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United States Department of Interior
Bureau of Land Management
Alaska State Office
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ANCHORAGE ALASKA 99513-7599

Government of the Northwest Territories' Comments on the Scoping of the Supplemental Environmental Impact Statement for the Coastal Plain Oil and Gas Leasing Program (DOI-BLM-AK-0000-2021-0006-EIS)

The Government of the Northwest Territories (GNWT) promotes 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). The GNWT has an interest in the public scoping process of the Supplemental Environmental Impact Statement (EIS) for the Coastal Plain Oil and Gas Leasing Program (DOI-BLM-AK-0000-2021-0006-EIS), as species that have large home ranges and/or undergo large seasonal migrations, such as polar bears from the Southern Beaufort Sea subpopulation and Porcupine Caribou, inhabit both the Arctic National Wildlife Refuge and the NWT. In addition, the GNWT is party to the *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 herd and protection of subsistence harvest by Gwich'in and Inuvialuit people in the NWT. These goals and responsibilities are the basis for the GNWT's participation in the review of the Coastal Plain Oil and Gas Leasing Program.

On October 08, 2020, the GNWT wrote to Secretary Bernhardt to raise our concern with the Record of Decision for the Coastal Plain Oil and Gas Leasing Program and reiterate our recommendation that a Supplemental EIS be prepared in order to address our key areas of concern with the draft EIS. These concerns were:

- Consultation with Canadian Indigenous subsistence users on the proposed leasing program has been inadequate,
- Assessment of the impacts of the proposed leasing program on subsistence use by Indigenous Peoples in Canada has been inadequate,
- 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, and
- Limited evidence was provided around the effectiveness of mitigation, which leaves uncertainty regarding impacts and requires additional work to address.

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The GNWT is pleased that Supplemental EIS will be prepared. The GNWT offers the following comments for the Bureau of Land Management's (BLM's) consideration.

The Notice of Intent to Prepare a Supplemental EIS for the Coastal Plain Oil and Gas Leasing Program, Alaska (the Notice) states that "The Supplemental EIS will evaluate impacts to various surface resources including, but not limited to, caribou, polar bears, birds, vegetation, and surface waters including wetlands, as well as to other uses of the Coastal Plain, including subsistence uses." The Notice also states that the Supplemental EIS will consider potential new alternatives, including those that would "designate 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." The GNWT supports the assessment of those surface resources and other uses and the consideration of those potential new alternatives outlined in the Notice. The GNWT recommends that the Supplemental EIS also:

- Describe if and how the Gwich'in Tribal Council, the Inuvialuit Regional Corporation, and the Inuvialuit Game Council have been consulted and how information from these parties have been incorporated into the Supplemental EIS. The EIS noted on page 3-230 that "The most recent data that compare PCH [Porcupine Caribou herd] harvests between the US and Canada from 1992 to 1994 (the last time that harvest data were compiled for PCH user groups in Alaska and Canada) indicate that Canadian users accounted for 85 percent of the harvest, and Alaska users were 15 percent of the harvest". Information from these Canadian users is essential to informing the Supplemental EIS.
- Assess the impacts to all subsistence uses of the Coastal Plain, including the cultural, subsistence, and social relationships of Canadian Indigenous peoples with the Porcupine Caribou herd, as the Porcupine Caribou are a highly valued traditional, cultural and subsistence resource for NWT communities in the Gwich'in Settlement Area and Inuvialuit Settlement Region of the NWT.
- Require mitigations to ensure that actions are taken to mitigate potential impacts on those who harvest Porcupine Caribou for subsistence in the NWT.
- Contain an analysis to determine if and how the project fulfills the *1987 Agreement between the United States of America and the Government of Canada on the Conservation of the Porcupine Caribou Herd* (IPCA). Specifically, the Supplemental EIS should clarify how the conclusions of the Supplemental EIS meet clauses 2a-d, 3b, and 3e-g of the IPCA.
- Contain a qualitative cumulative impacts assessment that includes all threats to the Porcupine Caribou herd, including activities across the entire range. Appropriate mitigation and monitoring should also be identified.

