



VIA EMAIL ONLY
(dog.permitting@alaska.gov)

March 9, 2016

John Easton
Alaska Department of Natural Resources
Division of Oil & Gas
550 West 7th Avenue, Suite 1100
Anchorage, AK 99501-3560

RE: COMMENTS ON GLOBAL GEOPHYSICAL SERVICE'S MLUP FOR SEISMIC ACTIVITIES ON
THE KENAI PENINSULA – SOUTH KENAI 2D PROGRAM

Dear Mr. Easton:

I. Introduction

Cook Inletkeeper is a public interest organization dedicated to protecting wild salmon, wetlands and water quality throughout the Cook Inlet watershed. Please accept these comments on the above-referenced matter on behalf of Inletkeeper and its more than 1200 members and supporters throughout southcentral Alaska.

The South Kenai 2D Program anticipates roughly 800 shot holes at 300 foot intervals along multiple lines spanning a total of approximately 50 miles. The proposed activities will cross numerous salmon streams and wetlands that support juvenile salmon. Based on the MLUP application materials, conversations with state and federal agency personnel, and the applicant's comments at a public meeting in Anchor Point on February 24, 2016, however, it's clear the applicant does not have a realistic grasp of the complex and sensitive habitats in which it seeks to operate. As a result, DNR and other state and federal should require more detailed information from the applicant – and should use readily-available GIS technology and field inspections to enhance oversight - to ensure the applicant operates in a manner that protects Alaska's vital fish habitat.

II. Comments

A. Public Notice

As a threshold matter, the [public notice](#) published on the Division of Oil & Gas's website failed to provide basic details on the proposed activity, including but not limited to the extent, duration and location of the proposed seismic activity. Without such information, members of the public cannot know if their interests may be affected by the proposed activity. Additionally, the public notice did not specify how to submit comments, or to whom. As a result, the public notice fails to provide sufficient

detail to allow the general public to comment meaningfully, and DNR should revise its public notice practices to address these shortcomings.¹

B. Incomplete Application

Miscellaneous Land Use Permits (MLUP) are required to “minimize adverse effects” on state lands and submerged lands pursuant to 11 AAC 96.005. According to [DNR’s MLUP Guidance Document](#), “[t]he application must contain the following information in sufficient detail to allow evaluation of the planned activities’ effect on the land,” including:

“Anadromous Fish Streams and Other Streams: Provide a description [sic] of all stream crossings for your project and identify on maps if known. List any permits applied for or issued by the Alaska Department of Fish and Game.”²

The applicant failed to provide this important information and as a result, it failed to meet the dual goals of the MLUP, to:

- Provide sufficient detailed information of the project area and proposed activities for the Division to determine the planned activities’ effect on State lands.
- Present the information in a format that is clear and understandable to other reviewers and the public.³

Without such basic information about salmon habitat within the proposed project area, DNR cannot understand adverse effects on state lands, nor can other reviewers or the general public.⁴ As a result, the applicant must submit a modified MLUP pursuant to [DNR guidance](#) to provide the information necessary for an adequate review.

C. Shot Line Location/Confidentiality

As a general matter, treating shot line locations as “confidential” is bad public policy, because members of the public – who are the collective owners of state lands and waters under Article VIII of the Alaska Constitution - cannot understand potential impacts to fish or water resources without specific information. For example, without specific information, it would be impossible for the public to understand the close proximity between numerous drinking water wells, salmon streams and wetlands to the proposed seismic activity. In this case, however, the applicant waived its confidentiality privilege when it displayed a poster containing the shot lines at the Anchor Point public meeting, and admitted it provided shot line locations to private property owners to the extent the lines cross private property.⁵

D. Critical Habitat Area

¹ Inletkeeper did not see and could not access the public notices published in the Alaska Dispatch News; regardless whether those notices contained the information discussed herein, it only makes sense to include it on DNR’s online public notice portal.

² MLUP Guidance Document, Section IV.3.G.

³ Id., p.1.

⁴ In its application, the applicant states “Global will consult with the ADF&G regarding activities in and around fish-bearing streams and will follow the ADF&G guidelines.”

⁵ In the future, if any applicant for an MLUP seismic permit reveals shot line locations to private property owners, the applicant will have waived its confidentiality privilege and those locations must be made public.

Approximately two miles of shot line will traverse the Anchor River/Fritz Creek Critical Habitat Area (CHA). In fact, according to the coordinates provided by the applicant, roughly a mile of shot line will run through or within 100' of a tributary to the Anchor River.⁶ Yet based on information and belief, the applicant has not applied to ADFG for a Special Areas Permit pursuant to 5 AAC 95.420. If and when such an application ensues, ADFG should take every step to require the applicant to show it knows the precise location of wetlands and salmon streams before commencing activities, and it should conduct field inspections to ensure compliance.

E. Proximity to Water Wells

As the attached maps illustrate, the proposed shot lines will run close – if not over – numerous residential water wells. As a result, the applicant and/or DNR should ensure all private property owners with wells in the vicinity of the shot lines are informed, and measures are taken to avoid harm to well integrity, water supply and water quality.

F. Wetlands Dredge & Fill Activities

Seismic exploration activities for oil and gas are regulated under the Clean Water Act's [Nationwide Permit No. 6](#), and as a result, they must comply with [Nationwide General Permit Conditions](#). The following conditions apply to this application:

2. Aquatic Life Movements. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water ...

3. Spawning Areas. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

4. Migratory Bird Breeding Areas. Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

Based on information and belief, the applicant has not provided any information to show compliance with these required permit conditions.

G. Need for Better Permitting Tools

As a final comment, it's important to recognize DNR and other agency personnel cannot do their jobs effectively without basic technology. GIS tools have been broadly available for almost twenty years now, yet DNR still lacks the basic capacity for permit reviewers to plot proposed activities against various layers of important data. These tools are cost-effective and will significantly enhance the speed and quality of permit reviews, in line with [Administrative Order 266](#). Attached please find a series of GIS maps showing water wells, salmon streams, wetlands, critical habitat and other attributes that can inform DNR's decision making on this application. Attachment A includes links to the maps online, along with the data sources and metadata for the attributes provided. At the most basic level, the applicant should provide DNR, ADFG and other agencies with the GPS coordinates for each shot hole prior to

⁶ See map for seismic line SKHI16-05 (attached)

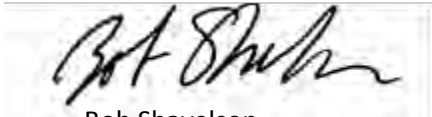
commencing seismic activities, and the agencies should assess those locations against known or suspected important fish habitat areas.

