

**ALASKA WILDERNESS LEAGUE—CENTER FOR BIOLOGICAL DIVERSITY  
DEFENDERS OF WILDLIFE—EARTHJUSTICE  
ENVIRONMENTAL INVESTIGATION AGENCY--EYAK PRESERVATION COUNCIL  
FRIENDS OF THE EARTH—GREENPEACE USA  
LEAGUE OF CONSERVATION VOTERS  
NORTHERN ALASKA ENVIRONMENTAL CENTER—PACIFIC ENVIRONMENT  
SIERRA CLUB—THE OCEAN FOUNDATION**

August 17, 2017

Ryan K. Zinke, Secretary of the Interior  
Department of the Interior  
1849 C Street, N.W.  
Washington, DC 20240  
E: exsec@ios.doi.gov

**Re: Request for Information and Comments on the Preparation of the 2019-2024  
National Outer Continental Shelf Oil and Gas Leasing Program (82 Fed. Reg.  
30,886 (July 3, 2017))**

Dear Secretary Zinke:

On behalf of the undersigned groups and their millions of members, please accept these comments on the Department of the Interior's (Department) plan to prepare a new 2019-2024 Outer Continental Shelf Oil and Gas Leasing Program (the five-year plan). As an initial matter, we urge you to abandon this effort entirely. The Department you now lead has, after a year and a half of careful study and extensive public involvement, just adopted a leasing plan that will run through 2022. Your stated reason for replacing the current plan is to expand offshore fossil fuel development. But this burdens our coasts, oceans, wildlife, and communities with unacceptable risks and impacts of offshore oil drilling and undermines the urgent need to transition away from fossil fuels as a way to meet our future energy needs if we are to avoid the worst effects of climate change. The Department's resources would be better spent furthering the needed transition to a more sustainable and secure renewable energy future.

This letter addresses two of the planning areas you are considering for leasing—the Chukchi Sea and the Beaufort Sea planning areas in America's Arctic Ocean.<sup>1</sup> These areas are rightly closed to leasing under the current five-year plan. As described below, the case for excluding these areas from future oil and gas leasing has only grown stronger in the months since the Department adopted the current plan. If you persist in the effort to replace the existing plan, you should not further consider these areas for leasing.

As an initial matter, the majority of the Arctic Ocean, including the entire Chukchi Sea planning area, is withdrawn from disposition pursuant to Section 12(a) of the Outer Continental Shelf Lands Act (OCSLA). Notwithstanding President Trump's unlawful attempt to re-open these areas of the Arctic Ocean in his April 28, 2017, executive order—which several of the

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<sup>1</sup> Many of the undersigned groups have also submitted separate comments addressing other planning areas.

undersigned groups have challenged as exceeding his constitutional and statutory authority<sup>2</sup>—these regions are permanently off-limits to oil and gas leasing. It is unlawful to hold lease sales there. Considering these areas for inclusion in a leasing schedule serves no purpose and is inconsistent with OCSLA’s principles.

The Arctic Ocean planning areas are currently off-limits to oil and gas leasing for good reason. The Department itself articulated those reasons just a few months ago. In describing the decision to exclude the Arctic Ocean from future leasing in the current five-year plan, the Department explained that “environmental and scientific information” demonstrates that the Arctic’s unique character may increase the risks and impacts of oil and gas activities there.<sup>3</sup> It explained that, for one, “climate change-induced temperature increases are occurring fastest in the polar regions, resulting in a disproportionate amount of changes to the physical, biological and chemical environments, such as alteration of species distribution, reduction in seasonal ice cover, and loss of permafrost,” all of which “increase the vulnerability of these environmental resources and reduce their resilience to impacts of OCS oil and gas activities.”<sup>4</sup> “Additionally, the remote nature of the Arctic program areas, the lack of widespread infrastructure, and the presence of sea ice for a large part of the year also make Arctic coastal zones more vulnerable to impacts from oil spills because of the challenges associated with conducting cleanup activities in the event of an oil spill.”<sup>5</sup> Accordingly, the Department concluded that drilling in the Arctic Ocean is not worth the risks. As it stated: “the Nation’s energy needs do not warrant further leasing” in the Arctic Ocean,<sup>6</sup> and “[t]he Nation’s energy security remains strong without leasing in the Arctic.”<sup>7</sup>

