

Congress of the United States

Washington, DC 20515

July 17, 2020

The Honorable David Bernhardt
Secretary
U.S. Department of the Interior
1849 C Street NW
Washington, D.C. 20240

Dear Secretary Bernhardt:

We write to reiterate our strong opposition to oil and gas lease sales on the Coastal Plain of the Arctic National Wildlife Refuge, and to express our concern over legal and scientific flaws in the U.S. Fish and Wildlife Service's ("FWS") Biological Opinion pertaining to the oil and gas leasing program on the Coastal Plain. The document was issued on March 13, 2020 without notice and only disclosed when a Freedom of Information Act request revealed its issuance, and fails to assess the overall and cumulative impact of industrial activities on the Coastal Plan.¹ This process is moving at an alarmingly accelerated pace, especially as the ongoing pandemic and public health crisis has made public participation exponentially more challenging and as oil prices reach historic lows.

The Biological Opinion ignores the overwhelming scientific evidence that oil and gas activities have a devastating impact on wildlife such as polar bears, leaving the Southern Beaufort Sea population of bears unprotected and unassessed. It avoids assessing the cumulative impacts of this project—including oil exploration, development, production, abandonment, and reclamation—on polar bears and their critical habitat, as is required by law. Instead, the Biological Opinion relies on future permits to assess impacts on a project-by-project basis, preventing a public understanding of the full scope of potential harm. The overall and cumulative impacts of industrial activities on the flora, fauna, and communities of the Arctic Refuge should be assessed before any leasing begins. The Biological Opinion fails to do so.

In 2008, polar bears were listed as threatened under the Endangered Species Act (ESA) throughout their global range, primarily as a result of the rapidly diminishing sea ice in the Arctic Ocean due to climate change.² The majority of the Coastal Plain is designated as critical habitat for the species.³ One of the most important strategies for conserving and recovering polar bears is to protect their terrestrial denning habitat on the Coastal Plain. The Southern Beaufort Sea population of bears use the Coastal Plain for dens and other activities. The percentage of these bears denning on land instead of on sea ice continues to increase, and the Coastal Plain is increasingly important for bears to feed, travel and rest. Oil and gas development in this fragile ecosystem could be the death knell for the Southern Beaufort Sea population, which is already at extreme risk from climate change and habitat loss.

¹ Dep't of the Interior, U.S. Fish and Wildlife Service, "Biological Opinion for Coastal Plain Oil and Gas Leasing Program, Arctic National Wildlife Refuge" (March 13, 2020). [<https://ecos.fws.gov/tails/pub/document/16469143>]

² 73 Fed. Reg. 28,212 (May 15, 2008); 75 Fed. Reg. 76,086 (Dec. 7, 2010)(designation of critical habitat).

³ 75 Fed. Reg. at 76,086.

Ultimately, the Biological Opinion makes the unsupportable conclusion that industrializing the entire Coastal Plain—including the most important terrestrial denning habitat for among the most imperiled polar bear population on the planet—will not jeopardize the survival and recovery of the species. This fundamentally flawed analysis ignores the overwhelming scientific evidence that identifies devastating impacts to polar bears from oil and gas activities.

While the Department of the Interior continues its drive to expose the Arctic Refuge to oil production, oil markets worldwide are faltering as the global pandemic depresses prices to historic lows. Oil companies are laying off thousands of workers, reducing their exploration budgets, and writing down existing oil and gas assets, making it even less likely that any company will be able to responsibly or profitably drill in the Coastal Plain. Financial institutions understand the uncertainty of leasing on the Coastal Plain, as several of the world's largest banks have vowed not to fund Arctic drilling. Furthermore, development of the Coastal Plain is inconsistent with the climate change goals established by many of these financial institutions. Now more than ever, the prospect of oil and gas development in the Coastal Plan is absurd, unnecessary, and likely to devastate ecosystems and harm irreplaceable Arctic wildlife like the polar bear.

The proposed oil and gas leasing program for the Coastal Plain has suffered from reckless haste, irresponsible public process, and lack of transparency. Given that the Bureau of Land Management (BLM) has taken the position that it cannot prohibit exploration and other activities on the Coastal Plain during future permitting processes., it is even more important to be scientifically and legally rigorous throughout the ongoing process.

The recently issued Biological Opinion fails to address cumulative effects of the proposed plan on iconic species and their habitat, and the rush to lease fails to recognize the market and the lack of demand for oil today and into the future. We request that you rescind the Biological Opinion and address the significant issues raised in this letter, as well as the BLM's inconsistent positions regarding its post-leasing authority to prevent harm to polar bears on the Coastal Plain.

Sincerely,



Jared Huffman
Chair
Subcommittee on Water, Oceans,
and Wildlife



Raúl M. Grijalva
Chair
House Committee on
Natural Resources



Alan Lowenthal
Chair
Subcommittee on Energy and
Mineral Resources



Ruben Gallego
Chair
Subcommittee for the Indigenous Peoples
of the United States



Deb Haaland
Chair
Subcommittee on National Parks,
Forests, and Public Lands