III. Conclusion

The State of Alaska frequently prides itself on its rigorous permitting system. At the same time, agency resources are stretched thin, especially in these times of fiscal uncertainty. While Inletkeeper is disappointed in the cursory information provided by the applicant to make important decisions around our invaluable salmon habitat, its intent is to help DNR and other state and federal agencies improve the process for assessing the impacts – and mitigating the impacts – from projects such as the South Kenai 2D Program.

Thank you for the opportunity to comment, and please do not hesitate to contact me at 907.299.3277 or bob@inletkeeper.org with any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "Bob Shavelson", is enclosed in a rectangular box.

Bob Shavelson
Inletkeeper

Cc: (VIA EMAIL ONLY)
Corri Feigi, ADNR/DOG
Kim Cruse, ADNR/DOG
David Rogers, ADFG
Ginny Litchfield, ADFG
Jason Okuly, Alaska State Parks
Katie MCafferty, Army Corps
Tom Dearlove, KPB

ATTACHMENT A

MAPS & METADATA

The above-referenced maps are available for download at:

<http://inletkeeper.org/resources/contents/hilcorpseismic1/view>

<http://inletkeeper.org/resources/contents/Hilcorpseismic2%2C3/view>

<http://inletkeeper.org/resources/contents/Hilcorpseismic4/view>

<http://inletkeeper.org/resources/contents/Hilcorpseismic5/view>

<http://inletkeeper.org/resources/contents/Hilcorpseismic6/view>

<http://inletkeeper.org/resources/contents/Hilcorpseismic7/view>

<http://inletkeeper.org/resources/contents/Hilcorpseismic8%2C9/view>

Data sources and metadata for the above-referenced maps are as follows:

Wetlands

Downloaded from: <http://cookinletwetlands.info/>

Metadata: <http://cookinletwetlands.info/ciwetlandsmetadata.htm>

ADF&G Anadromous Waters Catalog (AWC)

Downloaded from: <https://www.adfg.alaska.gov/sf/SARR/AWC/index.cfm?ADFG=maps.GIS>

Metadata: The Alaska Department of Fish and Game's (ADF&G) Anadromous water bodies data is derived from the ADF&G's GIS shape files for the "Catalog of Waters Important for Spawning, Rearing or Migration of Anadromous Fishes" (referred to as the "Catalog") and the "Atlas to the Catalog of Waters Important for Spawning, Rearing or Migration of Anadromous Fishes" (referred to as the "Atlas"). It is produced for general visual reference and to aid users in generating various natural resource analyses and products. The shape files depict the known anadromous fish bearing lakes and streams within Alaska (from the mouth to the known upper extent of species usage). It incorporates data from a variety of sources including: USGS Digital Line Graph (DLG) and National Hydrography Dataset (NHD) hydrography data; Alaska Department of Natural Resources hydrography layer; and ADF&G shape files for the "Atlas" and "Catalog". ADF&G updates the Anadromous Streams data regularly. Note that stream numbers, locations, extent of cataloged habitat or species utilization of a given stream may change from year to year. Data for the shape files are current as of the 2015 revision of the "Atlas to the Catalog of Waters Important for the Spawning, Rearing or Migration of Anadromous Fishes" and the "Catalog of Waters Important for the Spawning, Rearing or Migration of Anadromous Fishes" effective June 1, 2015. This particular data layer is for the Southcentral Region of Alaska.

Alaska Legislatively Designated Areas ("Kachemak Bay State Park" layer in map SKHI16-01 and "Anchor River/Fritz Creek Critical Habitat Area" layer in map SKHI16-05):

Downloaded from: <http://dnr.alaska.gov/mdfiles/lda.html>

Metadata: <http://dnr.alaska.gov/mdfiles/lda.html>

Alaska DNR DMLW Well Log Tracking System (WELTS)

Downloaded from: <http://dnr.alaska.gov/mdfiles/welts.html>

Metadata: <http://dnr.alaska.gov/mdfiles/welts.html>

Hilcorp lines and points

Downloaded from: Bob Shavelson's iPhone (image capture February 24, 2016)

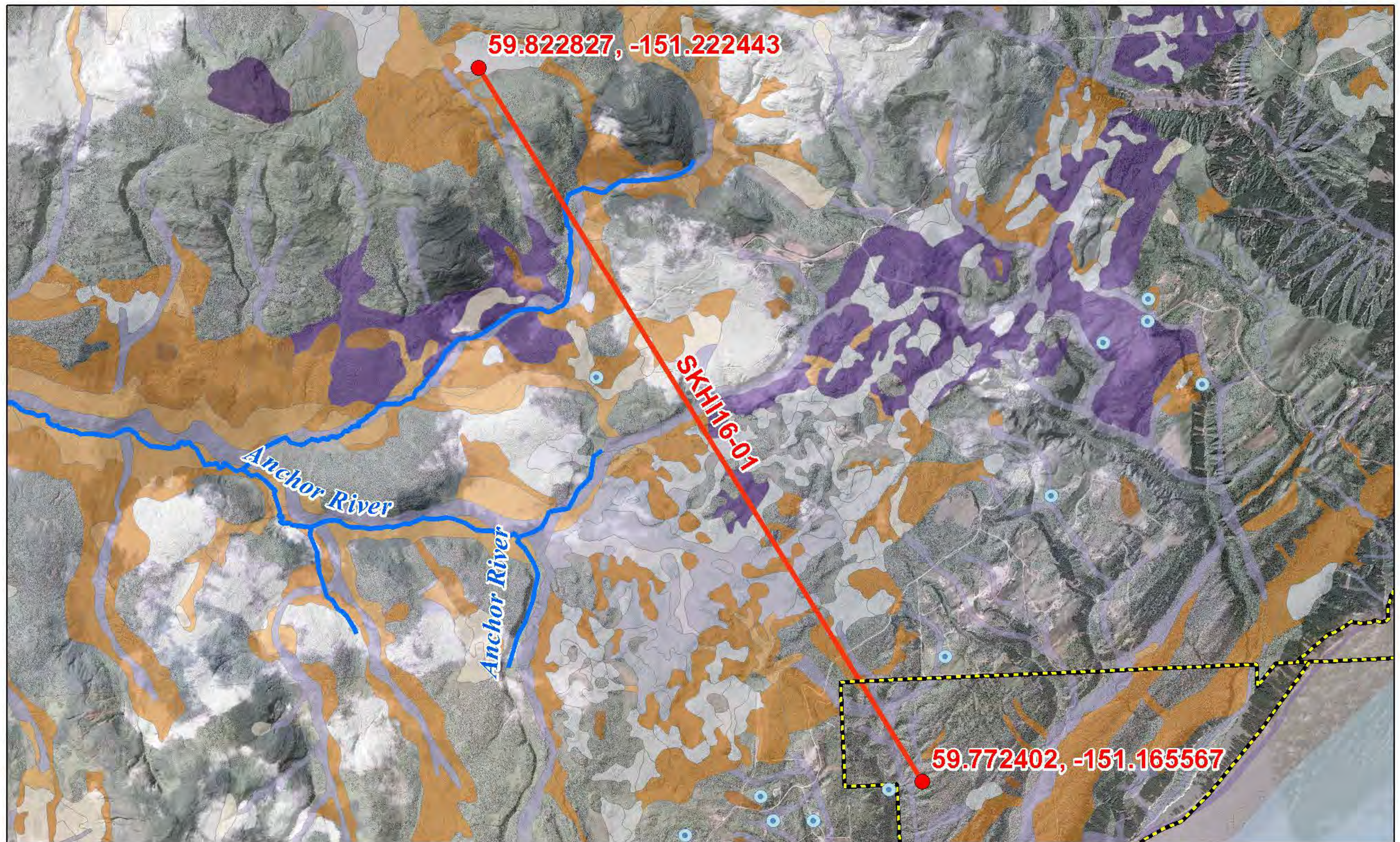
Metadata: Bob Shavelson's iPhone (image capture February 24, 2016)

