
Appendix B: Summary of Comments and Responses

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Appendix B. Summary of Comments and Responses

AS 38.05.035(e)(7)(A) and (B) requires the preliminary and final written findings include a summary of agency and public comments, if any, and the department's responses to those comments. This appendix summarizes comments received in response to the January 26, 2011 Alaska Peninsula Areawide Request for Agency Information, the June 19, 2014 publication of the Proposed Alaska Peninsula Areawide Oil and Gas Lease Sales best interest finding, and the department's responses.

A. Comment Received from January 26, 2011, Alaska Peninsula Areawide Request for Agency Information

1. DNR Office of History and Archaeology

Anchorage, AK, February 25, 2011, Rachel Dale, Archaeologist

Comment summary: The DNR Office of History and Archaeology (OHA) provided information regarding archaeological sites on the uplands and within the tidal and subtidal areas. OHA recommended DO&G address the prehistoric and archaeological resources in the written findings.

DNR response: The information was incorporated into the Preliminary Finding in Chapter Three, Description of Sale Area and Chapter Seven, Governmental Powers.

2. Aleutians East Borough

Anchorage, AK, March 16, 2011, Mayor Stanley Mack

Comment summary: The Aleutians East Borough (AEB) voiced their support of the areawide lease sales. AEB stated that strict environmental protections were important and offered assistance and cooperation working with DNR on mitigation measures in the future. AEB also suggested information collected by the Minerals Management Service for the Environmental Impact Statement for the North Aleutian Basin Oil and Gas Off-shore Lease Sale may be helpful to DNR if Alaska Peninsula Areawide Lease sales continue.

DNR response: North Aleutian Basin Lease Sale website and accompanying documents were reviewed and considered. All relevant facts and issues within the scope of review that were known or made known to the director were reviewed.

3. U.S. Fish and Wildlife Service

Anchorage, AK, April 29, 2011, Lisa Williams, Realty Specialist

Comment summary: The U.S. Fish and Wildlife Service (USFWS) commented on the Alaska Peninsula Lease Sale Area map regarding lands owned by the United States appearing to be within the lease sale area. USFWS provided a website link of refuge land status maps for ADNR's viewing convenience.

DNR response: The website was reviewed and considered. All maps in the Preliminary Finding have been updated. Information has been incorporated into the Preliminary Finding, Chapter Two that explains how and when land status is determined.

4. ADF&G Division of Habitat

Anchorage, AK, April 29, 2011, Brad Dunker, Habitat Biologist

Comment summary: The Alaska Department of Fish and Game, Division of Habitat (ADF&G) provided comments and recommendations regarding new and updated fish and wildlife resource information, maps, current and projected uses, and mitigation measures.

DNR response: Information provided by ADF&G was reviewed and considered. Relevant information was incorporated into Chapter Four, Habitat, Fish and Wildlife; Chapter Five, Current and Projected Uses; Chapter Seven, Governmental Powers; Chapter Eight, Foreseeable Effects; and Chapter Nine, Mitigation Measures.

B. Comments Received from June 19, 2014, publication of the Proposed Alaska Peninsula Areawide Oil and Gas Lease Sales Best Interest Finding

1. Dick Mylius

Anchorage, AK, July 25, 2014

Comment Summary: Mr. Mylius provided comments and recommendations regarding language used to discuss the Bristol Bay Fisheries Reserve (BBFR).

DNR response: Mr. Mylius' suggestions and language have been incorporated into Chapter Four, Habitats, Fish, and Wildlife, clarifying the statute's intent. An asterisk was also added to Map 4.2 to clarify the governance of the BBFR and its boundaries.

2. Changing Tides Consulting

Juneau, AK, August 27, 2014, Lisa Weissler

Comment Summary: Ms. Weissler provided comments regarding DNR statutes and regulations and her concern that the regulations were lacking in regards to phasing requirements and associated public notice and public comment opportunities. Ms. Weissler also asked what DNR is approving.

DNR response: The disposal phase process has complied with all notice and comment requirements set out in regulation (11 AAC 82.415). Ms. Weissler speculates that DNR may fail to meet notice and comment requirements in a future phase process and speculates about potential future phase issues. Neither of these speculations is relevant to this disposal phase decision. DNR is aware of and will comply with legal requirements including those discussed in *Redoil*.

