



June 19, 2018

Bureau of Land Management
Alaska State Office
Attention — Coastal Plain EIS
222 West 7th Avenue, #13
Anchorage, AK 99513-7599
United States

Re Comments on Coastal Plain oil and gas leasing program EIS

Please accept this submission in response to the public scoping process for a Leasing Environmental Impact Statement (Leasing EIS) to implement an oil and gas leasing program within the area defined as the “Coastal Plain”.

The Porcupine Caribou Management Board (PCMB) was established in 1985 as an advisory board under the *Porcupine Caribou Management Agreement* (PCMA). The PCMB consists of a Chair and appointed members representing signatory parties comprised of two territorial, one federal, and five indigenous governments representing traditional users of the Porcupine Caribou herd within Yukon and the Northwest Territories. The PCMB’s mandate includes supporting sustainable, coordinated management of the herd, gathering and reviewing scientific and traditional information on the herd and its habitat, and providing recommendations to relevant agencies responsible for the management of the Porcupine Caribou herd and its habitat. The PCMB, therefore, expects to be consulted and fully engaged throughout the EIS process.

The Chair of the PCMB is also a member of the International Porcupine Caribou Board (IPCB) which was established in 1987 through the *Agreement Between the Government of Canada and the Government of the United States of America on the Conservation of the Porcupine Caribou Herd* (International Agreement).

The PCMA stipulates the PCMB mandate to recommend measures to ensure the conservation and protection of Porcupine Caribou habitat and on plans or activities which may impede, delay or disrupt caribou movements, affect behavioural patterns or reduce productivity, affect Porcupine Caribou habitat or affect interactions between native users and Porcupine Caribou. The PCMB’s mandate also includes identifying sensitive habitat areas requiring special protection and recommending measures to protect such areas.

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Similarly, relevant direction within the International Agreement notes that:

- the importance of conserving the habitat of the Porcupine Caribou herd, including such areas as calving, post-calving, and migration routes should be recognized;
- the Porcupine Caribou Herd and its habitat should be managed utilizing methods and procedures that ensure the long-term productivity and usefulness of the Porcupine Caribou herd; and
- the PCH and its habitat should be conserved through international cooperation and coordination so that the risk of irreversible damage or long-term adverse effects as a result of use of caribou or their habitat is minimized.

The International Agreement further states that activities that would significantly disrupt migration or other important behaviour patterns should be avoided or minimized.

As shown on the attached map (Attachment 1), very significant measures have been taken to protect the herd and its habitat in the Canadian portion of the Porcupine Caribou herd's range. These have included the setting aside of large tracts of land, such as Ivvavik National Park and Vuntut National Park, which compose 3.6 million acres (10,168 km² + 4,345 km²) and the withdrawal from development of the eastern north slope since 1987.

In addition, the government of Canada and the governments of Yukon and the Northwest Territories have demonstrated their commitment toward protection and cooperative management of the herd through 30 years of financial and other support of the activities of the PCMB.

The second attached map (Attachment 2) identifies the habitat used by the Porcupine Caribou herd for calving over the past 25 years. Based on this historical scientific migration and movement data, it is clear that substantial portions of the Coastal Plain, specifically the 1002 lands, have consistently been used by the Porcupine Caribou herd as calving grounds. Therefore, the PCMB is extremely concerned about any industrial development in this critical habitat.

Oil and gas development in this area may result in behavioural changes and physiological stress on the herd by affecting important habitat that the herd has historically relied on for calving, post-calving, migration and insect relief. The EIS should, therefore, describe how any proposed development is likely to occur, including all footprints such as access roads, gravel sources, pipelines, and consider how proposed development in the 1002 lands may:

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- (a) impede, delay or disrupt Porcupine Caribou movements, affect behavioural patterns or reduce productivity;
- (b) affect Porcupine Caribou habitat; and
- (c) affect interactions between native users and Porcupine Caribou.

The EIS needs to include a description of the sensitivity of the Porcupine Caribou herd during their calving period, the historic use of the 1002 lands by the Porcupine Caribou herd and the potential impact both on individual caribou and the herd as a whole of not being able to use this area, and how potential effects would impact subsistence users.

The posted notice regarding the public scoping process for a Leasing EIS on the Coastal Plain states that the BLM may hold additional public scoping meetings in other communities if there is strong community interest. The PCMB requests, on behalf of its signatory parties, that meetings be held in Porcupine Caribou user communities in Canada to consider the impacts of development in the core calving area of this shared herd, and how subsistence harvesters may be adversely affected. The signatory parties have already expressed a high level of concern and interest in being included in this process.

Regarding the status of Canadian subsistence users, the PCMB notes that the circumstances of indigenous subsistence users is the same as described in section 801 of the *Alaska National Interest Lands Conservation Act (ANILCA)*, which states:

- the continuation of the opportunity for subsistence uses by rural residents of Alaska, including both Natives and non-Natives, on the public lands and by Alaska Natives on Native lands is essential to Native physical, economic, traditional, and cultural existence and to non-Native physical, economic, traditional, and social existence; and
- the situation in Alaska is unique in that, in most cases, no practical alternative means are available to replace the food supplies and other items gathered from fish and wildlife which supply rural residents dependent on subsistence uses.