Background Layers for all maps:

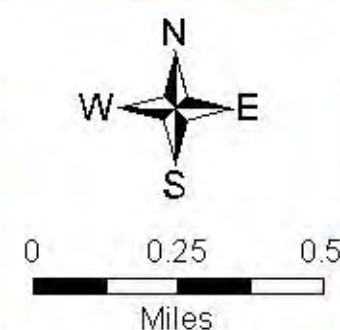
Downloaded from: <http://www.kpb.us/gis-dept/kpb-data-downloads/layer-files>

Metadata: <http://www.kpb.us/gis-dept/kpb-data-downloads/layer-files>; layer files "Quickbird, year 2003" and "Hillshade".

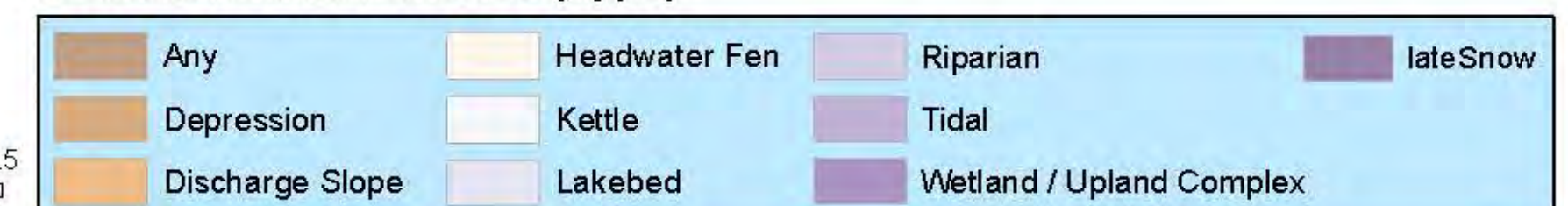
Seismic line SKHI16-01



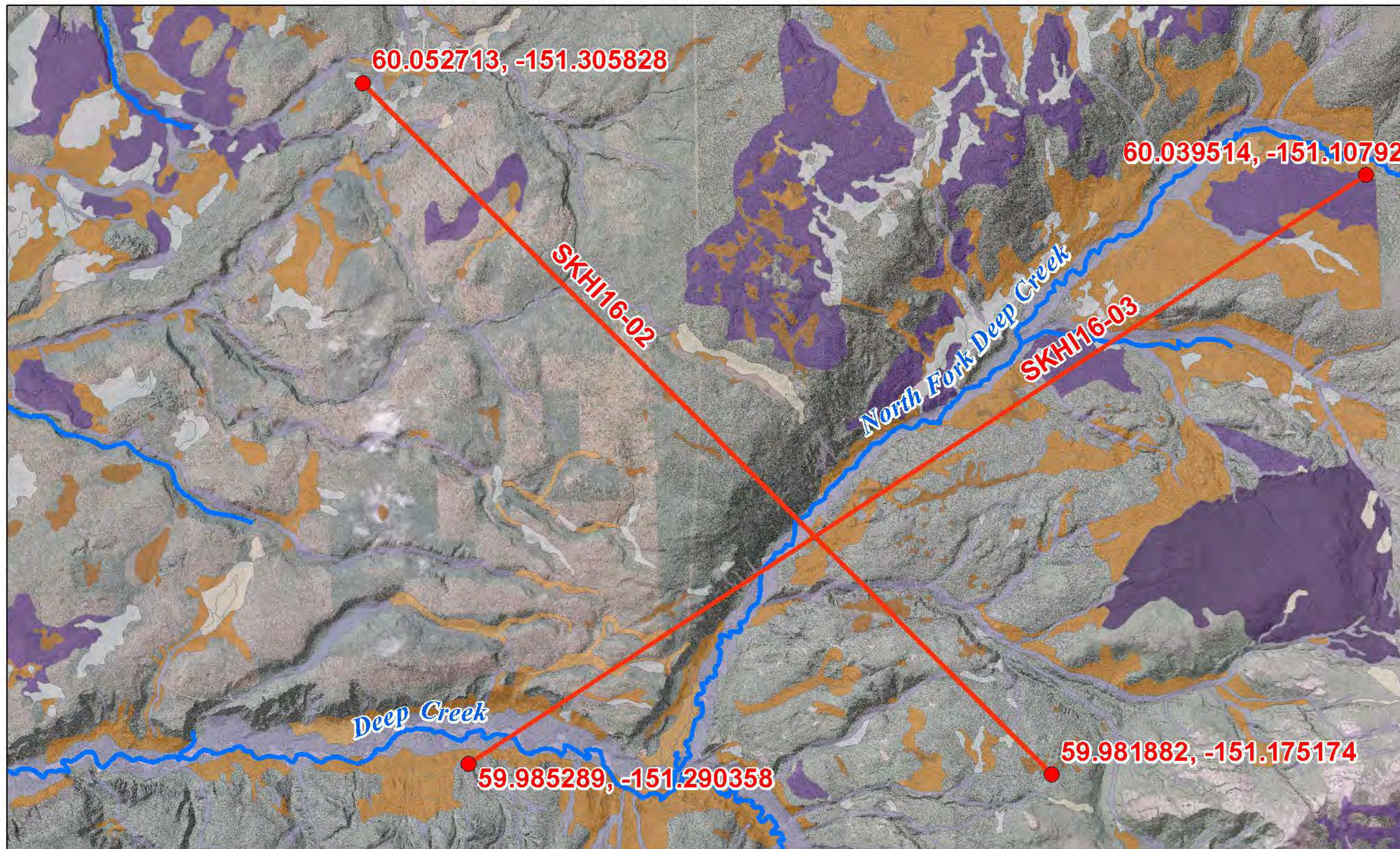
General Map Layers



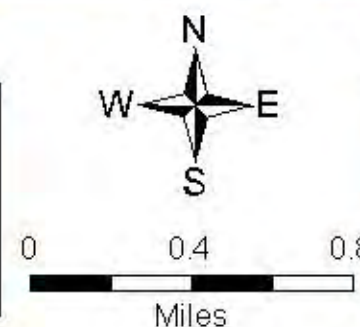
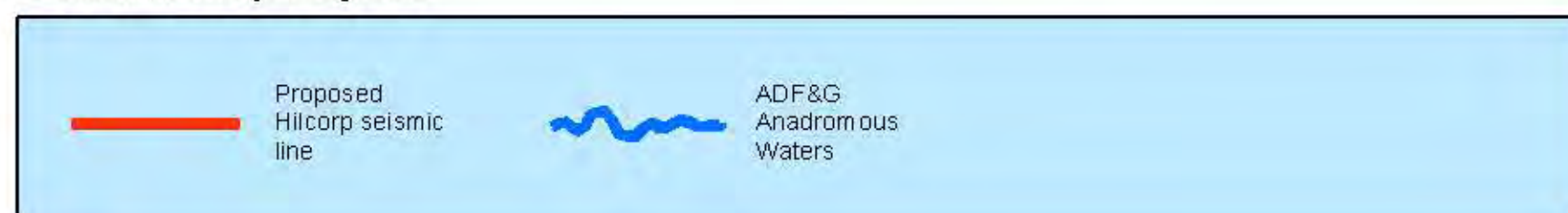
Wetland Habitat Function (Type)