President Obama’s decision to withdraw permanently large parts of the Arctic Ocean from oil and gas leasing built on the Department’s five-year plan analyses and conclusions. Indeed, in December 2016, the Department issued a detailed fact sheet describing the reasons that compelled the President’s decision.<sup>8</sup> The document describes that “climate change-induced temperature increases are occurring fastest in polar regions,” causing a cascade of “disproportionate” effects, including “alteration of species distribution, reduction in seasonal ice cover . . . [which] reduces the available habitat for ice-dependent species such as seals, polar bears, and Pacific walrus.”<sup>9</sup> These “conditions and stressors may increase the vulnerability of these species and habitat and reduce their resilience to impacts of oil and gas activities.”<sup>10</sup> The fact sheet further describes that given the region’s “harsh environmental conditions, geographic

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<sup>2</sup> See *League of Conservation Voters v. Trump*, 3:17-cv-00101-SLG (D. Alaska, May 3, 2017).

<sup>3</sup> Bureau of Ocean Energy Management (BOEM), 2017-2022 Outer Continental Shelf Oil and Gas Leasing Proposed Final Program at S-8 (Nov. 2016) (Proposed Final Program). This document and other materials cited in this letter are included in an appendix. The Department must consider these materials and include them in the administrative record for any decision to adopt a new leasing plan.

<sup>4</sup> *Id.* at S-9.

<sup>5</sup> *Id.* (internal reference omitted).

<sup>6</sup> *Id.* at S-3.

<sup>7</sup> *Id.* at S-7.

<sup>8</sup> Department of the Interior, Fact Sheet: President Obama Protects 125 Million Acres of the Arctic Ocean (Dec. 2016).

<sup>9</sup> *Id.* at PDF pp. 3-4.

<sup>10</sup> *Id.* at PDF p. 4.

remoteness, and a relative lack of fixed infrastructure and existing oil and gas operations[,] [t]he consequences of an oil spill in this region could be substantially detrimental to the ecosystem.”<sup>11</sup> This is particularly troubling because, as the Department itself estimates, there is a “75 percent chance of one or more large [oil] spills (1,000 barrels) occurring” if even just the Chukchi Sea were fully developed.<sup>12</sup> As a result, large spills, which the document reiterates are “reasonably foreseeable and assumed” in both the Chukchi and Beaufort seas could have “major” and “severe” impacts to the region.<sup>13</sup> Even smaller spills, of which a “substantially greater number” would occur if the seas were developed, “could have substantial impacts on the region, particularly given the ecosystem fragility and limited available resources to respond to a spill.”<sup>14</sup> Permanently withdrawing the Arctic Ocean from oil and gas leasing is critical for another reason as well, your Department wrote, namely to facilitate “transition[ing] energy systems away from fossil fuels . . . because any potential significant Arctic offshore production would only occur around the middle of this century, a timeline that is incongruous with our nation’s need . . . to reduce carbon emissions.”<sup>15</sup>

As the Department recognized, the science available at the time of the Arctic Ocean leasing decisions fully supported closing the region to fossil fuel leasing. As many of the undersigned groups have long described to the agency:

- There is a scientific consensus that the world’s fossil fuel resources far exceed the amount that can be extracted and burned if we are to have a reasonable chance of avoiding the worst impacts of climate change. As a consequence, the majority of those resources will have to remain in the ground and undeveloped. Studies also show that developing fossil fuel resources in the Arctic is particularly incompatible with limiting climate change.<sup>16</sup>
- The evidence is overwhelming that the Arctic is warming more rapidly than the rest of the planet, with dramatic negative consequences for many of the region’s species that render them more vulnerable to additional stress and disturbance from oil and gas activities.<sup>17</sup>
- The science is unequivocal that our ability to contain and clean an oil spill in Arctic waters is severely limited.<sup>18</sup>

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<sup>11</sup> *Id.* at PDF p. 1.

<sup>12</sup> *Id.* at PDF p. 7.

<sup>13</sup> *Id.* at PDF pp. 6-7.

<sup>14</sup> *Id.* at PDF 7.

<sup>15</sup> *Id.* at PDF pp. 1-2.

