



November 07, 2023

United States Department of Interior
Bureau of Land Management
Alaska State Office
222 W 7TH AVENUE, #13
ANCHORAGE ALASKA 99513-7599

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

In response to the Department of the Interior's Bureau of Land Management (BLM) request for public comment on the draft Supplemental Environmental Impact Statement (SEIS) for the Coastal Plain Oil and Gas Leasing Program (the Program), Alaska [DOI-BLM-AK-0000-2021-0006-EIS], please find enclosed the Government of the Northwest Territories' (GNWT) submission. This letter and the attached recommendations are for the BLM's consideration in drafting the final Environmental Impact Statement (EIS) and Record of Decision (ROD).

The GNWT has an interest in the Program, as species with large home ranges and which undergo large seasonal migrations, such as polar bears from the Southern Beaufort Sea subpopulation and the Porcupine Caribou Herd (PCH), have ranges that include both the Arctic National Wildlife Refuge (ANWR) and the Northwest Territories (NWT).

The GNWT promotes a sustainable and balanced approach to development, in line with its goal to manage and conserve wildlife and protect the health and well-being of the NWT residents. As a party to the Canadian *Porcupine Caribou Management Agreement* (PCMA), the GNWT has a responsibility to support the stewardship and conservation of the PCH and protect the subsistence harvest by Gwich'in and Inuvialuit people in the NWT.

.../2

Canada and the United States have a long history of collaborative management and conservation of shared resources through treaties and agreements such as:

- 1987 international *Agreement between the Government of Canada and the Government of the United States on the Conservation of the Porcupine Caribou Herd (IPCA)* 1
- *Convention for the Protection of Migratory Birds in the United States and Canada.*
- 1973 *Agreement on the Conservation of Polar Bears* signed by all five range states.
- Participation as technical advisors in the *Inuvialuit-Inupiat Polar Bear Management Agreement in the Southern Beaufort Sea* first signed in 1988.

The GNWT acknowledges the BLM's efforts to explore alternatives beyond those presented in the 2019 EIS to reduce the identified potential adverse impacts of the Program on shared resources between our two countries. However, the GNWT has concerns with the limited consideration of the Program's potential adverse impacts on the PCH and Canadian Indigenous subsistence harvesters. As highlighted on page no. 3-331 of the draft SEIS, "Canadian communities harvest most of the Porcupine Caribou Herd and could therefore experience a greater proportion of impacts should there be a large-scale decline in Porcupine Caribou Herd abundance. Such a scenario would cause a severe disruption in social ties and cohesion for Alaskan and Canadian study communities. In addition, reductions in subsistence harvests could increase consumption of store-bought foods, having negative impacts on nutrition and health for the study communities (Section 3.4.11). Because of the unique role the Arctic Refuge plays in Gwich'in cultural identity and spiritual beliefs, any development within the program area, even in the absence of impacts on caribou availability, would likely have adverse and long-term cultural and spiritual impacts on the Gwich'in."

The draft SEIS further notes that 85 percent of the PCH's total harvest are by Canadian user groups; as such, they would experience the most impacts if the PCH population declines substantially or if herd migration or distribution changes to the extent that Canadian hunters experience reduced resource availability. A substantial reduction in caribou availability would reduce the opportunities to participate in traditional hunting, harvesting, processing,

.../3

¹ The IPCA states:

2(a) To conserve the PCH and its habitat through international cooperation and coordination so that the risk of irreversible damage or long-term adverse effects as a result of the use of caribou or their habitat is minimized.

2(b) To ensure opportunities for customary and traditional uses of the PCH by signatories of the PCMA.

2(c) To enable users of Porcupine Caribou to participate in the international coordination of the conservation of the PCH and its habitat.

2(d) To encourage co-operation and communication among governments, users of Porcupine Caribou and others to achieve these objectives.

3(b) The Parties will ensure that the PCH, its habitat, and the interests of users of Porcupine Caribou are given effective consideration in evaluating proposed activities within the range of the Herd.

