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OFFICE OF PROJECT MANAGEMENT AND PERMITTING

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October 1, 2010

RE: Notice of Intent to Prepare an Integrated Activity Plan and Environmental Impact Statement for the National Petroleum Reserve-Alaska

State of Alaska has reviewed the Bureau of Land Management (BLM) Notice of Intent regarding preparation of an Integrated Activity Plan (IAP) for the National Petroleum Reserve-Alaska (NPR-A) and an accompanying Environmental Impact Statement (EIS). The result of this planning effort will supersede the current plans for the Northwest (2004) NPR-A, Northeast (2008) NPR-A, and Colville River Special Area (2008). The BLM seeks scoping comments regarding management considerations, resources to be addressed and issues for analysis.

The State has been a strong participant in past NPR-A planning processes and has a vested interest in an Integrated Activity Plan that encompasses 23 million acres of the North Slope, addressing a wide variety of issues including oil and gas activities, wildlife, subsistence, access, and the potential for mineral development. The comments in this letter represent the consolidated views of the State's resource agencies.

Management Considerations

The State supports an IAP that allows for the full development of oil and gas resources in the NPR-A, provides effective protection and monitoring of fish and wildlife resources and subsistence opportunities, allows for continued public access for traditional activities, and considers the importance of development of significant mineral resources within the NPR-A.

Resources

The IAP/EIS should evaluate the following resources:

- Oil and Gas
- Wildlife
- Mineral
- Cultural
- Recreation

"Develop, Conserve, and Enhance Natural Resources for Present and Future Alaskans."

Issues to be Evaluated

State agencies identified the following issues to be address in the IAP/EIS.

1. Available Data and Information

A substantial amount of information has been accumulated and analyzed to support the Records of Decision for the Final Northeast and Northwest Integrated Activity Plans/Environmental Impact Statements. This information should serve as a solid foundation upon which to build a comprehensive document for the entirety of the NPR-A.

2. Stipulations and Required Operating Procedures

We request the BLM review the best available science and new technologies, incorporate industry and interagency input during its reevaluation of the current stipulations, and adopt clear and firm stipulations.

We also recommend the BLM evaluate any proposed changes to stipulations for the effects that they may cause to subsistence resources and to use of these resources, including evaluation of the potential effects to subsistence resources and uses if additional acreage currently closed to leasing is opened for leasing. We also recommend a thorough evaluation of the existing stipulations to determine if they have adequately addressed existing subsistence concerns.

3. Workshops

During the Northeast NPR-A planning effort, workshops were held to discuss issues regarding subsistence, caribou, and waterbirds. These workshops were designed to discuss observed and potential impacts, and to recommend mitigation measures to avoid or minimize adverse effects to the resources or to human use of these resources. We recommend similar workshops be held for these resources in NPR-A prior to completion of the EIS, as resource values and uses differ within the remainder of NPR-A from that found in Northeast NPR-A. We recommend the results and recommendations of these workshops be applied to the EIS, including the ANILCA Section 810 Analysis of Subsistence Impacts determination, and the Record of Decision.

4. Southern NPR-A

By far the greatest need in this process is to accumulate and analyze information for that portion of NPR-A formerly known as the South Planning area. This area contains the following resources that should be evaluated:

- *Caribou* -The southern NPR-A area is important habitat for calving, insect relief, summer feeding, and migration routes for the Western Arctic Herd (WAH), numbered at approximately 401,000 animals. Specifically, the EIS should accurately describe and evaluate:
 - Movement patterns and habitat use by the WAH
 - Insect relief habitat, for both mosquitoes and oestrid flies
 - Areas of seasonal concentrations, especially calving areas, must be identified and activities (extensive and intensive scales) managed/stipulated accordingly. Serious consideration should be given to creation of a special area to contain the calving area for the Western Arctic Caribou herd.

