



October 4, 2021

Bureau of Land Management, Alaska State Office
Attention: Coastal Plain Supplemental EIS
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This is a submission from the Government of Canada (Canada) in response to the “Notice of Intent To Prepare a Supplemental Environmental Impact Statement (EIS) for the Coastal Plain Oil and Gas Leasing Program, Alaska” published in the U.S. Federal Register on August 4, 2021.

Canada previously submitted detailed and lengthy comments and concerns in all aspects of the previous EIS process (scoping, draft EIS, final EIS), and these remain on the public record on the NEPA register for this development plan. Canada explicitly requested a supplemental EIS (SEIS) be prepared to address information deficiencies and is pleased to provide input to the scoping process for this SEIS.

Canada remains concerned about the potential transboundary impacts of oil and gas exploration and development authorized for the Arctic National Wildlife Refuge (ANWR) Coastal Plain, including impacts on shared species that migrate between our countries, as well as impacts on our Indigenous peoples, including their customary and traditional use of Porcupine Caribou. Canada remains particularly concerned that oil and gas exploration and development (including pre- and post-lease activities such as seismic and drilling exploration, and transportation of oil and gas from the Coastal Plain) will negatively affect the long-term reproductive success of the Porcupine Caribou herd. This may occur by causing behavioral changes and physiological stress, and by affecting the habitat that the herd relies on for calving, post-calving, migration and insect relief.

Canada and the United States have a long and successful history of cooperation and coordination for activities that can have transboundary impacts. Our four agreements relating to migratory species form the basis for our comments:

- Porcupine Caribou (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* (Porcupine Caribou Agreement));
- Polar bears (the multilateral *1973 Agreement on the Conservation of Polar Bears*, and the *2008 Memorandum of Understanding between Environment and Climate Change Canada and the United States Department of the Interior for the Conservation and Management of Shared Polar Bear Populations*); and

- Migratory birds (the *1916 Convention for the Protection of Migratory Birds in the United States and Canada*).

In terms of the Porcupine Caribou herd, our countries have recognized under the Porcupine Caribou Agreement the importance of cooperation and coordination for the long-term conservation of the herd and its habitat, a shared natural resource. While Canada welcomes the opportunity to contribute to the SEIS process, it nevertheless views the process as distinct and separate from the treaty-based mechanisms for cooperation and consultation that Canada and the United States have concluded to protect migratory species. Canada would therefore request that the United States also engage Canada bilaterally throughout the SEIS process.

Scoping Input

- Consistent with established National Environmental Policy Act (NEPA) practice, we expect that the SEIS process will further consider transboundary impacts, with particular consideration for impacts on the Porcupine Caribou herd and other shared migratory species. This was a significant shortcoming of the previous EIS process that Canada noted in each of our previous written submissions.
 - Canada requests that public information sessions be held (format to be determined) specifically for affected people in Canada during the SEIS process, consulting directly with the affected Indigenous governments in Yukon and Northwest Territories. This remains an outstanding commitment from our bilateral meeting with former Department of the Interior Assistant Secretary Joe Balash in May 2019.
- The previous EIS contained little quantitative analyses or predictions of impacts of the proposed options and actions on caribou, polar bears, migratory birds, or other species. Given the relatively rich data sets for those species, the scientific summary that Canada submitted on Porcupine Caribou¹, and the draft U.S. Fish and Wildlife Service analyses for an incidental harm authorization for polar bears, Canada requests the SEIS have quantitative or semi-quantitative analyses for impact predictions for key species, including clearer comparisons to the no action alternative / baseline state.
- Canada looks forward to seeing a wider range of project alternatives that further consider conservation values, the stated goals within our four agreements, and Refuge purposes in relation to development options. In particular, alternatives that meet only the minimum requirements of the statutory obligations for a leasing program deserve wider consideration.
- All activities that would normally be a part of, or allowed under, an oil and gas leasing program should be assessed in the effects analyses, foreseeable

¹ Vulnerability analysis of the Porcupine Caribou Herd to potential development in the 1002 lands in the Arctic National Wildlife Refuge, Alaska (2019), on the NEPA public registry.

development and leasing alternatives. Notably, the effects of seismic exploration, including the cumulative effects on the habitat, the species, and the Indigenous users, was excluded from the previous EIS.

- In addition to reviewing the lease stipulations and required operating practices, Canada requests additional detailed analyses on the effectiveness of the prescribed mitigations. Many mitigations have never been properly assessed (even when data could be made available for analyses). Canada is aware of new research that is being completed or is currently underway that could help inform the effectiveness question once it is completed.
 - As a part of the above review, Canada requests review of a reduction in the discretionary authority to vary stipulations and required operating practices (as noted in the United States Government Accountability report GAO-17-307), in order to more concretely inform the impacts of mitigation.
 - A common reason mitigation effectiveness is so difficult to determine is because of the lack of a Before-After-Control-Impact design to test mitigations. Consideration for requiring certain pre-development data collection for effectiveness testing should be made.
- The analytical criteria used to define core calving and post-calving criteria should be reconsidered by consulting with the Porcupine Caribou Technical Committee. This definition will better delineate overlap of oil and gas leasing, exploration, development, and other activities on the Porcupine Caribou herd.
- The future value of the coastal plain to caribou and polar bears should factor into the impact analyses. Polar Bears have already been documented to be increasing their use of the coastal plain through time, with additional increases expected. A recent paper² predicts that the value of the coastal plain to caribou will also increase in the future.
 - In general, the SEIS should cite the most recent literature.
- Clarity of what is, or is not, counted toward the 2,000 acre limit should be described in the SEIS, and the definition should not change between the draft EIS, final EIS, and record of decision. This includes a clearer understanding of what counts as reclaimed disturbance (i.e. standards of reclamation), versus what would be considered a permanent disturbance (i.e. it cannot be reclaimed, or there has been no evidence from the North Slope of successful reclamation).
- Canada requests a detailed explanation how the new development alternatives will fulfill the treaty obligations of the Porcupine Caribou Agreement noted above, including fulfilling the Purpose as well as the applicable clauses including the conservation clauses of section 3.

² Severson et al. 2021, DOI: 10.1111/gcb.15682

To help ensure the SEIS contains the best analyses, Canada is pleased to provide data relevant to the SEIS process and welcomes requests for such data from the United States. Canada would also like to note that the International Porcupine Caribou Board, formed under the Porcupine Caribou Agreement, is a key bilateral mechanism to advise the Governments of Canada and the United States on the impact of proposed development in the Coastal Plain and to share information and consider actions for the conservation of the herd and its habitat. Canada continues to hold the view that advice to the Parties on this matter is central to the role of the Board in supporting the treaty and will continue to welcome advice from the Board.

Canada appreciates the opportunity to provide input into the scoping process for the Supplemental EIS for the Coastal Plain Oil and Gas Leasing Program and thanks the Bureau of Land Management for considering these aspects throughout the process. We look forward to collaboration and consultation throughout the SEIS process.

Sincerely,

Eric Walsh
Director General
North America Bureau