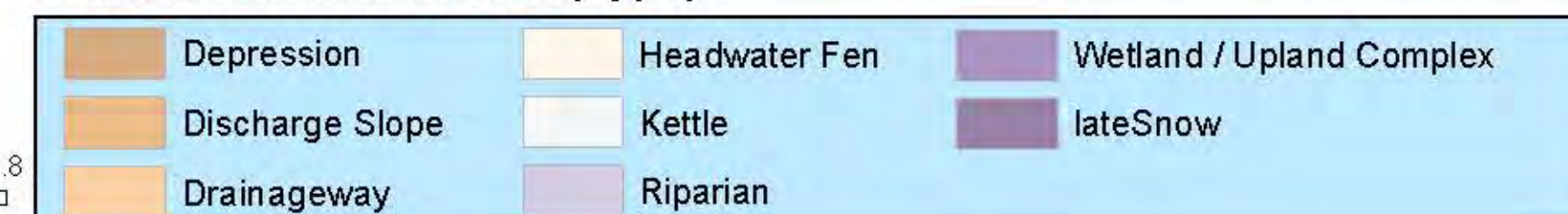
Seismic line SKHI16-02 and SKHI16-03



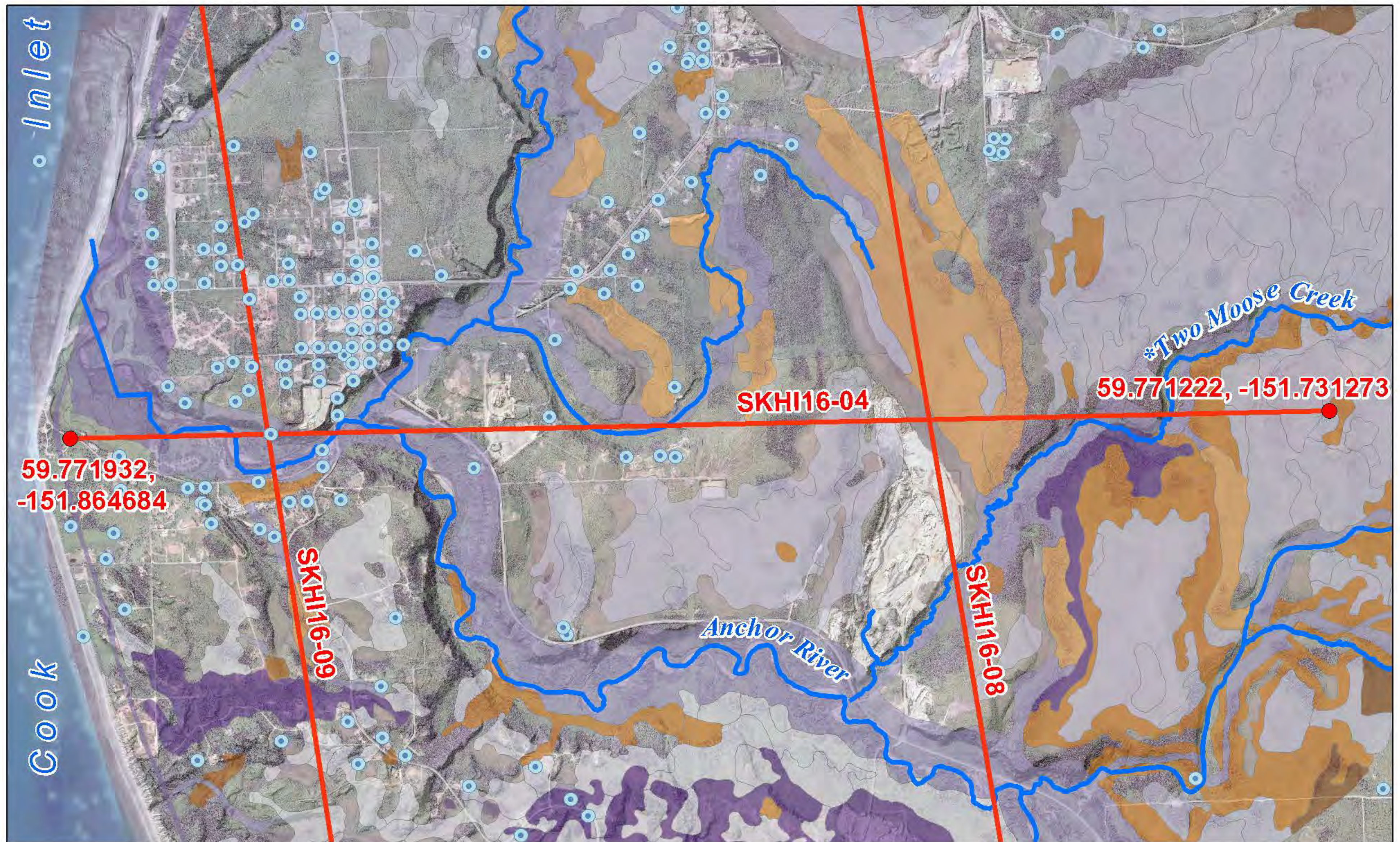
General Map Layers



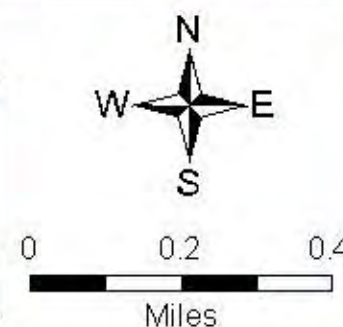
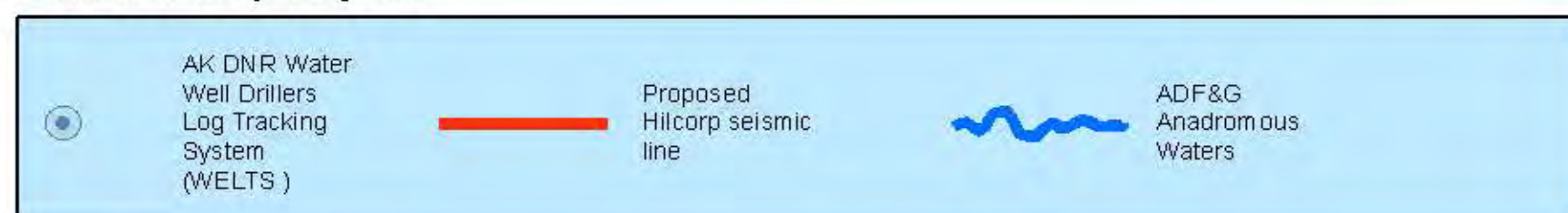
