data, collected to support any aspect of implementing this ROP be shared within 12 months of completion of data collection with Environment and Climate Change Canada (ECCC), Government of Northwest Territories (GNWT), Yukon Government (YG) and the Inuvialuit Game Council (IGC).
- ROP 23 (Caribou movement and subsistence use): Any studies, and particularly the supporting data, collected to support any aspect of implementing this ROP be shared within 12 months of completion of data collection with the International Porcupine Caribou Board.
- ROP 27 (Bird impacts): Any studies, and particularly the supporting data, collected to support any aspect of implementing this ROP be shared within 12 months of completion of data collection with the Canadian Wildlife Service.
- ROP 28 (Baseline ecological mapping): Any studies, and particularly the supporting ecological mapping product, be shared within 12 months of completion of the ecological map with the International Porcupine Caribou Board.
- ROP 33 (Footprint GIS files): The final "as-built" GIS shape files that are due to various U.S. agencies within 6 months be required to be posted in the public domain by BLM upon receipt, and/or by submitted to the International Porcupine Caribou Board.
- ROP 45 (Sensitive species): Any studies, and particularly the data collected on species covered by our three international agreements referenced above, collected to support any aspect of implementing this ROP be shared within 12 months of completion of data collection with Environment and Climate Change Canada.

Data sharing for Porcupine Caribou or their habitat is specifically referenced in the PCH Treaty under sections 4(d)(1) and 4(e)(1)<sup>2</sup>.

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<sup>2</sup> 4(d). The Board, seeking, where appropriate, information available from management agencies, local communities, users of Porcupine Caribou, scientific and other interests, will make recommendations and provide advice on those aspects of the conservation of the Porcupine Caribou Herd and its habitat that require international co-ordination, including but not limited to the following:

1. the sharing of information and consideration of actions to further the objectives of this Agreement at the international level;

Canada and the U.S. have a long and successful history of cooperation and coordination for activities that can have transboundary impacts. Canada appreciates the opportunity to provide comments in response to the "The Coastal Plain Oil and Gas Leasing Final Environmental Impact Statement".

Sincerely,



Eric Walsh  
Director General  
North American Strategy Bureau

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<sup>2</sup>4(e). It is understood that the advice and recommendations of the Board are not binding on the Parties; however, by virtue of this Agreement, it has been accepted that the Parties will support and participate in the operation of the Board. In particular they will:

1. provide the Board with information regarding the conservation and use of the Porcupine Caribou Herd and its habitat;