



June 28, 2012

Bud Cribley, State Director  
Alaska State Office  
Bureau of Land Management  
222 West Seventh Avenue – Mailstop 13  
Anchorage, Alaska 99513

SUBJ: NPRA Lease Sale - November 2012  
Call for Nominations and Comment

Dear Director Cribley:

The purpose of this letter is to respond to the Federal Register Notice (Vol. 77, May 15, 2012, 28617-28618) calling for comment on the Bureau of Land Management's (BLM) planned oil and gas lease sale scheduled for November 2012 in the National Petroleum Reserve-Alaska (NPR-A or Reserve). The BLM Alaska State Office has provided a map on its website that identifies approximately 630 tracts or 7.1 million acres under consideration for the November 2012 lease sale. These comments are provided in reference to that map.

As the BLM considers which tracts to offer in the November 2012 sale, it should be emphasized that the agency is in the middle of a detailed and comprehensive planning process for the entire NPR-A. Decisions regarding which tracts to offer should be made in light of that planning effort. The Purpose and Need statement in the Integrated Activity Plan/Draft Environmental Impact Statement (IAP/DEIS) states that the BLM is undertaking this planning effort "to determine the appropriate management of all BLM-managed lands in the NPR-A in light of new information about surface and subsurface resources" and that a purpose of the new IAP is to consider "consistent oil and gas leasing stipulations and best management practices across the entire Petroleum Reserve."<sup>1</sup>

In selecting tracts to offer, the BLM should not preclude future management choices under consideration through the comprehensive plan. Conveyance of a property interest (lease) prior to completion of the planning process could undermine and frustrate the essential purpose of the planning process. Consistent with this recognition, the draft map published by BLM appropriately withholds tracts that have been identified as suitable for a "no lease" designation in the alternatives under consideration in the IAP/DEIS.

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<sup>1</sup> IAP/DEIS, Vol 1, p. 1.

As discussed further below, other tracts that have been identified in the on-going planning process as potentially deserving of new management designations and/or other special protections under the new IAP (e.g., no surface occupancy) should also be withheld from offering pending conclusion of the IAP planning process.

### **Background**

At more than 22 million acres, the NPR-A spans a large portion of the North Slope and is the nation's largest public land management unit. Within such a vast landscape it is both reasonable and appropriate that there be a balance between development and conservation as required by the Naval Petroleum Reserves Production Act of 1976 (NPRPA).

The NPRPA directs the Secretary of the Interior to ensure "maximum protection" of areas identified as having "significant subsistence, recreational, fish and wildlife, or historical or scenic value."<sup>2</sup> The NPRPA "encourages oil and gas development in NPRA while requiring protection of important surface values."<sup>3</sup> In 1980, Congress reaffirmed its commitment to special areas in the NPR-A and urged the Secretary of the Interior to "take every precaution to avoid unnecessary surface damage and to minimize ecological disturbance throughout the reserve."<sup>4</sup>

As BLM identifies tracts to be offered in the November 2012 lease sale, the agency is encouraged to embrace Congress's intent to provide balance in the management of the Reserve. The NPRPA provides that the Secretary of Interior "shall include or provide for such conditions, restrictions, and prohibitions as the Secretary deems necessary or appropriate to mitigate reasonably foreseeable and significantly adverse effects on the surface resources of the National Petroleum Reserve in Alaska."

Congress has thus expressly indicated that while energy development is an important reason for the initial establishment of the NPR-A, it is not a mandate to the exclusion and detriment of other important values and public interest priorities such as protection of the natural ecosystems that support subsistence.

### **Summary Recommendations**

For the reasons detailed below, BLM is urged to take the following actions to withhold or otherwise condition tracts offered in the November 2012 lease sale:

1. Tracts within the Teshekpuk Lake Special Area, as defined under Alternative B in the IAP/DEIS, should be withheld. Stipulations/operating procedures/best management practices that would apply to these tracts have not been finalized in the IAP/EIS. Clarity on these management provisions will be forthcoming through the IAP/EIS Record of Decision.

See Attachment A: Map - Recommended Withheld/No Surface Occupancy Tracts.

2. Tracts within the proposed Peard Bay Special Area, as defined under Alternative B in the IAP/DEIS, should be withheld. The BLM has identified these tracts as having exceptional value and the lease

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<sup>2</sup> 42 USC § 6504

<sup>3</sup> 1998 NE NPRA Final IAP/EIS, Volume 1: Introduction - Purpose and Need, p. I-1.

<sup>4</sup> H. Rep. 94-192, 94th Cong., 2d Sess., at 21

stipulations/operating procedures/best management practices for these tracts are undergoing review and have not been finalized in the IAP/EIS. Clarity on stipulations will be forthcoming through the IAP/EIS Record of Decision, expected in January of 2013.

See Attachment A: Map - Recommended Withheld/No Surface Occupancy Tracts.

3. Tracts along the Colville River (including the Kogoruksuk and Kikiakrorak tributaries) and Ikpikpak River, identified as subject to expanded no surface occupancy restrictions (or “setbacks”) as defined in Alternative B of the IAP/DEIS, should be withheld from the November 2012 sale.<sup>5</sup> The recommended “setbacks” are described in the K-1 Lease Stipulation/Best Management Practice-Rivers of the IAP/DEIS.<sup>6</sup>

See Attachment A: Map - Recommended Withheld/No Surface Occupancy Tracts.

### **Discussion**

We strongly support withholding tract offerings in the Teshekpuk Lake Special Area, as defined by Alternative B in the IAP/DEIS. These lands are recognized as vital to the calving success of the Teshekpuk Lake caribou herd and include lands designated as a globally significant Important Bird Area. This Teshekpuk Lake area has biological values of regional, national, and international significance. Not offering these tracts for lease is fully consistent with Congressional intent under the NPRPA.