- Recognize the shared nature of polar bears with Canadian users and assess the potential impacts of the different alternatives on polar bears and their subsistence use by both the Inupiat and Inuvialuit.
- Recognize the listing of polar bears under the US *Endangered Species Act* and the subsequent identification of critical habitat which includes lands within 32 km of the northern coast of Alaska between the US-Canadian border and the Kavik River, and identify mitigation and monitoring that will be put in place to ensure oil and gas development does not destroy critical habitat for polar bears.
- Undertake a modeling exercise that looks at the different alternatives and the potential impacts to polar bears and the critical habitat, as identified under the US *Endangered Species Act*.
- Consider approaches to mitigate impacts on polar bears, including climate models and the predictions of sea ice change, increased denning on land, and potential for increased stress to the subpopulation in the future.
- Consider all aspects of the proposed lease sale (including exploration (including exploratory seismic), drilling, and operations including need for pipelines, transportation corridors, and access) when evaluating potential impacts to wildlife.
- Consider restricting the offering of certain tracts of land based on known and projected use of the area by key wildlife species, including Porcupine Caribou and polar bears. The GNWT provided information to the BLM on December 17, 2020 regarding polar bear and Porcupine Caribou herd frequency of use of individual tracts of land that were potentially to be offered for lease on January 6, 2021. The BLM could refer to that information when considering which tracts of land could be offered for future lease sales.
- Provide evidence that proposed mitigations will be effective. Any proposed mitigation or monitoring plan should be designed for the entire duration of the project from pre-construction to reclamation, provide information for effective mitigation and adaptive management, and be inclusive of all parties with a management authority.
- Consider the effects of reasonably foreseeable future development as a result of this area being made accessible.
- Consider alternatives that consist of the minimum amount of land allowed for under section 20001(c) of Public Law 115-97 and that consists of only two lease sales, provides certainty on which tracts of land will be put up for lease and prohibit seismic activity on tracts of land that will not be considered for leasing.

The GNWT also recommends that the BLM consider the following information sources when drafting the Supplemental EIS:

- Inuvialuit Harvest Study http://www.screeningcommittee.ca/pdf/harvest_study.pdf
- Gwich'in Harvest Study [https://www.grrb.nt.ca/pdf/GHS/Harvest Study Report FINAL09Web.pdf](https://www.grrb.nt.ca/pdf/GHS/Harvest_Study_Report_FINAL09Web.pdf)
- Gwich'in Words about the Land
Nành' Kak Geenjit Gwich'in Ginjik (Gwich'in Words About the Land). Gwich'in Elders. 1997
- Aklavik Local and Traditional Knowledge about Porcupine Caribou 2009
<https://wmacns.ca/resources/?search=aklavik+local+porcupine&category=&topics>
- Braund, S.R, P.B. Lawrence, E.G. Sears, R.K. Schraer, E.V. Regehr, B. Adams, R.T. Hepa, J.C. George, and A.L. Von Duyke. 2018. Polar Bear TEK: A Pilot Study to Inform Polar Bear Management Models. North Slope. Borough Department of Wildlife Management, Research Report NSB.DWM.RR.2018-01. Utqiagvik, Alaska USA.
- Durner, G.M., Amstrup, S.C., and Ambrosius, K.J. 2006. Polar Bear Maternal Den Habitat in the Arctic National Wildlife Refuge, Alaska. *Arctic*. 59(1): 31-36.
- Joint Secretariat. 2015. *Inuvialuit and Nanuq: A Polar Bear Traditional Knowledge Study*. Joint Secretariat, Inuvialuit Settlement Region. 304 pp.
- Natcher, David, Tobi Maracle, Glenna Titlich and Norma Kassi, 2017. Maintaining Indigenous Traditions in Border Regions of Northern Canada. In Robert Bone and Robert Anderson (eds.), *Indigenous Peoples and Resource Development in Canada*. Ontario: Captus Press: 262-280;
- Russell, D., and A. Gunn. 2019. Vulnerability analysis of the Porcupine Caribou Herd to potential development of the 1002 lands in the Arctic National Wildlife Refuge, Alaska. Report prepared for: Environment Yukon, Canadian Wildlife Service, and GNWT Department of Environment and Natural Resources. 143 pp.
- Russell, D., A. Gunn, and R. White. 2021. A decision support tool for assessing cumulative effects on an Arctic migratory tundra caribou population. *Ecology and Society* 26(1):4. <https://doi.org/10.5751/ES-12105-260104>
- Severson, J. P., Johnson, H. E., Arthur, S. M., Leacock, W. B., & Sutor, M. J. (2021). Spring phenology drives range shifts in a migratory Arctic ungulate with key implications for the future. *Global Change Biology*, 00, 1–18. <https://doi.org/10.1111/gcb.15682>
- Smith, T.S., S. Amstrup, G. York, B.J. Kirschhoffer. 2020. Efficacy of aerial forward-looking infrared surveys for detecting polar bear maternal dens. *PLoS One*, 15(2). DOI: 10.1371/journal.pone.0222744.

- Voorhees, H., R. Sparks, H.P. Huntington, K.D. Rode. 2014. Traditional Knowledge about Polar Bears (*Ursus maritimus*) in Northwestern Alaska. *Arctic*. Vol. 67, NO. 4 (December 2014), P. 523-536.
- Walker, D. A., M. T. Jorgenson, M. Kanevskiy, A. K. Liljedahl, M. Nolan, M. K. Reynolds, and M. Sturm. 2019. Likely impacts of proposed 3D-seismic surveys to the terrain, permafrost, hydrology, and vegetation in the 1002 Area, Arctic National Wildlife Refuge, Alaska. Alaska Geobotany Center Publication AGC 19-01. University of Alaska Fairbanks, Fairbanks, Alaska, USA

If you have any questions, please contact Erin Kelly, PhD., Deputy Minister, Department of Environment and Natural Resources at Erin.Kelly@gov.nt.ca or 867-767-9055 ext. 53000.

Sincerely,



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