



October 08, 2020

Secretary David Bernhardt  
U.S. Department of the Interior  
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WASHINGTON DC US 20240  
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Dear Secretary Bernhardt:

**Government of the Northwest Territories' Comments on the Record of Decision for the Coastal Plain Oil and Gas Leasing Program and Record of Decision [DOI-BLM-AK-0000-2018-0002-EIS]**

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The Government of the Northwest Territories (GNWT) promotes and supports a balanced and sustainable approach to development that supports our goal to manage and conserve wildlife, and protect and provide for the health and well-being of the people of the Northwest Territories (NWT). In addition, the GNWT is party to the Canadian *Porcupine Caribou Management Agreement*, and is represented on the *International Porcupine Caribou Board*. As such, the GNWT has a responsibility to support the stewardship and conservation of the Porcupine Caribou herd and protection of subsistence harvest by Gwich'in and Inuvialuit people in the NWT.

On August 17, 2020, the Bureau of Land Management (BLM), Alaska, released the Record of Decision (ROD) related to the Final Environmental Impact Statement (EIS) for the Coastal Plain Oil and Gas Leasing Program (September 12, 2019). The GNWT previously reviewed and provided comments on the Draft EIS on March 12, 2019. The GNWT finds that many of the concerns and issues raised in our March 12, 2019 submission on the draft EIS were not adequately address in the Final EIS or ROD.

In our submission, the GNWT stated that a supplemental EIS was required to fully address several concerns in the draft EIS. The decision to not complete a supplemental EIS and to choose Alternative B, which opens all of the coastal plain to oil and gas development, does not ensure that proposed activities are sustainable for the shared Porcupine Caribou herd. Alternative B was not the preferred option of the Canadian federal, territorial and Indigenous governments and organizations that provided submissions during the environmental assessment of the Coastal Plain Oil and Gas Leasing Program. The Final EIS fully recognized Alternative B “allows more development in the Porcupine Caribou herds calving areas, and there would be more potential obstacles to movement in post-calving areas of use” (3-159) and “had the greater impact on the PCH” (3-246). While recognizing the direction provided in the *Tax Cut and Jobs Act* (PL 115-97), the GNWT believes the selection of a different alternative would provide for a more balanced and sustainable approach to development.

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The GNWT raised three key areas of concern in our submission on the draft EIS which remain largely unaddressed:

- There has been insufficient analysis to determine potential impacts to the Porcupine Caribou herd, and it is unclear how the requirements of the 1987 international agreement were considered,
- Consultation and assessment of the impacts of the proposed leasing program on subsistence use by Indigenous Peoples in Canada has been inadequate, and
- Limited evidence was provided around the effectiveness of mitigation, which leaves uncertainty regarding impacts and requires additional work to address.

The GNWT continues to support the position of the Gwich'in and Inuvialuit in the NWT regarding the potential impacts of the proposed leasing program to the Porcupine Caribou herd. From the GNWT's perspective, opening the Arctic National Wildlife Refuge to oil and gas development is a decision that requires careful consideration to reduce potential impacts on this shared herd.

The GNWT does not believe that the Final EIS and ROD adequately address concerns raised by the GNWT or others during the review of the Draft EIS. As stated in the EIS and ROD, the "cumulative case results in a level of effects that "may significantly restrict" subsistence uses" in Kaktovik (ROD p. 25). The EIS further states "Impacts on resource availability may be most pronounced for communities that do not experience increased income associated with the oil and gas development" (final EIS Section 3-246) which would include all subsistence users in Canada. The GNWT believes there has been inadequate consultation and consideration of impacts to Canadian Indigenous users, and the level of impacts from Alternative B to Gwich'in and Inuvialuit in Canada would be significant and unacceptable.

The GNWT remains committed to co-operatively managing the Porcupine Caribou herd and its habitat within Canada and across its range in accordance with the formal agreement between Canada and the United States. The GNWT strongly urges the BLM to reconsider the decision for the Coastal Plain Oil and Gas Leasing Program.

If you have any questions, please contact Dr. Erin Kelly, Deputy Minister, Department of Environment and Natural Resources [Erin.Kelly@gov.nt.ca](mailto:Erin.Kelly@gov.nt.ca) or 867-767-9055 ext. 53000.

Sincerely,



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