Wetland Habitat Function (Type)



Seismic line SKHI16-04



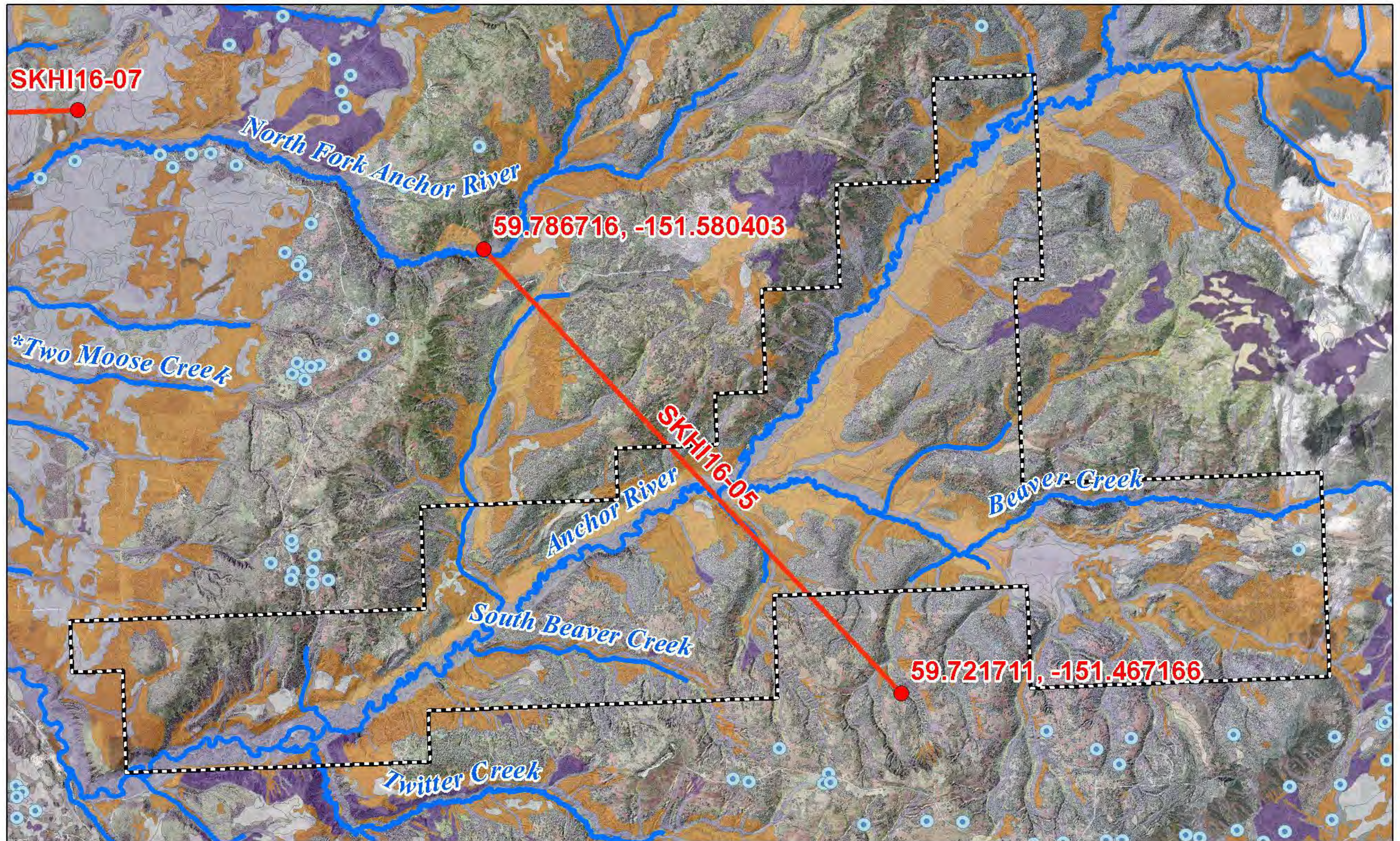
General Map Layers



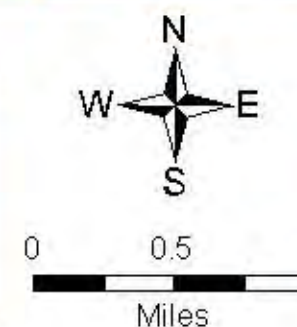
Wetland Habitat Function (Type)