The Board also agrees with the intent of section 810 of the ANILCA, which states: in determining whether to withdraw, reserve, lease, or otherwise permit the use, occupancy, or disposition of public lands under any provision of law authorizing such actions, the head of the Federal agency having primary jurisdiction over such lands or his designee shall evaluate the effect of such use, occupancy, or disposition on subsistence uses and needs, the availability of

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other lands for the purposes sought to be achieved, and other alternatives which would reduce or eliminate the use, occupancy, or disposition of public lands needed for subsistence purposes.

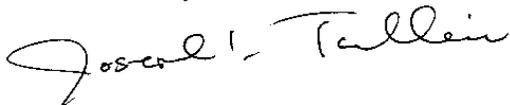
The EIS should therefore consider how oil and gas development in the 1002 lands could be done while still meeting the objectives of the International Agreement, including:

- the conservation section;
- the principle of avoiding or minimizing activities that would significantly disrupt migration or other important behavior patterns;
- of the Porcupine Caribou herd or that would otherwise lessen the ability of users of Porcupine Caribou to use the herd; and
- the direction that when evaluating the environmental consequences of a proposed activity, the parties will consider and analyze potential impacts, including cumulative impacts, to the Porcupine Caribou herd, its habitat and affected users of Porcupine Caribou.

For reference, the attached map shows the extent of the Porcupine Caribou herd's calving areas since 1983 and the proximity of these areas to the 1002 lands, proposed development, and protected areas in the Canadian range of the herd.

The PCMB appreciates the opportunity to highlight these important principles and concerns about the Porcupine Caribou herd and its habitat relative to any potential industrial development within the 1002 lands, Thank you for considering our comments.

Sincerely,

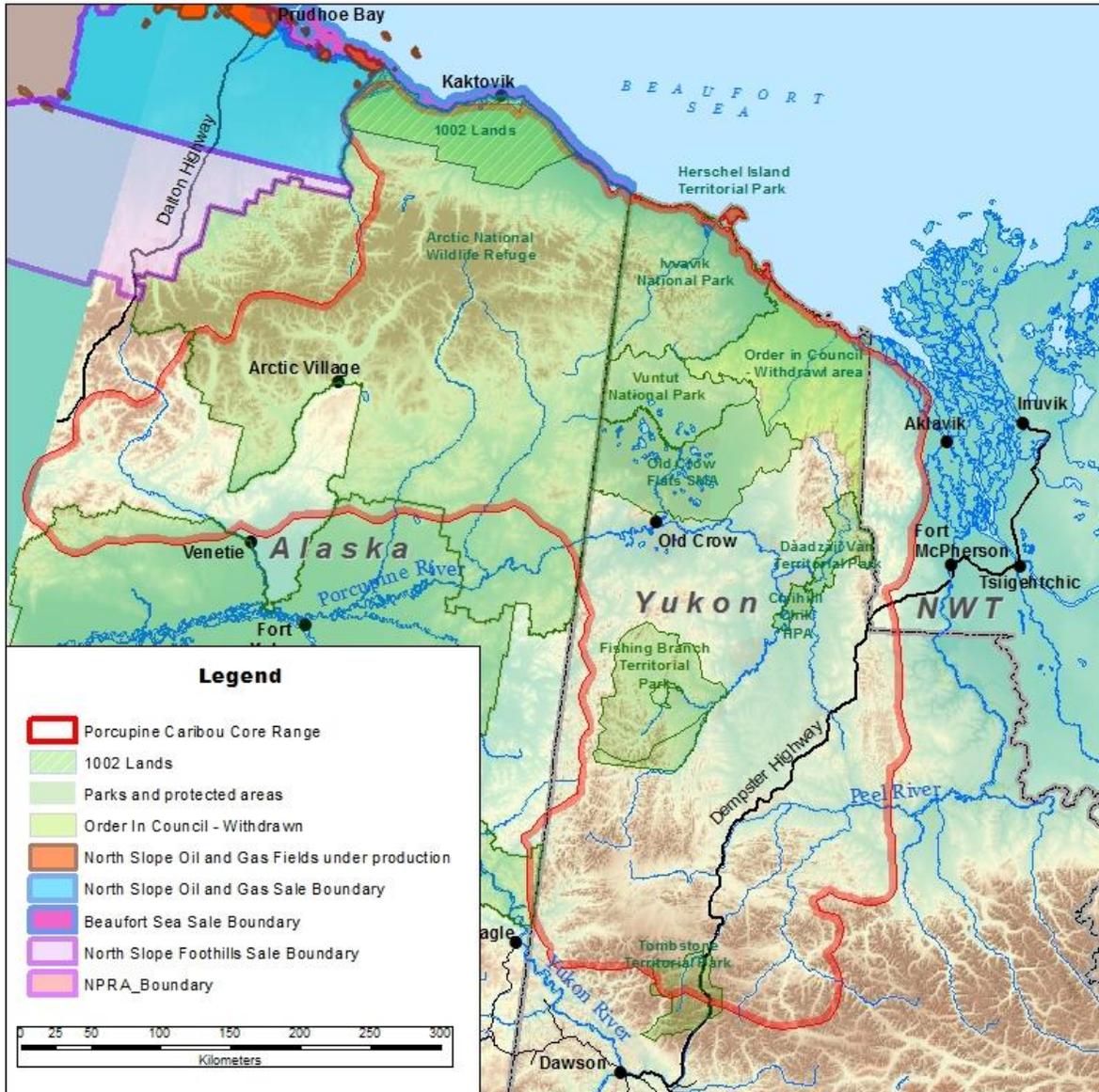


Joe Tetlich
Chair

Attachments (2)



Attachment 1



Attachment 2