3. ADF&G Division of Habitat

Anchorage, AK, August 29, 2014. Michael Daigneault, Regional Supervisor, Central Region Office

Comment Summary: The Alaska Department of Fish and Game, Division of Habitat, (ADF&G) provided comments and recommendations regarding relevant fish and wildlife information, technical edits, and mitigation measures. Suggested mitigation measures and edits include: (1) dismantlement, removal, and rehabilitation (DR&R) requirements; (2) human-bear interaction plans; (3) consulting with ADF&G regarding subsistence, commercial, and sport harvest activities; and (4) blocking access to or along navigable and public waters.

DNR response: Information provided by ADF&G was reviewed and considered. Technical edits and relevant information was incorporated into Chapter One, Finding and Decision; Chapter Four, Habitats, Fish, and Wildlife; and Chapter Seven, Governmental Powers. Regarding the mitigation measures, DO&G incorporated language requiring consultation with ADF&G into mitigation measure 3.a. in Chapter Nine, as requested by ADF&G.

The other mitigation measure requests will not be included. Dismantlement, removal, and rehabilitation and blocking access to or along navigable and public waters are already covered under state and federal law. As stated in Chapter Seven, Governmental Powers, lessees are responsible for knowing and complying with all applicable state, federal, and local laws, regulations, policies, and ordinances.

In addition to existing laws and regulations applicable to oil and gas activities, the state's standard oil and gas lease contract requires, under paragraph 26, that leases are subject to all applicable state and federal statutes and regulations in effect on the effective date of the lease. Leases are subject to all future laws and regulations in effect after the effective date of the leases to the full extent constitutionally permissible and are affected by any changes to the responsibilities of oversight agencies.

ADF&G's request regarding human-bear interaction plans will not be included because such requirements are in the purview of ADF&G.

4. Peter Lowney

Valdez, AK, August 29, 2014

Comment Summary: Mr. Lowney provided comments regarding his concern with oil and gas development in the Alaska Peninsula region and possible environmental disasters such as oil spills.

DNR response: Chapter Nine, Mitigation Measures, addresses such things as system integrity, the siting of facilities, fuel and hazardous substance transfer, and drilling waste.

Chapter Seven, Governmental Powers, discusses how lessees are responsible for knowing and complying with all applicable state, federal, and local laws, regulations, policies, and ordinances.

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5. U.S. Department of the Interior, National Parks Service, Katmai National Park & Preserve

King Salmon, AK, September 2, 2014, Diane Chung, Superintendent

Comment Summary: The National Parks Service (NPS) provided comments regarding the impacts that oil and gas activities may have on park resources, information regarding the process if drainage of an adjacent NPS unit were to occur, and recommended a mitigation measure to include. NPS also commented on direct and indirect impact that oil and gas activities may have on park resources over short and long term time frames. The suggested mitigation measure addressed the protection of nearby park resources by adding a one to three mile buffer from the Katmai park border.

DNR response: DNR will not be adding a new mitigation measure as suggested by NPS. Other mitigation measures along with state and federal requirements are sufficient to protect park resources as discussed below. Regarding concerns about drainage, AOGCC statutes were established to, among other things, protect correlative rights.

Chapter Four, Habitats, Fish, and Wildlife, discussion includes state and federally managed refuges, critical habitat area, parks and preserves, and other designated areas. Chapter Four also states that specific legislation provides additional protection of habitat that is important to fish and wildlife populations and recreational opportunities.

Chapter Seven, Governmental Powers, discusses how lessees are responsible for knowing and complying with all applicable state, federal, and local laws, regulations, policies, and ordinances.

In addition to existing laws and regulations applicable to oil and gas activities, the state's standard oil and gas lease contract requires, under paragraph 26, that leases are subject to all applicable state and federal statutes and regulations in effect on the effective date of the lease. Leases are subject to all future laws and regulations in effect after the effective date of the leases to the full extent constitutionally permissible and are affected by any changes to the responsibilities of oversight agencies.

Chapter Eight, Reasonably Foreseeable Effects of Leasing and Subsequent Activity, discusses how oil and gas activities may affect habitats, fish and wildlife populations, and their uses of the sale area, and potential effects on historic and cultural resources, fiscal effects, and effects on local communities.

Chapter Nine, Mitigation Measures, addresses such things as system integrity, the siting of facilities, seasonal restrictions on oil and gas activities, fuel and hazardous substance transfer, and drilling waste.