

United States Senate

December 16, 2020

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

Dear Secretary Bernhardt,

We write in strong opposition to the efforts of the Bureau of Land Management (BLM) to proceed with a lease sale in the Arctic National Wildlife Refuge (Arctic Refuge), and to the application by Kaktovik Inupiat Corporation (KIC) to conduct seismic exploration on the Coastal Plain of the Arctic Refuge.¹ The Coastal Plain of the Arctic Refuge is a national treasure that is no place for oil and gas exploration and development activities, and none should occur there. It is also wholly unacceptable that the Trump administration seeks to hold a lease sale as one of its final actions. Given the result of the 2020 presidential election, any lease-sale decision should be left to the incoming Biden administration.

The Trump administration adopted the oil and gas leasing program in violation of numerous laws that protect the Coastal Plain and ensure the integrity of the decision-making process, including the Alaska National Interest Lands Conservation Act,² the National Environmental Policy Act,³ the National Historic Preservation Act,⁴ the Wilderness Act,⁵ the Endangered Species Act,⁶ and the National Wildlife Refuge System Administration Act.⁷ In its rush to lease, this Administration has failed to uphold the public trust, failed to protect the Arctic Refuge, and cut corners in its obligations to involve the public and engage in adequate consultation with the Gwich'in — who call the Coastal Plain the “sacred place where life begins,” because of its critical role as the calving grounds of the Porcupine Caribou Herd, on which the Gwich'in depend for their food supply and their entire way of life— and other tribes. Before proceeding further, BLM must remedy these deficiencies and ensure full compliance with federal law.

¹ Notice of 2021 Coastal Plain Alaska Oil and Gas Lease Sale and Notice of Availability of the Detailed Statement of Sale, 85 Fed. Reg. 78,865 (Dec. 7, 2020); Kaktovik Inupiat Corporation, *Marsh Creek East Seismic Exploration*, Bureau of Land Management (Oct. 23, 2020), https://eplanning.blm.gov/public_projects/2003258/200392048/20028533/250034735/KIC%20Marsh%20Creek%20Seismic%20Proposed%20Action.pdf.

² 16 U.S.C. § 410hh-3233; 43 U.S.C. §§ 1602-1784.

³ 42 U.S.C. § 4321 *et seq.*

⁴ 54 U.S.C. § 300101 *et seq.*

⁵ 16 U.S.C. § 1131 *et seq.*

⁶ *Id.* § 1531 *et seq.*

⁷ *Id.* § 668dd *et seq.*

BLM's call for nominations and actions to hold a lease sale are also ill-advised in light of current market conditions, which do not warrant a lease sale. Any lease sale is likely to fall far short of the \$2 billion in revenue promised under the Tax Act.⁸ Additionally, nearly every major U.S. bank and investment firm has made a commitment not to develop in the Arctic because of the substantial risks involved, with many of those banks pointing directly to the economic and reputational risk of drilling in the Arctic Refuge as a major concern.⁹ Major oil and gas companies are reducing their exploration and development budgets,¹⁰ focusing on core areas where resources are well defined and cost effective to develop, and leaving alone complex and risky environments such as the Arctic. In addition, development poses large risks for communities, species, and the entire planet, and would undermine 60 years of conservation action at a time when the climate crisis is on the brink of tipping past the point of no return.

BLM should also reject KIC's proposal to conduct seismic exploration on the Coastal Plain of the Arctic Refuge.¹¹ The risks of seismic exploration have not been adequately analyzed and threaten the Coastal Plain and its resources, including denning polar bears. The cursory summary of the seismic proposal released to the public raises serious concerns about the proposed activities and the significant impacts likely to occur in the Coastal Plain. This woefully inadequate document makes it impossible for the public to understand or comment on the full array of impacts from this seismic exploration proposal. Based on the limited information provided to the public to date, the impacts are likely to be significant and long-lasting.¹² BLM must thoroughly and comprehensively analyze the impacts to all Coastal Plain resources and ensure that KIC is meeting all legal obligations. The analysis should be completed through an Environmental Impact Statement with significant and extensive public involvement. BLM should not fast-track or shortcut its review of this proposal. We believe that a proper analysis will indicate that the proposal is likely to cause significant harm and should be rejected.

We urge the Trump administration not to proceed with a lease sale in the Arctic National Wildlife Refuge and to reject KIC's application for seismic exploration. Moving forward with a lease sale now, in the remaining few weeks of the Trump presidency, is reckless political posturing, not thoughtful energy policy. Instead, we ask the Trump administration to reverse

⁸ Henry Fountain and Steve Eder, *The White House Saw Riches in the Arctic Refuge, but Reality May Fall Short*, The New York Times (Aug. 21, 2019), <https://www.nytimes.com/2019/08/21/us/oil-drilling-arctic.html>.