3(e) Activities requiring a Party's approval having a potential significant impact on the conservation or use of the PCH or its habitat may require mitigation.

3(f). The Parties should avoid or minimize activities that would significantly disrupt migration or other important behavior patterns of the PCH or that would otherwise lessen the ability of users of Porcupine Caribou to use the Herd.

consumption, and sharing practices. Over time, it could erode key social and cultural values and activities. In light of the foregoing, the GNWT strongly urges the BLM to consider the aforementioned concerns before taking any actions or decisions in the ANWR that may impact the region and the residents of the NWT.

Following a comprehensive review of the draft SEIS, with particular emphasis on the PCH, and subsistence harvesting practices of the Gwich'in and Inuvialuit peoples in the NWT, and consistent with the principle of fostering balanced and sustainable development, the GNWT recommends Alternative D as a baseline and proposes further restrictions on the lease sales and maximum acreage allowable for leasing.

From the GNWT's assessment, Alternative D appears to satisfy the need for oil and gas development as stipulated in Section 20001(c)(1) of the *Tax Cuts and Jobs Act* and offers enhanced protection and mitigation measures for the PCH compared to the other alternatives outlined in the draft SEIS. In addition to the mitigations associated with Alternative D, the GNWT recommends that BLM confine lease offerings to 400,000 acres for each lease sale to further mitigate adverse impacts from the Program. The lease sales should be capped at two offerings, ensuring that the combined offered acreage does not exceed 800,000 acres, outlined as the minimum allowable allocation in the *Tax Cuts and Jobs Act*. The BLM should clearly delineate the specific tracts of land earmarked for leasing and prohibit seismic activity on areas not slated for potential lease consideration.

Furthermore, Canadian Indigenous governments and Indigenous organizations have yet to be engaged as implied under subsections 2(c), 2(d), and 3(b) of the IPCA. The GNWT recommends that BLM involve Canadian Indigenous governments and Indigenous organizations in formulating the final SEIS to enhance the integration of the traditional knowledge of Canadian Indigenous peoples in PCH conservation strategies and other future on-the-ground actions requiring BLM's approval, including potential exploration and development proposals.

The GNWT recommends that community hearings be held in Fort McPherson and Aklavik, and for BLM to ensure that the Hunters and Trappers Committees, Renewable Resource Councils and the public are notified of such hearings. The BLM should also communicate and engage with the Gwich'in Tribal Council and the Inuvialuit Regional Corporation directly, as their citizens have a high level of cultural and subsistence dependence on the PCH.

In conclusion, the GNWT maintains that opening the Arctic National Wildlife Refuge to oil and gas development requires careful consideration to reduce transboundary impacts on shared resources. Given the historical collaborations between Canada and the U.S., it is important to prioritize joint conservation and resource management. In keeping with its commitment to

sustainable development and its obligations under the Canadian PCMA, the GNWT strongly encourages the BLM to implement the recommendations and concerns put forth, including adopting Alternative D with the proposed restrictions, and engaging directly with Canadian Indigenous communities while upholding the principles of applicable international agreements and treaties.

Detailed comments from the GNWT on the draft SEIS attached can be found in the attached comment table.

Please contact Lorraine Seale, Director, Impact Assessment and Security Management
Lorraine_Seale@gov.nt.ca if you have any questions about this letter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Erin Kelly".

(for) Erin Kelly, Ph.D.
Deputy Minister
Environment and Climate Change

Attachment

c. Distribution List

Distribution List:

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Premier
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Grand Chief Ken Kyikavichik
Gwich'in Tribal Council

Chief Pauline Frost
Vuntut Gwitchin First Nation

Chief Darren Taylor
Tr'ondëk Hwëch'in First Nation

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Honourable Nils Clarke
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Shaleen Woodward
Principal Secretary

Martin Goldney, Secretary to Cabinet/Deputy Minister
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Shawn McCann, Deputy Secretary, Indigenous and Intergovernmental Affairs
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