- Potential barriers associated with exploration or development activities to caribou migratory corridors or activities that may influence seasonal movements to different habitats should be identified and stipulations established to avoid altering traditional migratory behavior.
- *Moose* - Much of the Colville River drainage has a fairly high moose density. Seasonal movements and habitat must be identified (e.g., swales of available willow in winter) and stipulations established to ensure availability of important habitat.
- *Grizzly Bears* - Identification of den sites and denning concentration areas should be an important component of the IAP/EIS process to allow avoidance of activities in den concentration areas or development of mitigation to minimize adverse effects to denning bears. Stipulations should be established for activities in important seasonal habitat areas such as east-west running ridges (common feeding and breeding terrain) to avoid or minimize adverse effects to bears and bear habitat. Measures regarding camp location and layout, management of putrescible and solid waste, and human behavior around bears (e.g., feeding prohibitions) need to be evaluated, established, and enforced.
- *Wolverines and Wolves* - Both species are an important resource for North Slope hunters and trappers. Impacts of exploration and development activities and mitigation measures to avoid or minimize potential adverse effects of these activities to wolverines and wolves (and other furbearers) should be evaluated.
- *Birds* - Cliff-nesting raptors, ravens, and geese are widely distributed in the area, primarily along rivers and uplands corresponding with the distribution of available nesting habitat provided by rock walls and protrusions (tors). It is important to identify current nests and potential nest sites because of the sensitive nature of many species during nesting season, nest fidelity among established pairs, and the annual use of nests by other species.
- *Subsistence* - Approximately 40 Inupiaq communities subsist within and around the South NPR-A area with the Western Arctic Caribou Herd as the primary terrestrial food resource. Traditional hunting camps and locales must be reserved for continued use. Cumulative effects on current and future subsistence opportunities, including access for all hunters, must be addressed. Mitigation measures for direct and indirect effects on subsistence resources must be flexible and established with community approval and cooperation.
- *Hardrock Mineral and Coal Mining* - Issues related to exploration, development, operation, and closure of hardrock mineral and coal mines need to be assessed in the event the NPR-A is opened for mineral development include:
 - Acquisition of adequate baseline water quality and aquatic life assessments;
 - Water quality and quantity (needs and discharge) during operation;
 - Mine dewatering and effects on neighboring surface drainages;
 - Water discharge volume and water quality at closure;

- Surface drainage alterations;
- Metals leaching of development rock and tailings;
- Acid rock drainage assessment, evaluation, and treatment;
- Design of the mine for closure;
- Tailing disposal (siting, methods, rehabilitation);
- Site rehabilitation at closure;
- Access to site (e.g., road, rail, or air) for construction, operation and ore transport;
- Access restrictions (e.g., mine use only, limited to development use only, or full public access); Construction of access routes (e.g., selection of routes, material sources, drainage structures, stream crossing structures, water use and availability);
- Fugitive dust control (particularly from ore concentrate); and
- Solid and putrescible waste management.

5. Pipelines

A thorough assessment of both buried and elevated oil and gas pipelines should be included in the document for those subsections that discuss impacts of pipelines on various physical and biological resources, as well as access for transportation. Some of the potential problems associated with construction, operation, maintenance, and abandonment of long distance chilled buried gas pipelines include: pipeline thaw settlement; subsidence or erosion of backfill material; ditch integrity and stability; interception and channelization of water along the buried pipeline ditch; unintentional drainage of wetlands or lakes; ponding over the pipeline; pipeline exposure; corrosion protection; leak detection; and summer access, repair, and rehabilitation of the backfilled ditch.

6. Teshekpuk Lake Special Area

If portions of TSLA are proposed for leasing, a thorough interagency review, including workshops similar to those held in 1997, should be conducted to develop proposed stipulations that are likely to effectively address protection of molting geese, caribou, and other subsistence resources within this portion of the NE NPR-A. Such a process should involve an open and more inclusive approach and should not be based on draft stipulations developed for the full leasing alternative in the 1998 EIS. We believe a more rigorous approach to developing stipulations for this area is warranted if it is determined that leasing this area is in the national interest.

7. Teshekpuk Lake Caribou Herd

We recommend the BLM fully evaluate the potential effects of oil and gas development in the TCH calving areas, insect relief areas, and migratory corridors. The evaluation should include the potential effects on caribou survival and productivity, and on subsistence harvest associated with the TCH. An evaluation of the potential effects of seismic exploration activities also should be conducted. In addition, we request the BLM thoroughly address the findings of the National Research Council (2003) in their report "Cumulative Environmental Effects of Oil and Gas Activities on Alaska's North Slope" as they apply to resource protection measures in the NE NPR-A.

The effect of infrastructure and activity on distribution of caribou, irrespective of population level effects, is a concern. Although changes in population level would have more serious consequences, issues with access to caribou are extremely prominent among the concerns of local residents. Increased

attention needs to be paid to the influence of both static infrastructure and aircraft on distribution and movement. The vast majority of information relating to the former issue comes from calving studies. To that end, we encourage the inclusion of information relating to the effect of infrastructure on the distribution and movement of the Central Arctic Caribou Herd outside of the calving period, and the potential for focused studies on the effect of aircraft disturbance on caribou. These two issues appear to be the major unanswered questions for caribou in general when it comes to mitigating disturbance that may not explicitly result in population level effects.

8. *Monitoring & Research*

A long-term monitoring regime should be developed to assess impacts on species and populations in the area from oil and gas, mining, and concurrent activities from both industries. A regional scale “cumulative effects analysis” (i.e., as oil and gas from the north abuts mining in the south) should also be conducted for the entire NPR-A. Also, as development continues, infrastructure attractive to non-local resource users will result in access issues that will require management to limit additive impacts on resources and resource use (e.g., a road connection with the Dalton Highway).

Potential and realized long-term impacts on all species should be assessed in conjunction with subsistence use patterns, with emphasis on the Western Arctic caribou herd.