⁹ Rachel Frazin, *Bank of America Pledges No Financing for Arctic Oil*, The Hill (Dec. 1, 2020), <https://thehill.com/policy/energy-environment/528146-bank-of-america-pledges-no-financing-for-arctic-oil>; Rachel Koning Beals, *Bank of America Joins Big U.S. Banks that Won't Finance Oil in the Arctic Refuge Trump Opened to Drilling*, MarketWatch (Dec. 5, 2020), <https://www.marketwatch.com/story/bank-of-america-joins-big-u-s-banks-that-wont-finance-oil-in-the-arctic-refuge-trump-opened-to-drilling-11606843342>; Ben Cushing, *Not a Single Major US Bank Is Now Willing to Finance Arctic Drilling*, Sierra Club (Dec. 1, 2020), <https://www.sierraclub.org/articles/2020/12/not-single-major-us-bank-now-willing-finance-arctic-drilling>.

¹⁰ *Lower Crude Prices Will Mean Less Exploration and Development*, Energy Information Administration (June 4, 2020), <https://www.eia.gov/todayinenergy/detail.php?id=43975>.

¹¹ Kaktovik Iñupiat Corporation, *Marsh Creek East Seismic Exploration*, Bureau of Land Management (Oct. 23, 2020), https://eplanning.blm.gov/public_projects/2003258/200392048/20028533/250034735/KIC%20Marsh%20Creek%20Seismic%20Proposed%20Action.pdf.

¹² Martha K. Raynolds, Janet C. Jorgenson, et al. *Landscape impacts of 3D-seismic surveys in the Arctic National Wildlife Refuge, Alaska*, Ecological Applications (Apr. 25, 2020), <https://doi.org/10.1002/eap.2143>.

course and fully consider the legal, fiscal, cultural, social, economic and environmental impacts of these actions, and halt any authorizations for exploration or development.

Sincerely,



Edward J. Markey
United States Senator

/s/ Charles E. Schumer

Charles E. Schumer
Democratic Leader
U.S. Senate

/s/ Thomas R. Carper

Thomas R. Carper
Ranking Member
U.S. Senate Committee on Environment
and Public Works

/s/ Maria Cantwell

Maria Cantwell
Ranking Member
U.S. Senate Committee on Commerce,
Science, and Transportation

/s/ Robert Menendez

Robert Menendez
Ranking Member
U.S. Senate Committee on Foreign
Relations

/s/ Amy Klobuchar

Amy Klobuchar
Ranking Member
U.S. Senate Committee on Rules and
Administration

/s/ Ron Wyden

Ron Wyden
Ranking Member
U.S. Senate Committee on Finance

/s/ Patrick Leahy

Patrick Leahy
Ranking Member
U.S. Senate Committee on Appropriations

/s/ Dianne Feinstein

Dianne Feinstein
Ranking Member
U.S. Senate Committee on the Judiciary

/s/ Debbie Stabenow

Debbie Stabenow
Ranking Member
U.S. Senate Committee on Agriculture,
Nutrition, and Forestry

/s/ Bernard Sanders

Bernard Sanders
Ranking Member
U.S. Senate Committee on the Budget

/s/ Benjamin L. Cardin

Benjamin L. Cardin
Ranking Member
U.S. Senate Committee on Small Business
and Entrepreneurship

/s/ Sherrod Brown

Sherrod Brown
Ranking Member
U.S. Senate Committee on Banking, Housing,
And Urban Affairs

/s/ Jack Reed

Jack Reed
Ranking Member
U.S. Senate Committee on Armed Services

/s/ Patty Murray

Patty Murray
Ranking Member
U.S. Senate Committee on Health,
Education, Labor, and Pensions

/s/ Gary C. Peters

Gary C. Peters
Ranking Member
U.S. Senate Homeland Security and Governmental
Affairs

/s/ Chris Van Hollen

Chris Van Hollen
United States Senator

/s/ Richard Blumenthal

Richard Blumenthal
United States Senator

/s/ Sheldon Whitehouse

Sheldon Whitehouse
United States Senator

/s/ Jeffrey A. Merkley

Jeffrey A. Merkley
United States Senator

/s/ Kirsten Gillibrand

Kirsten Gillibrand
United States Senator

/s/ Tina Smith

Tina Smith
United States Senator

/s/ Jeanne Shaheen

Jeanne Shaheen
United States Senator

/s/ Richard J. Durbin

Richard J. Durbin
United States Senator

/s/ Michael F. Bennet

Michael F. Bennet
United States Senator

/s/ Mazie K. Hirono

Mazie K. Hirono
United States Senator

/s/ Jacky Rosen

Jacky Rosen
United States Senator

/s/ Cory A. Booker

Cory A. Booker
United States Senator

/s/ Elizabeth Warren

Elizabeth Warren
United States Senator

/s/ Tammy Baldwin

Tammy Baldwin
United States Senator