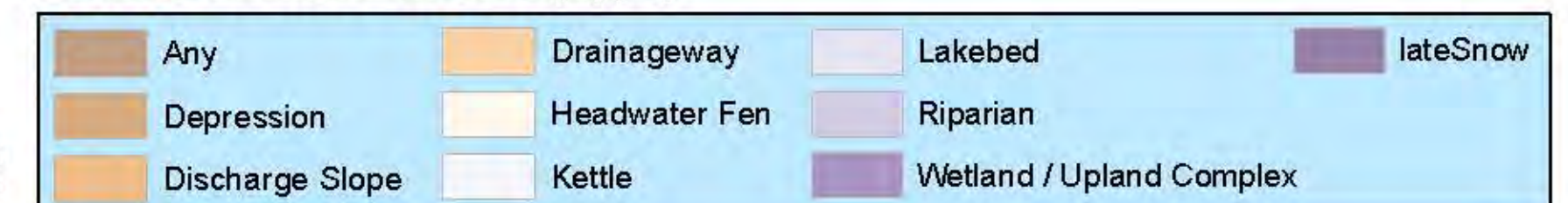
Seismic line SKHI16-05



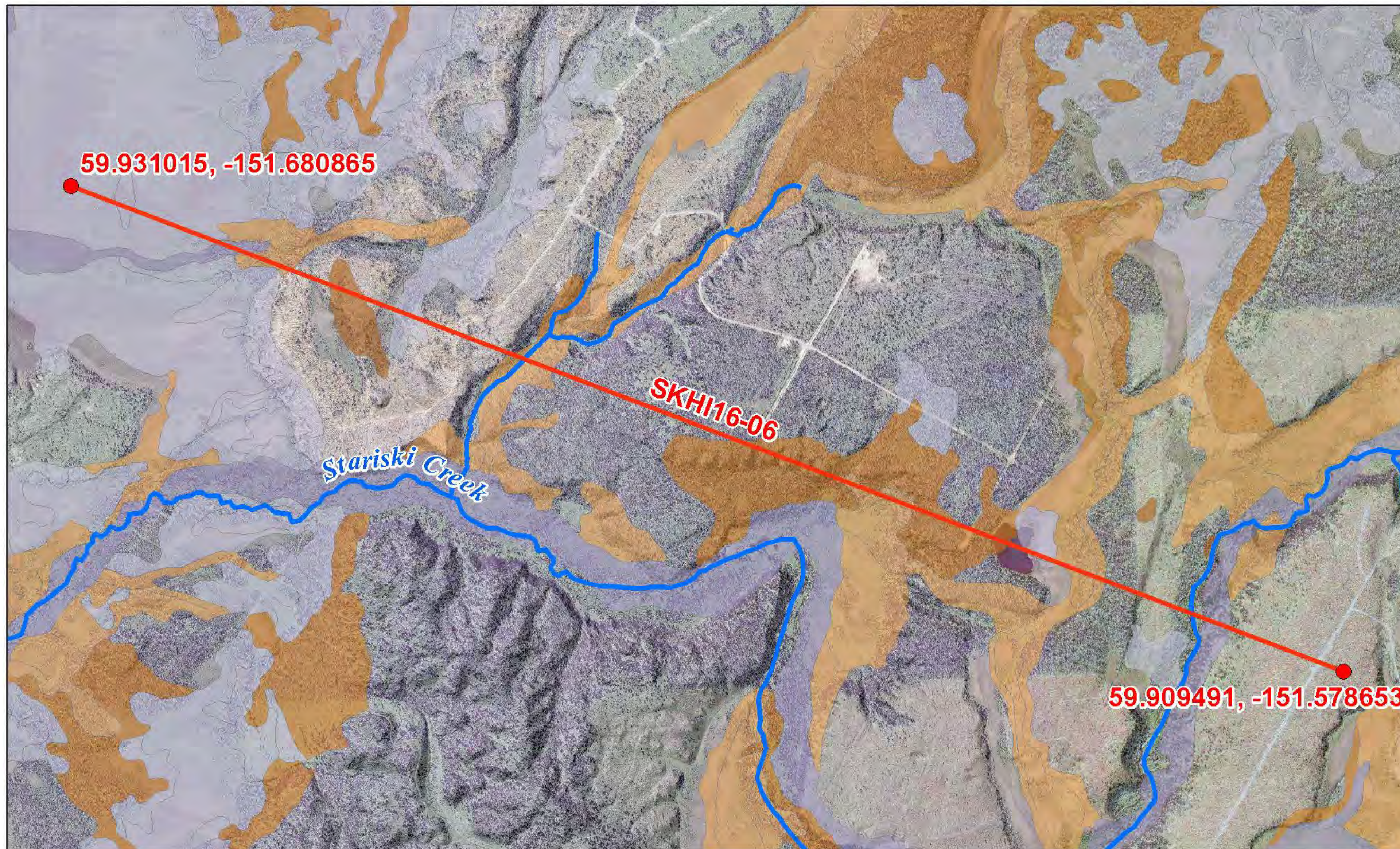
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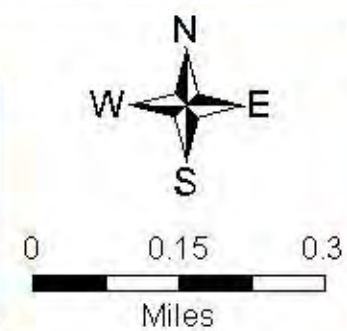
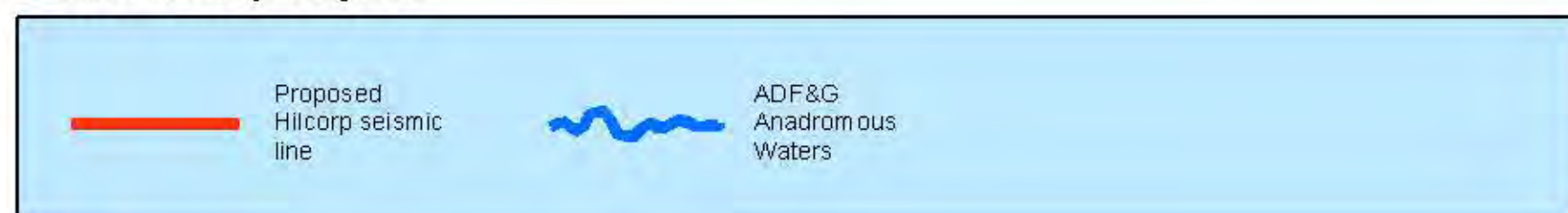
Wetland Habitat Function (Type)