<sup>16</sup> *See, e.g.,* Alaska Wilderness League *et al.*, Comments to the Secretary of the Interior, Re: Draft Programmatic Environmental Impact Statement for the Outer Continental Shelf (OCS) Oil and Gas Leasing Program: 2017-2022 (81 Fed. Reg. 14,885 (Mar. 18, 2016)) (May 2, 2016) at 3-6, 13-14, 15-16.

<sup>17</sup> *Id.* at 18-19.

<sup>18</sup> *Id.* at 20-24.

Many in the scientific community also directly called for excluding the Arctic Ocean from future offshore leasing. For example:

- 34 leading scientists last fall sent President Obama a letter concluding that “[e]xploitation of offshore Arctic fossil fuels poses unnecessary risks to Arctic marine ecosystems specifically and the global environment generally” and calling for permanent protection of the Arctic Ocean from further offshore oil and gas development.<sup>19</sup>
- The Marine Mammal Commission, a congressionally chartered expert panel charged with making recommendations to other agencies on matters related to marine mammals, has come out unequivocally in favor of deferring oil and gas leasing in the Chukchi and Beaufort Sea planning areas because of the risks of oil and gas activities to the region’s species and subsistence traditions.<sup>20</sup>

The public and key members of Congress also overwhelmingly supported the current five-year plan’s exclusion of the Arctic Ocean from oil and gas leasing and President Obama’s withdrawal decision:

- During the development of the current five-year plan, over a million people specifically asked the Department to exclude the Arctic Ocean from leasing.<sup>21</sup>
- 66 Representatives and 11 Senators sent letters to the Department calling for the exclusion of the Arctic Ocean from the current five-year leasing plan.<sup>22</sup>
- A September 2016 opinion poll showed that 59 percent of Americans support permanently protecting the Arctic Ocean from oil drilling.<sup>23</sup>
- 74 Representatives and 14 Senators sent letters to President Obama calling for the permanent withdrawal of the Arctic Ocean from future offshore oil and gas leasing.<sup>24</sup>

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<sup>19</sup> T. J. Ragen, Ph.D, *et al.*, Letter to President B. Obama, Re: Withdrawal of U.S. Arctic Ocean (Nov. 12, 2016).

<sup>20</sup> Marine Mammal Commission, Comments to BOEM, Re: OCS 2017-2022 Proposed Program and Draft Programmatic EIS at 4 (June 14, 2016).

<sup>21</sup> Proposed Final Program at 3-1 to 3-2.

<sup>22</sup> Rep. J. Huffman *et al.*, Letter to the Hon. S. Jewell, Re: Proposed 2017-2022 OCS Oil and Gas Leasing Program (May 2, 2016); Sen. J. A. Merkley *et al.*, Letter to the Hon. S. Jewell, Re: Proposed 2017-2022 OCS Oil and Gas Leasing Program (June 2, 2016).

<sup>23</sup> Hart Research Associates, Americans’ Views on US Fossil Fuel Policy and Clean Energy at slide 14 (Sept. 2016), <https://www.nrdc.org/sites/default/files/views-on-fossil-fuel-policy-clean-energy.pdf>.

<sup>24</sup> Rep. F. Pallone, Jr. *et al.*, Letter to President B. Obama, Re: Atlantic and Arctic Oceans Withdrawals (Sept. 28, 2016); Sen. E. J. Markey *et al.*, Letter to President B. Obama, Re: Atlantic and Arctic Oceans Withdrawals (Oct. 6, 2016).

Nothing has changed in the intervening few months to warrant reconsideration of the Department’s conclusion to close the Arctic Ocean to future oil and gas leasing. If anything, the case against offshore drilling in the region has only grown stronger.

As for the science, on June 28, 2017, the U.S. Global Change Research Program—comprised of the nation’s top climate scientists—completed a final draft report “designed to be an authoritative assessment of the science of climate change, with a focus on the United States, to serve as the foundation for efforts to assess climate-related risks and inform decision-making about responses.”<sup>25</sup> The report explicitly does not include policy recommendations,<sup>26</sup> but its findings unambiguously compel the conclusion that expanded Arctic Ocean fossil fuel development would seriously hinder our ability to avoid the worst effects of climate change.

