



June 19, 2018

United States Department of Interior  
Bureau of Land Management  
Alaska State Office  
222 W 7th Avenue, #13  
Anchorage, Alaska 99513      **Delivered by email**

**RE: Tr'ondëk Hwëch'in Comment submission (Scoping Phase Comments) Coastal Plain Oil and Gas Leasing Program Environmental Impact Statement**

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The Tr'ondëk Hwëch'in (TH) is one of eleven self-governing Yukon First Nations with comprehensive claims signed with the Governments of Canada and Yukon. We submit this document to the Bureau of Land Management (BLM) Alaska State Office in response to the Notice of Intent to Prepare and Environment Impact Statement (EIS) for the Coastal Plain Oil and Gas Leasing Program, Alaska. The Tr'ondëk Hwëch'in has an interest in this Notice of Intent because much of the wildlife that inhabits the Arctic National Wildlife Refuge (ANWR) is shared with Canada, specifically Yukon and Northwest Territories. A large portion of the Yukon-Alaska border is Tr'ondëk Hwëch'in Traditional Territory, and the northern Yukon shares approximately 190 miles with ANWR itself. Though this national border is invisible to wildlife dependent on its lands, the Tr'ondëk Hwëch'in are concerned about the cascading effects of industrial development on migratory species that cross back and forth between our countries. We ask that the impacts of the Oil and Gas Leasing Program on the Porcupine Caribou Herd be given careful consideration in the scoping of the Environmental Impact Statement.

We draw attention to Alaska's obligations towards the Porcupine Caribou Herd under both its conservation legislation and its international agreement on the Porcupine Caribou Herd:

- The *Alaska National Interests Lands Conservation Act* (ANILCA) section 1005 requires the Secretary of the Interior to consult with the Government of Canada in evaluating impacts of oil and gas exploration on the Porcupine Caribou Herd.

- 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* (IPCA) sets up the International Porcupine Caribou Board (IPCB).
- The signatory parties to the IPCB—United States, Alaska, Canada, Yukon, and Northwest Territories—work together on Porcupine Caribou Herd management and monitoring. This 1987 agreement acknowledges that the Porcupine Caribou Herd regularly migrates between Canada and the United States and that caribou, with their large, migratory barren-ground herds, represent an irreplaceable natural resource of immense value.
- Canada’s counterpart to the IPCB is our own Porcupine Caribou Management Board (PCMB), established in 1985 under the *Porcupine Caribou Management Agreement* between several Canadian territorial and First Nation Governments as well as two Aboriginal comprehensive claim-holder groups. These include the Inuvialuit, Gwitchin Tribal Council, Tr’ondëk Hwëch’in, Vuntut Gwitchin, and Na-Cho Nyäk Dun, who all have identified rights under the national *Porcupine Caribou Management Agreement*.
- The chair of the PCMB holds a Canadian seat on the IPCB.

The degree of attention on the Porcupine Caribou Herd evident in these substantial instruments shows the importance of the caribou to Indigenous Canadian northerners. The right of Indigenous peoples to harvest wildlife species like the Porcupine Caribou are among the rights flowing from the treaties and protected by section 35 of the *Canadian Constitution Act*, 1982. The Porcupine Caribou Herd is fundamental to TH’s culture, traditions, and harvesting rights guaranteed by our Final Agreement. The environmental impacts of industrial activities will affect this herd because the proposed activities overlap with critical habitat for caribou calving, post-calving, and early- and mid-summer foraging.

TH asks to participate alongside the Government of Canada in Alaska’s evaluation processes.

## 1. Porcupine Caribou Herd

### a. PCH Agreements, Treaties, and Co-Management Boards

The Porcupine Caribou Herd (PCH) is one of North America’s largest migratory caribou herds and its range extends from Alaska through Yukon and into the Northwest Territories. TH is committed to conservation and management of the Porcupine Caribou throughout the herd’s entire range. We recognize the importance of this herd to the people and communities that depend on these animals for a healthy source of subsistence food. Protecting the relationship between the people and the herd fosters a connection to the land and facilitates important traditions and culture. Eight communities in Canada are specifically identified through Canadian legislation as user communities of the Porcupine Caribou Herd under the *Porcupine Caribou Management Agreement*. In several communities, caribou are the primary food, and in all communities these caribou provide nutritious traditional sustenance and contribute to food security.

In Canada, the harvest and management of the herd is a collaborative effort between Indigenous and non-Indigenous governments. User communities receive guidance and recommendations from the Porcupine Caribou Management Board (PCMB). 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* (IPCA) acknowledges that the Porcupine Caribou Herd regularly migrates between Canada and the United States and that caribou, with their large, migratory barren-ground herds, represent an irreplaceable natural resource of immense value. Each generation has the responsibility to maintain this herd and ensure sustainable management decisions are made.

The International Porcupine Caribou Board has highlighted the importance of the 1002 area of ANWR as a caribou birthing and rearing area, critical for the well-being of the herd and Canadian user groups (IPCB 1993). Through the Porcupine Caribou Technical Committee, federal, state, and territorial representatives in Alaska, Yukon, and Northwest Territories work to advance scientific research and monitoring of the herd. TH considers information prepared, presented, and promoted by either the Board or Technical Committee to be an unbiased and highly informed perspective on the needs of the Porcupine Caribou herd.