9. *ANILCA/Access*

The State opposes any Wilderness or Wild and Scenic River (W&SR) review process to determine suitability. The 2008 Final Northeast IAP/EIS did not consider wilderness or wild and scenic river designations because the underlying purpose of the NPR-A “*relates to oil and gas leasing, exploration, and development, including making more lands available for leasing.*” The State supports this approach for this planning effort.

In addition, we suggest adding a map that identifies 17(b) easements and the significant number of winter trails identified by the Alaska Department of Transportation in 1973. These trails are identified in the State of Alaska’s Inventory of Alaska’s Existing Trail System (Department of Highways, 1973).

The EIS must fully account for applicable sections of ANILCA when addressing access and travel management.

10. *Air Quality*

As noted in our comments in 2008 regarding the Northeast NPR-A Supplemental Environmental Impact Statement (EIS), the Alaska Department of Environmental Conservation’s Division of Air Quality has concerns about North Slope air quality. Prior to development of the present oil operations on the North Slope, the only anthropogenic sources of pollution were from long-range transport from northern Europe and Asia. Since that time, manmade pollution such as SO_x, H₂S, NO_x, CO, CO₂, particulates and air toxics have been emitted by North Slope oil production facilities. Currently, little data has been collected to document if some portion of the pollution emitted on the North Slope, although not in violations of air standards, may be having a cumulative effect on the NPR-A. Documenting the baseline air quality conditions in the NPR-A would provide the means to track impacts to the NPR-A from outside sources, as well as allow the tracking of future impacts from potential development.

Because of the sensitive nature of the environment in some areas of the NPR-A, increased concerns about the impacts of climate change and the current focus on development in ANWR and the NPR-A, it is important that the IAP/EIS evaluate the existing level of air quality and the potential for future impacts. Past EISs have identified concerns about air quality and potential environmental impact, but stopped short of indentifying the need for collecting baseline information.

Setting up an air quality monitoring network would be a valuable tool for establishing an existing baseline for NPR-A air quality and to ground truth and check the accuracy / sensitivity of air modeling in the Arctic. The lack of existing data and potential for future development make it imperative that the Bureau of Land Management take steps in the current EIS process to establish baseline air quality information to guide any future development. The department is currently working with the Environmental Protection Agency (EPA) to assess existing air quality monitoring data and identify the data needed for better assessment of cumulative impacts. Depending on the timing, these efforts may be of some benefit to the environmental assessment process.

11. Spill Prevention and Response

The Alaska Department of Environmental Conservation's Spill Prevention and Response (SPAR) Division reviewed the 2008 Supplemental Environmental Impact Statement (SEIS) for the Northeast NPR-A and noted that citations of ADEC regulations and publications regarding oil spills appear to be outdated. Please note that the ADEC has engaged in a multi-phase project to review and update the oil discharge prevention and contingency plan regulations in 18 AAC 75 and should be updated in this new EIS. In addition, the 2008 SEIS references oil spill studies in the Arctic that appear to be outdated. The BLM may want to consider the 2006 Svalbard, Norway experimental oil spill¹ as well as the SINTEF large scale field experimental spills in 2009.²

12. Water Quality

The Environmental Protection Agency (EPA) is scheduled to transfer authority for the National Pollutant Discharge Elimination System (NPDES) wastewater discharge permitting to the state's Alaska Pollutant Discharge Elimination System (APDES) Program in phases that began in 2008. Permitting authority for the oil and gas is scheduled to be transferred as the final stage of the transfer and should be acknowledged and addressed in the new EIS.

13. Health Impact Assessment

The State Department of Health and Social Services has established a Health Impact Assessment program that focuses on natural resource development projects in Alaska. This program performs a variety of services that include the actual production of a standalone HIA document. In addition, the DHSS HIA program will eagerly collaborate with other entities that are producing an HIA. DHSS has also volunteered to lead a collaborative working group for the many Alaskan entities involved in guiding

¹ See *2006 Svalbard Experimental Spill to Study Spill Detection and Oil Behavior in Ice*. Accessed at <http://www.boemre.gov/tarprojects/569/569AC.pdf>

² See *SINTEF Joint Industry Program on Oil in Ice*. Accessed at http://www.crrc.unh.edu/arctic_response_issues/SINTEF_JIP_OilinIce2009_OverviewPrelimResults.pdf

NPR-A State of Alaska Comments

October 1, 2010

Page 7

the development of excellent HIA practice in Alaska. The DHSS HIA program is a ready and valuable resource that is available to ensure human health impacts are considered during NPR-A planning.

This concludes our NPR-A scoping comments. As cooperating agency for the preparation of the IAP/EIS, State agencies are committed to working with BLM and other stakeholders in the development of the IAP/EIS for NPR-A. Please contact me if you have questions regarding these comments.

Sincerely,

Don Perrin



Project Manager
Department of Natural Resources
Office of Project Management and Permitting

cc: Tom Irwin, Commissioner, ADNR
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