The report confirms the basics—that “[t]he global, long-term, and unambiguous warming trend has continued during recent years”<sup>27</sup> and that “it is *extremely likely* that human influence has been the dominant cause of the observed warming since the mid-20th century . . . [and that] there is no convincing alternative explanation supported by the extent of the observational evidence.”<sup>28</sup> It also confirms that the Arctic is particularly hard-hit: it “is warming at a rate approximately twice as fast as the global average;”<sup>29</sup> “Arctic-wide ice loss is expected to continue through the 21st century, *very likely* resulting in nearly sea ice-free late summers by the 2040s (*very high confidence*);”<sup>30</sup> and “multiple lines of evidence provide *very high confidence* of enhanced Arctic warming with potentially significant impacts on coastal communities and marine ecosystems.”<sup>31</sup> The report concludes “[i]t is *virtually certain* that human activities have contributed to Arctic surface temperature warming, sea ice loss since 1979, glacier mass loss, and northern hemisphere snow extent decline observed across the Arctic (*very high confidence*).”<sup>32</sup>

The report highlights the urgent need to act if we are to address climate change. It concludes “[t]he present-day emissions rate of nearly 10 [gigatonnes of carbon (GtC)] per year suggests that there is no climate analog for this century any time in at least the last 50 million years.”<sup>33</sup> If we are to avoid the worst effects of climate change, nations must drastically and rapidly limit the amount of carbon they emit into the atmosphere. The report confirms that there is a limit to the amount of carbon that can be emitted—“CO<sub>2</sub> emissions are required to stay below about 800 GtC in order to provide a two-thirds likelihood of preventing 3.6 [degrees Fahrenheit (2 degrees Celsius)] of warming.”<sup>34</sup> It tells us how much more can be emitted until that limit is reached—“approximately 230 GtC more could be emitted globally.”<sup>35</sup> And it

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<sup>25</sup> U.S. Global Change Research Program, Climate Science Special Report (CSSR), Fifth-Order Draft (5OD) at 1 (June 28, 2017).

<sup>26</sup> *Id.*

<sup>27</sup> *Id.* at 13.

<sup>28</sup> *Id.* at 12.

<sup>29</sup> *Id.* at 24.

<sup>30</sup> *Id.* at 443.

<sup>31</sup> *Id.* at 458; *see also id.* at 30, 273, 447-48, 457 & 460 (describing evidence).

<sup>32</sup> *Id.* at 31; *see also id.* at 443, 462, 463 (similar).

<sup>33</sup> *Id.* at 33.

<sup>34</sup> *Id.* at 34.

<sup>35</sup> *Id.*

provides an estimate of how long, under standard projection scenarios, it will take to reach that threshold—“emissions could continue for approximately two decades before this cumulative carbon threshold is exceeded.”<sup>36</sup> Thus, “[s]tabilizing global mean temperature below 3.6 [degrees Fahrenheit (2 degrees Celsius)] or lower relative to preindustrial levels requires significant reductions in net global CO<sub>2</sub> emissions relative to present-day values before 2040 and likely requires net emissions to become zero or possibly negative later in the century.”<sup>37</sup>

The report confirms that (i) the Arctic is ground zero for climate change and thus no place to burden with fossil fuel development and (ii) even if it could be developed safely, Arctic Ocean oil and gas, which is decades away from production under the best scenarios, *cannot* be part of our energy future because by then the nation must be well on its way to transitioning away from fossil fuels to avoid the worst effects of climate change.

The Coast Guard and Navy also recently reiterated the risks of widespread damage from an oil spill due to the limits of spill response in the Arctic Ocean. At a July 18, 2017, symposium hosted by the U.S. Arctic Research Commission, the head of the Coast Guard, Admiral Paul Zukunft, remarked that “during Deepwater Horizon, whenever the seas [were] over 4 feet, our ability to mechanically remove oil was virtually impossible.”<sup>38</sup> He further remarked that similar conditions prevail in the Arctic Ocean on “a pretty darned good day, so certainly environmental conditions weigh heavily in addition to just the remoteness” in limiting effective spill response.<sup>39</sup> A former Navy oceanography expert, Rear Admiral Jonathan White, reiterated that response to Arctic Ocean spills in ice and heavy weather is not viable, and the area’s remoteness renders oil response akin to “trying to get it to the moon in some cases, especially if it’s in a season where it’s inaccessible; that really doubles, triples the difficulty of responding.”<sup>40</sup>