The following comments are focused primarily on tracts within or adjacent to existing designated or proposed Special Areas while also making recommendations concerning other tracts as warranted by the presence of exceptional surface values.

### **Teshekpuk Lake Area**

Action in the past by the Department of the Interior (DOI) has appropriately recognized the importance of withholding tract offerings surrounding Teshekpuk Lake due to their extraordinary biological values as reflected in both of the most recent NPR-A lease sales (in 2010 and 2011).

DOI has appropriately recognized that the Teshekpuk Lake caribou herd is a particularly important local village subsistence resource on the North Slope. The entire region surrounding Teshekpuk Lake is well documented as vital caribou calving and insect relief habitat. The Western Arctic Caribou Herd Working Group (WACHWG) has a long-standing position that the concentrated caribou calving and insect relief areas in the NPR-A should be designated as no lease/no development areas. A map showing the WACHWG-recommended exclusion area (i.e., no leasing or development) is attached as Appendix B.

The BLM is strongly encouraged to withhold the following tracts within the Teshekpuk Lake Special Area, as defined in Alternative B of the IAP/DEIS, until the finalization of the new IAP Record of Decision which will codify stipulations and other management specifications under which development may be allowed.

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<sup>5</sup> Informal consultation with BLM agency staff indicates that it may not be possible to strengthen lease stipulations adopted under the existing Northeast and Northwest Records of Decision to increase the no surface occupancy setbacks as identified under Alternative B in the IAP/DEIS. If so, these tracts should be withheld from the November 2012 offering.

<sup>6</sup> IAP/DEIS, Vol 1, p. 73-74.

**Tracts: 465, 248, 246, 247, 245, 222, 220, 221, 219, L-193, L-192, L-175, L-173, L171, L-172, L-170, H-060, H-059.**

Additionally, the BLM is strongly encouraged to withhold the following tracts (south of Dease Inlet) identified as important Teshekpuk Lake Caribou Herd insect relief habitat, consistent with the recommendation of the WACHWG.

**Tracts: 313, 314, 315, 316, 339, 341.**

### **Peard Bay Special Area**

The BLM should withhold tracts within the proposed Peard Bay Special Area, as defined under Alternative B in the IAP/DEIS, until the finalization of the IAP/EIS Record of Decision, which will codify lease stipulations and other management provisions under which development may be allowed.

**Tracts: 434, 432, 435, 433, 431, 410, 408, 406, 404, 412, 409, 407, 405, 403, 654, 652, 382, 380, 378, 376, 653, 651, 381, 379, 377, 375, 650, 648, 356, 354, 352, 350, 348, 346, 649, 647, 355, 353, 351, 349, 347, 345, 646, 644, 330, 328, 326, 324, 322, 320, 645, 643, 329, 327, 325, 323, 321, 319, 298, 297, 642, 640, 638, 636, 304, 641, 639, 637, 635, 597, 595, 593, 591, 589, 596, 594, 592, 590, 588, 587, 585, 583, 581, 579, 586, 584, 582, 580, 578, 565, 563, 561, 559, 564, 562, 560, 558.**

### **Colville River and Ikpikpuk River**

The Colville River, the largest river draining the North Slope, provides cliffs, outcrops and bluffs along its route important for raptor nesting, together with adjacent hunting habitat, that makes this river and its major tributaries (the Kikiakrorak and Kogosukruk Rivers) an internationally-recognized area for birds of prey including Peregrine Falcon, Gyrfalcon, Rough-legged Hawk, and Golden Eagle.

The Ikpikpuk River is also recognized as providing exceptionally high-value raptor nesting habitat. Tracts along these river corridors recommended for the expanded no surface occupancy setback, consistent with Alternative B of the IAP/DEIS, is identified in the map attached as Appendix A.

Tracts recommended for expanded no surface occupancy setback that should be withheld include the following.

**Colville River tracts: L-125, L-124, L-123, L-122, L-102, L-101, L-100, L-099, L-098, L-097, L-096, L-077, L-076, L-075, L-074, L-073, L-072, L-071, L-070, L-069, L-068, L-051, L-050, L-049, L-048, L-047, L-046, L-045, L-044, L-043, L-042, L-041, L-040, L-035, L-034, L-033, L-032, L-031, L-030, L-029, L-028, L-027, L-026, L-025, L-017, L-015, L-007, L-002, H-005, H-003, H-001, 633, 627, 626, 625, 624, 623, 622, 620, 619**

**Ikpikpuk River tracts: D6, D5, D4, D3, D2, D1, 186, 185, 158, 157, 131, 106, 105, 061, 054, 052, 020, 019, 017, L-189, L-169, L-168**

**Conclusion**

As BLM plans the November 2012 lease sale, it is strongly encouraged to defer and/or restrict the use of tracts as recommended above. We appreciate this opportunity to provide comment to the BLM in its effort to find a reasoned balance, as called for by the NPRPA, which allows for responsible oil and gas development in the NPR-A while also safeguarding important wildlife and subsistence values.

Respectfully submitted,



Ken Rait  
Director, Western Lands Initiative  
Pew Environment Group



Eric F. Myers  
Policy Director  
Audubon Alaska



Andrew Hartsig  
Director, Arctic Program  
Ocean Conservancy

attachments

Attachment A: Map - Recommended Withheld/No Surface Occupancy Tracts

Attachment B: Map - WACHWG Areas Recommended As No Lease

cc:

Mike Pool, Acting Director, Bureau of Land Management  
Marcilynn Burke, Assistant Secretary for Land and Minerals Management  
Ned Farquhar, Deputy Assistant Secretary for Land and Minerals Management  
Kim Elton, Senior Advisor for Alaska Affairs  
Pat Pourchot, Special Assistant for Alaska Affairs