



May 21, 2024

Serena Sweet
U.S. Bureau of Land Management
222 West 7th Avenue, #13
Anchorage, Alaska 99513-7599

Bobbie Jo Skibo
U.S. Fish and Wildlife Service
3000 Vintage Boulevard, #201
Juneau, Alaska 99801-7125

Re: Arctic National Wildlife Refuge Coastal Plain Supplemental Environmental Impact Statement Process

Dear Ms. Sweet and Ms. Skibo,

The State of Alaska (State), in its role as a Cooperating Agency, respectfully requests 30 days to review and comment on the Preliminary Final Arctic National Wildlife Refuge (ANWR) Coastal Plain Supplemental Environmental Impact Statement (SEIS).

The Lead Agencies said in an email, dated May 6, 2024, subject line, "Coastal Plain SEIS Cooperating Agency Update," that "Cooperating Agency review of the Preliminary Final SEIS will not be offered." This is another deprivation of meaningful opportunity for the State to participate in the development of the SEIS and is inconsistent with the Council on Environmental Quality's (CEQ) regulations that implement the National Environmental Policy Act (NEPA) at 40 C.F.R. parts 1500 through 1508. Particularly, sections 1501.7 and 1501.8, that require the U.S. Bureau of Land Management (BLM) and the U.S. Fish and Wildlife Service (FWS, Lead Agencies) to "[u]se the environmental analysis and proposals of cooperating agencies with jurisdiction by law or special expertise, to the maximum extent practicable," and that "emphasize agency cooperation early in the NEPA process."

To date, the State has contributed significant staff time across multiple agencies¹ in the areas of air quality; caribou; marine mammals, other wildlife, and birds; snow, permafrost, soils, and overland travel; and water, springs, fish, and other areas. Further, the State has demonstrated continual willingness to proactively collaborate and engage with the Lead Agencies and others throughout the SEIS Process.

If the State does not have opportunity to review the Preliminary Final SEIS, then the State is not able to determine whether its contributions are reflected in the Final SEIS, or whether unsupported

¹ The State's professionals represent the State's Department of Natural Resources (DNR), Division of Oil and Gas (Leasing, Permitting, and Resource Evaluation), Division of Mining Land and Water (Program Support, Northern Region, and Realty Services); Department of Fish and Game (DFG, Habitat and Endangered Species); Department of Environmental Conservation (DEC); Department of Law (LAW); the Office of Project Management and Permitting (OPMP), contractors and retained consultants, and others.

conclusions have been made. This is inconsistent with the Memorandum of Understanding, signed by the Lead Agencies and the State, dated March 10, 2022 (MOU), regarding Cooperating Agency status to make “best use of available resources including specialized expertise,” for the “benefit of the Federal government, the [State] government, prospective permittees, and the public interest.” (MOU, I. B.)

Further, the MOU provides that “[t]he Parties shall engage in open and timely communications regarding development of the SEIS. Timeframes shall be reasonable, as established by the Joint Lead Agencies consistent with applicable regulations, executive orders, secretarial orders, the Departmental Manual, and NEPA guidance.” (MOU, IV. D.)

Through the SEIS process, the FWS has not afforded Cooperating Agencies or the public meaningful opportunities for participation, as detailed in the State’s May 30, 2023, letter to BLM and FWS, the State’s June 16, 2023, comments on the Preliminary Draft SEIS, and the State’s October 17, 2023, request for extension of the public comment deadline on the Draft SEIS. If the State does not have opportunity to review the Preliminary Final SEIS, this omission further calls into question the role of Cooperating Agencies, the appropriate execution of the SEIS Process, and potentially the basis for decisions subsequently based on the SEIS Process. Moreover, it raises the potential for lengthy and costly legal challenges.

For these reasons, the State respectfully requests 30 days to review and comment on the Preliminary Final SEIS. The State is eager to continue to contribute its technical and regulatory experts to inform the analysis in the SEIS Process. These professionals have significant knowledge in the prudent development and management of Alaska’s resources, and extensive responsibilities for these same tasks on State land, including on the Alaska National Interest Lands Conservation Act (ANILCA), which provides a binding legal framework in Alaska that differs greatly from that of the states in the Lower 48.

In conclusion, the State maintains that responsible leasing and development of the ANWR Coastal Plain would support our nation’s energy security and economic growth, preserve the environment, and create certainty for Alaskans and businesses.

Sincerely,



Ashlee Adoko
Executive Director, OPMP

Cc: John C. Boyle III, Commissioner, DNR
Doug Vincent-Lang, Commissioner, DFG
Emma Pokon, Commissioner, DEC