As for the policy and public opinion, key members of Congress, experts, and the public continue to oppose offshore leasing in the Arctic Ocean:

- Since the adoption of the current five-year plan, 80 Representatives and 27 Senators have sent you letters urging you to keep in place current protections against offshore leasing in the Arctic Ocean.<sup>41</sup>
- The National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling has sent you a letter voicing its “unanimous view that offshore safety will be reduced with . . . an accelerated leasing schedule” and stating that “all” its members “firmly oppose” the measures set out in President Trump’s “Implementing an

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<sup>36</sup> *Id.*; see also *id.* at 15-16 (describing scenarios).

<sup>37</sup> *Id.* at 34.

<sup>38</sup> S. Waldman, *U.S. couldn’t clean up an oil spill — Coast Guard chief*, E&E News (July 19, 2017).

<sup>39</sup> *Id.*

<sup>40</sup> *Id.*

<sup>41</sup> Rep. J. Huffman *et al.*, Letter to Sec. R. Zinke, Re: Adherence to 2017-2022 OCS Oil and Gas Leasing Program (June 14, 2017); Sen. E. J. Markey *et al.*, Letter to the Hon. R. Zinke, Re: Revision to 2017-2022 OCS Oil and Gas Leasing Program (Apr. 27, 2017).

America-First Offshore Energy Strategy,” including the call for annual lease sales in the Arctic Ocean planning areas.<sup>42</sup>

- Former Secretary of Defense Leon Panetta has described how Arctic Ocean oil drilling would contribute to potential threats to our national security. Among other things, he explains that “expanding oil and gas development in the Arctic would add further stress to the climate,” therefore exacerbating threats to the planet and national security from climate change, and he questions whether any oil and gas obtained from the Arctic Ocean would, in any case, meet immediate or even future energy needs due to the extreme challenges of drilling in the Arctic.<sup>43</sup>
- A new poll demonstrates that 55 percent of Americans oppose President Trump’s plan to lease “some public . . . oceans to private companies to expand drilling . . . for oil . . . and natural gas.”<sup>44</sup>

For all these reasons, we urge you to abandon your effort to replace the current five-year plan and, if you persist, to exclude the Arctic Ocean from further consideration for oil and gas leasing.

Thank you for considering these comments.

Respectfully,

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<sup>42</sup> National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling, Letter to the Hon. R. Zinke, Re: America-First Offshore Energy Strategy Executive Order at PDF pp. 3, 1 (May 8, 2017); *see also* B. Graham & W. K. Reilly, *Trump’s Risky Offshore Oil Strategy*, N.Y. Times (Jul. 5, 2017) (co-chairs of the Commission opposing President Trump’s moves to expand offshore drilling and weaken regulations in the Arctic Ocean, noting that “[n]othing has changed to justify these moves since the current five-year offshore leasing plan, which runs through 2022, was finalized after years of public and industry input.”).

<sup>43</sup> L. Panetta *Trump’s Arctic drilling executive order hurts national security*, CNN, May 12, 2017.

<sup>44</sup> American Viewpoint, Inc., Findings of National Survey (commissioned by Natural Resources Defense Council) (Aug. 9, 2017) (emphasis omitted).

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via Regulations.gov (BOEM-2017-0050)



## Table of Appended Documents

Alaska Wilderness League *et al.*, Comments to the Secretary of the Interior, Re. Draft Programmatic Environmental Impact Statement (EIS) for the OCS Oil and Gas Leasing Program: 2017-2022 (81 Fed. Reg. 14,885 (Mar. 18, 2016)) (May 2, 2016)

American Viewpoint Poll (August 9, 2017)

Department of the Interior, Fact Sheet: President Obama Protects 125 Million Acres of the Arctic Ocean (Dec. 2016)

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T. J. Ragen, Ph.D, *et al.*, Letter to President B. Obama, Re. Withdrawal of U.S. Arctic Ocean (Dec. 12, 2017)

U.S. Global Change Research Program, Climate Science Special Report, Fifth-Order Draft (June 28, 2017)

S. Waldman, *U.S. couldn't clean up an oil spill — Coast Guard chief*, E&E News (July 19, 2017)