



October 4<sup>th</sup>, 2021

Attention- Coastal Plains EIS  
Leasing Program Environmental Impact Statement  
Bureau of Land Management – Alaska Office  
Department of the Interior  
222 West 7<sup>th</sup> Avenue, Stop #13  
Anchorage, Alaska 99513

### **Scoping Phase Comments – Supplemental Environmental Impact Statement for the Coastal Plain Oil and Gas Leasing Program**

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This letter is in response to the publication on August 4, 2021 by the Bureau of Land Management (BLM) of the Department of Interior for a Notice of Intent (NOI) to prepare a Supplemental Environmental Impact Statement (SEIS) to implement an oil and gas leasing program within the area defined as the "Coastal Plain" of the Arctic National Wildlife Refuge (ANWR). Issuance of the NOI initiates a public scoping process for the SEIS. I understand from the text of the NOI that, "(t)he purpose of the scoping process is to determine the scope of issues to be addressed and to identify the significant issues related to implementing an oil and gas leasing program within the Coastal Plain." The significant issue pertaining to this proposed program is the serious, direct threat that a decision to implement an oil and gas leasing program will pose to the birthing and calving ground of the Porcupine Caribou Herd that lie within the Coastal Plain region of the ANWR.

#### *Impact of Oil and Gas Leasing on the Coastal Plain to the Porcupine Caribou Herd*

The Gwich'in Tribal Council (GTC) in the Northwest Territories of Canada and the broader Gwich'in Nation in the Yukon and Alaska seek permanent protection of the calving grounds of the Porcupine Caribou Herd. We oppose any development within the ANWR due to the important role of the calving grounds in the conservation of the Porcupine Caribou. The Gwich'in people have consistently expressed this vehement opposition since the 1988 Gwich'in Gathering. This is because of the central role of the continued health of the Porcupine Caribou Herd in the physical, spiritual, and cultural survival of the Gwich'in people along the migration route in Alaska and the Yukon and Northwest Territories of Canada. Assessing the impact of the proposed oil and gas leasing program on the health and vibrancy of the Porcupine Caribou and on maintenance of the health and vibrancy of the associated subsistence, spiritual and cultural dimensions of the Gwich'in traditional lifestyle is the central "impact" issue to be addressed by the BLM in its assessment of the SEIS.

#### *Types of Information to be Included and Analyzed in the SEIS*

In addition to identifying the key issues to be addressed in the SEIS, the scoping process is also intended to solicit indications of the types of information that should be included and analyzed. There are several important types of information that the GTC believes should be included in the scoping analysis. They include the following:

1. **Subsistence Resources and Lifestyle.** It is likely an adverse impact will occur from the oil and gas leasing program on the subsistence resources and associated lifestyle and culture of the Gwich'in people that is inextricably linked to the Porcupine Caribou Herd. This is of vital importance for the subsistence

Tel: (867) 777-7900 • Fax: (867) 777-7919

Chief Jim Koe Zheh, 1-3 Council Crescent, PO Box 1509, Inuvik NT Canada X0E 0T0

Website: [www.gwichintribal.ca](http://www.gwichintribal.ca)



and culture of the Gwich'in people whose territory mirrors the annual migration route of the Porcupine Caribou Herd in the United States and Canada. Detailed assessment is required on the likely effect(s) of the proposed leasing program on the Porcupine Caribou and the corresponding subsistence-based and related lifestyle of Indigenous Nations such as the Gwich'in;

2. **Indigenous or Traditional Knowledge (ITK).** In assessing the potential and likely impact of the proposed oil and gas leasing program it is essential that the SEIS place as much analytical weight and emphasis on recorded Indigenous and traditional knowledge (ITK) about the Porcupine Caribou Herd, as is placed on "western" or "scientific knowledge." There are gaps at present between the existing body of recorded ITK on the Porcupine Caribou Herd and the scope of knowledge that is needed to fully employ ITK alongside western or scientific knowledge in the analysis of the effect of oil and gas leasing on the species. The GTC is undertaking a gap analysis of ITK on the Porcupine Caribou and plans to undertake primary research to fill these gaps on a priority basis. This updated and recorded Porcupine Caribou ITK is information that must be considered and be given equal weight to available scientific knowledge in the assessment of the impact of the proposed leasing program;

3. **Canada-U.S. Agreement.** An important "type of information" that must be considered in the SEIS is 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 (the "Agreement"). In Section 3 of the Agreement it states that "a. the Parties will take appropriate action to conserve the Porcupine Caribou Herd and its habitat [and] g. when evaluating the environmental consequences of a proposed activity, the Parties will consider and analyse potential impacts, including cumulative impacts, to the Porcupine Caribou herd, its habitat and affected users of Porcupine Caribou." Clearly, the SEIS must consider the Agreement and the implications of the proposed Coastal Plain Leasing Program on the U.S. Government's fulfillment of its commitments under this Agreement;

4. **Draft EIS Public Comment Period.** There is a minimum forty-five (45) day public comment period following the "Notice of Draft Environmental Impact Statement (EIS)." Given the need to close the gap between existing and required Porcupine Caribou ITK primary research and the fact that this research will be conducted this summer, it will be important for the BLM to extend the length of the post issuance of the draft EIS public comment period, to ensure that the most current Porcupine Caribou primary ITK knowledge research is available for consideration and analysis in the finalization of the SEIS;

5. **Balancing Act Analysis -Subsistence Resources and Users and Oil and Gas Development.** The NOI regarding initiation of a public scoping process for the SEIS states that, "The SEIS will serve to inform BLM's implementation of Section 20001 of Public Law 115-97", including the potential designation of "certain areas of the Coastal Plain as open or closed to leasing; permit less than 2,000 acres of surface development throughout the Coastal Plain; prohibit surface infrastructure in sensitive areas; and otherwise avoid or mitigate impacts from oil and gas activities." It may also inform post-lease activities, including seismic and drilling exploration, development, and transportation of oil and gas in and from the Coastal Plain. The inferred aim is to properly balance oil and gas development with existing uses and conservation of surface resources. There is reference in the NOI to the fact that the BLM "will consider subsistence resources and users, as well as potential actions to minimize adverse impacts." The NOI makes no explicit reference, however, to these considerations being part of the balancing act analysis that the BLM will undertake regarding the effect of oil and gas leasing in the ANWR. Assessment of the effect of the proposed

**Gwich'inat Eenjit**  
**Gàdatr'igwijiłcheii Gidilii**

*Gwich'in nan, nakhwek'yüu ts'at gwitr'it  
tthak nakhwidavee gwiheezàa eenjit*



**Gwich'in Tribal Council**

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leasing program on subsistence resources and users must be a central part of the balancing act analysis undertaken by the BLM in preparation of the SEIS.

Hai' (thanks) for the opportunity to share remarks on the NOI for the SEIS scoping process and for providing a platform through which to express our views concerning the grave threat that proceeding with the proposed oil and gas leasing program on the Coastal Plain of ANWR poses to the Porcupine Caribou Herd and its calving and birthing grounds. I look forward to continuing to engage in the SEIS process and trust that our concerns and suggestions will be given the due and careful consideration that it deserves.

Regards,

Ken Kyikavichik  
Grand Chief

Tel: (867) 777-7900 • Fax: (867) 777-7919

Chief Jim Koe Zheh, 1-3 Council Crescent, PO Box 1509, Inuvik NT Canada X0E 0T0

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