*b. Subsistence harvest*

The PCMB provides the detailed PCH harvest rights of specific Indigenous peoples in Canada. The subsistence needs and rights protected under various modern land claims and agreements obliges Yukon and Canadian governments to ensure First Nations subsistence needs are fully met. These provisions complement the provisions for subsistence rights in both the 1987 treaty (ICMA) and ANILCA.

From TH's perspective, subsistence harvest must be incorporated into the EIS. It is estimated that Canadian users harvest between 4,000–6,000 caribou annually. In most years this harvest accounts for 85% of the total harvest. Canadian user groups, largely Indigenous, are the primary harvesters of this herd and will lose the most from impacts on the herd. It is important to TH that the EIS consider project effects impacting the subsistence rights of Inuvialuit and Yukon First Nation people in the socio-economic analysis.

*c. Environmental Effects on Porcupine Caribou*

TH asks that the EIS examine the following data, research, and sources.

- Baseline descriptions of Porcupine Caribou including:
  - Population cycle, growth rate, cohort survival, and health,
  - Location of sensitive habitats within the Coastal Plain including calving, post-calving, and early- and mid-summer habitats,
  - Timing and use of sensitive habitats, including inter-annual variability in use and the changing role of sensitive habitats during a severe population low,
  - Annual movement ecology and migration routes, and
  - Mineral licks.
  
- Literature related to impacts of industrial development on barren-ground herds.

- Direct and functional habitat loss and sink habitat,
- Calf survival,
- Health effects (energetic costs, disease susceptibility, and chronic stress),
- Cumulative effects and integration of impact pathways, and
- The limitations of using scientific literature from other barren-ground herds when considering environmental effects to Porcupine Caribou.
- Technical reports developed by the Porcupine Caribou Technical Committee.

Regarding environmental impacts with the potential to affect TH subsistence harvesting rights, we ask the EIS to research the following issues:

- The negative impact of environmental disturbance in critical caribou habitat on the survival and persistence of a herd,
- The chronic stress and energetic costs and threats to health caused by industrial activity in the herd's range.
- Cumulative effects associated with increased disturbance and decreased habitat quality, and
- Recommendations for strong environmental protection measures for vulnerable species known to exhibit sensitive life-history requirements.

In the EIS scoping of matters listed above, the relationship each of these factors have to TH (and others') subsistence harvesting rights will become clear.

## 2. Species of Special Concern

TH recommends that the EIS consider impacts to northern species of special concern that migrate between Yukon and Alaska, and whose ecology relies on the Porcupine Caribou herd.

### *a. Grizzly Bear and Wolverine*

Grizzly bear and wolverine are classed as a species of special concern by the Committee on the Status of Endangered Species in Canada. The EIS should consider the following:

- Assessment of denning habitat quality,
- Use of the area, in all seasons of the year,
- Assessment of known human-caused mortality of grizzly bear in the area,
- Assessment of the effective loss of habitat for grizzly bear within the zone of influence of infrastructure. An assessment of these potential effects needs to be carried out at a scale (recommended watershed units of about 300 km<sup>2</sup>) appropriate to the multi-annual home range sizes of female bears, and
- Potential for development in Coastal Plain to create a population sink for grizzly bear and wolverine.

### *b. Risks to an intact ecosystem*

The EIS should consider estimates for alterations that may occur to this intact environment/ecosystem including potential impacts to resident or migratory species that inhabit

this area. For example, marine mammals may become vulnerable to increased predation by predators such as grizzly bear or wolverine. The EIS could review research that has assessed changes to predator-prey dynamics when a critical food source, such as caribou, is removed or reduced from the ecosystem.

Additionally, please consider the following:

- Risks and impacts of malfunctions associated with oil and gas exploration and the significance of those impacts,
- Cumulative effects of this proposed development on key species (in relation to existing natural and anthropogenic stressors),
- A complete description of the use and importance of the coastal plain in ANWR to each life stage of each species, during each season of the year, and across multiple years (preferably decades, such as on the scale of time as major climate forcing cycles such as the Pacific Decadal Oscillation). Descriptions should include scientifically defensible methods of delineation and rating of areas for importance.
- An examination of how spatial and temporal use by a species may change in the future with predictive changes to spring snow melt, precipitation, temperature, permafrost, offshore ice conditions and extent (as it influences onshore use by marine species) as well as plant phenology and other changes that are being recorded for the arctic,
- A comprehensive, up-to-date review of the potential impacts and suggested mitigations,
- Changes to predator-prey dynamics, and
- Species-specific zones of influence of various infrastructure and barriers to movement.

In conclusion, TH believes oil and gas exploration and development in the Coastal Plain of ANWR risks adverse environmental and socio-economic effects to the area and the iconic species that inhabit these lands. TH will continue to work with our Canadian and Alaskan counterparts to provide technical support and traditional knowledge that will assist the BLM in this EIS. We urge state and federal governments to take a comprehensive approach to assessing the impact of industrial development on the survival of the Porcupine Caribou Herd. We invite you to bring these discussions to Whitehorse, Yukon, or Inuvik, Northwest Territories, so you may hear Canadian perspectives and meet with affected governments and groups on this side of the border. Northern First Nations and Inuvialuit are dependent on this herd as a main source of healthy, traditional food.

We thank the BLM for considering these comments and our concerns and hope the Tr'ondëk Hwëch'in's participation will be included alongside Canada's in your discussions. Our staff will monitor the Coastal Plain Oil and Gas Leasing program as it continues through the process.

Sincerely,

A handwritten signature in black ink, appearing to read 'Roberta Joseph', written in a cursive style.

Chief Roberta Joseph  
Tr'ondëk Hwëch'in