Seismic line SKHI16-06



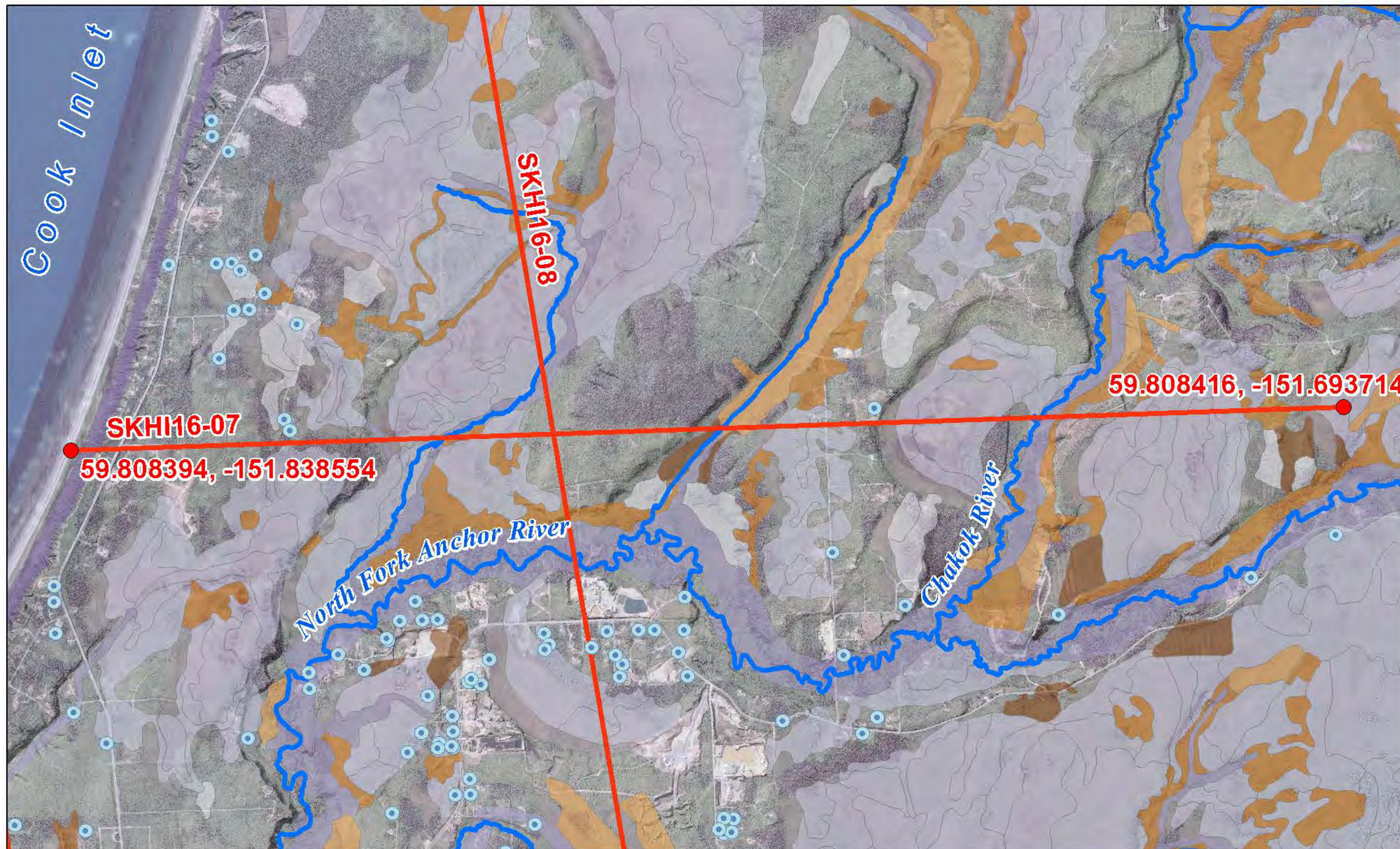
General Map Layers



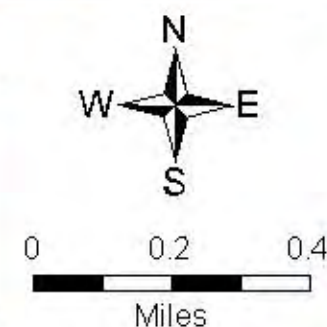
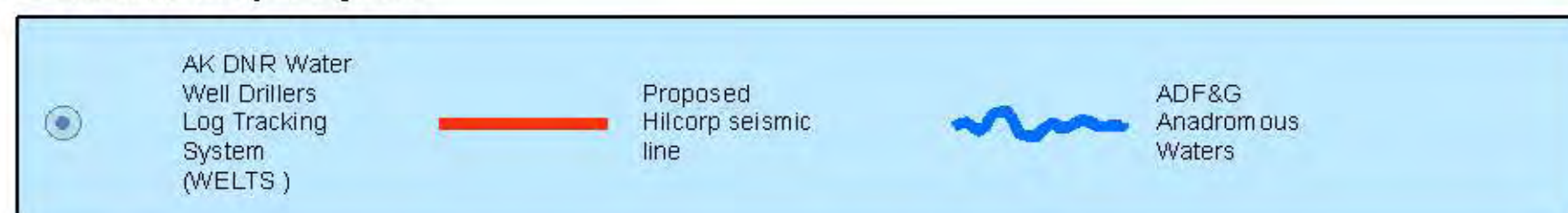
Wetland Habitat Function (Type)



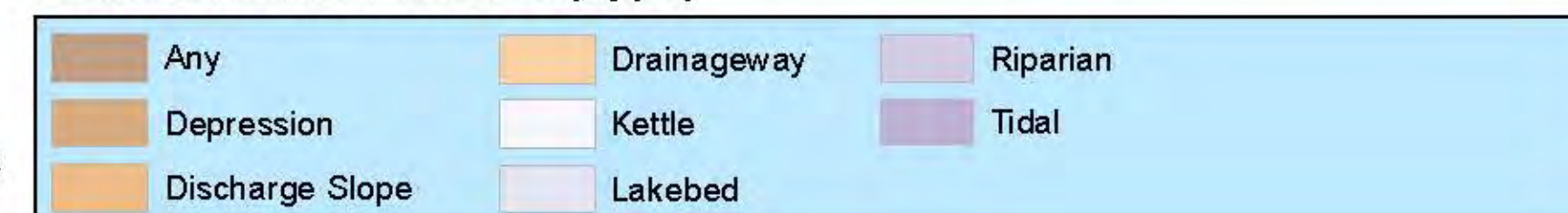
Seismic line SKHI16-07



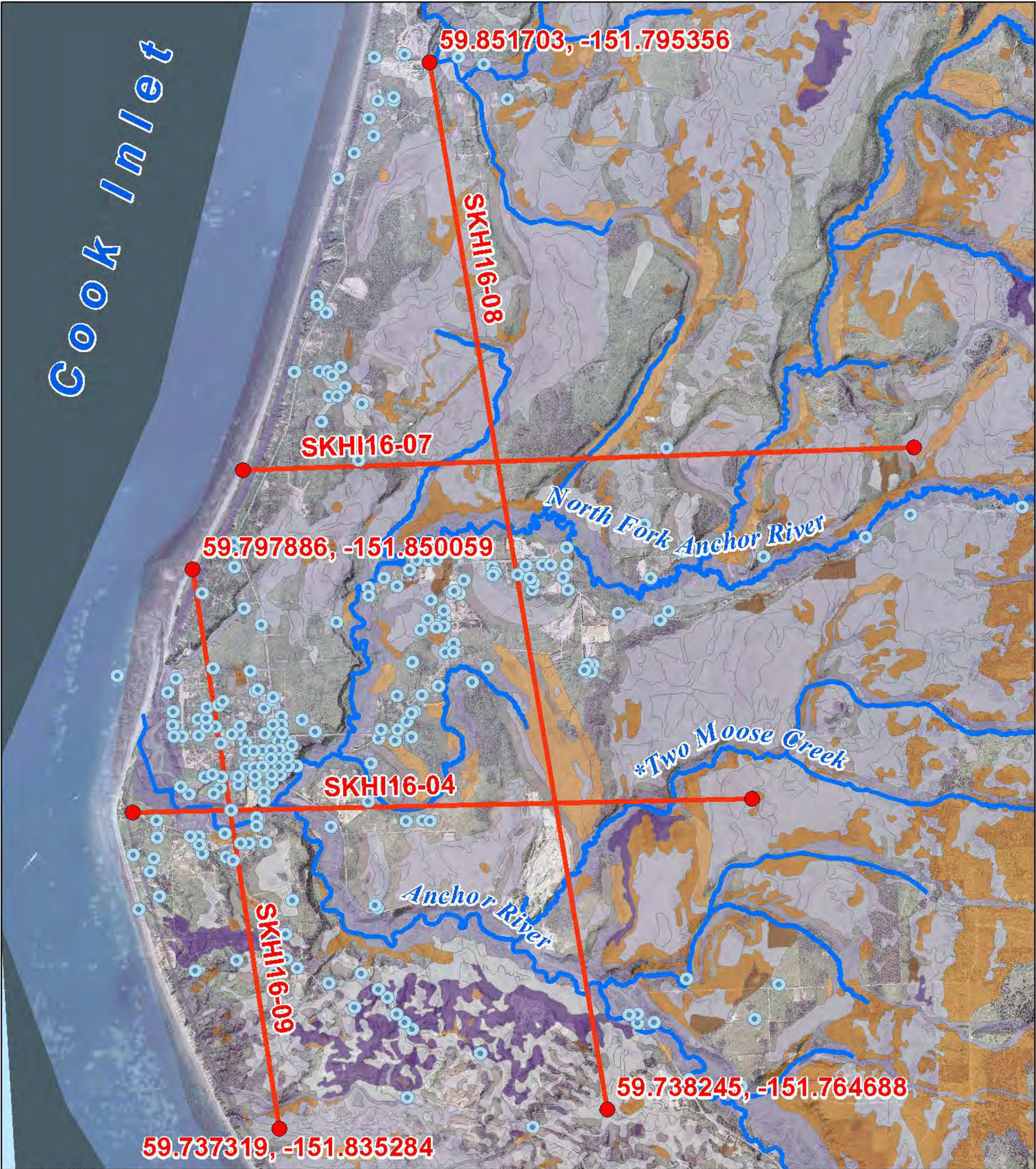
General Map Layers



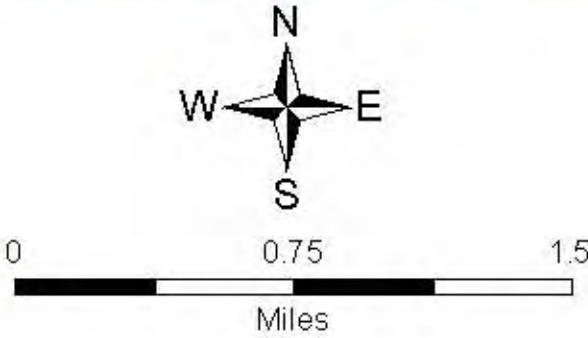
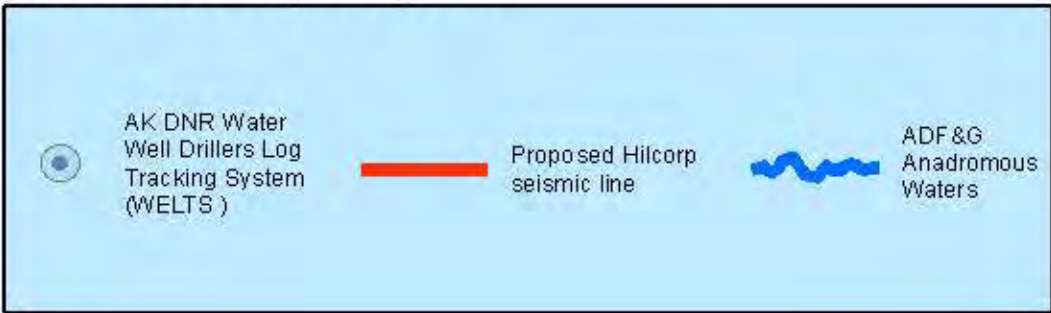
Wetland Habitat Function (Type)



Seismic line SKHI06-08 and SKHI06-09



General Map Layers



General Map Layers

