



# Gwich'in Steering Committee

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*"In no case may a people be deprived of their own means of subsistence."*  
International Covenants on Human Rights

December 10, 2020

Inter-American Commission on Human Rights  
1889 F Street N.W.  
Washington, D.C. 2006  
United States

***Re: Request for Precautionary Measures Pursuant to Article 25 of the IACHR Rules of Procedure Concerning Serious and Urgent Risks of Irreparable Harm Arising Out of Oil and Gas Leasing in the Coastal Plain of the Arctic Refuge of Alaska Matter #MC-1094-20***

To Whom It May Concern:

On November 20, 2020 the Gwich'in Steering Committee requested that the Inter-American Commission on Human Rights ("the Commission") call on the United States Government ("the U.S. Government") to adopt precautionary measures to prevent irreparable harm to the Gwich'in Nation resulting from the imminent seismic exploration and oil and gas lease sales in the Coastal Plain of the Arctic Refuge ("the Refuge"), which are the Porcupine Caribou Herd's calving and nursery grounds. In the short time since then, the U.S. Government has continued to dismiss and violate our human rights. This administration has already undertaken several serious and imminent actions in this matter.

On December 7, 2020, the Department of the Interior's Bureau of Land Management (BLM) announced a Notice of Lease Sale for the Refuge that will take place on January 6, 2021.<sup>1</sup> As indicated in the previous update, once the lease sale occurs, it will be nearly impossible for the

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<sup>1</sup> *Notice of 2021 Coastal Plain Alaska Oil and Gas Lease Sale and Notice of Availability of the Detailed Statement of Sale*, 85 Federal Register 78,865 (Dec. 7, 2020) (available at: <https://www.govinfo.gov/content/pkg/FR-2020-12-07/pdf/2020-26788.pdf>).

Gwich'in to invalidate the lease sale and to prevent permanent destruction to the area that they refer to as *Iizhik Gwats'an Gwandaii Goodlit* or *The Sacred Place Where Life Begins*.

The U.S. Government is fast-tracking the upcoming lease sale and approving the seismic permit due to the upcoming transition of administrations. The U.S. Government announced the Lease Sale with 10 days remaining on the public comment period for the BLM's Call for Nomination and Comments for the Coastal Plain Alaska Oil and Gas Lease Sale. This only provides 23 days for sealed bids to be received by the BLM.<sup>2</sup> It is unusual and does not conform with standard practice to begin the lease sale without exhausting the public comment period. This further demonstrates the U.S. Government's unwillingness to engage with public input on this process. As previously stated, the U.S. Government has not meaningfully consulted with Indigenous Peoples nor are they doing so in this instance. This announcement evidences the U.S. Government's failure to adhere to its own regulations as it rushes to issue leases during the Trump Administration's final weeks in office.

In addition to the lease sale, the U.S. Government is rushing to approve seismic exploration of roughly 451,000 acres in the Coastal Plain, as well as an additional 92,000 acres of land within a neighboring area of the Refuge.<sup>3</sup> On December 8, 2020, the Department of the Interior's Fish & Wildlife Service published a Proposed Incidental Harassment Authorization (IHA) for Polar Bears in the Refuge.<sup>4</sup> This Proposed IHA states that seismic activities could begin as soon as January 21, 2021 in the Arctic Refuge and seismic operations on or after February 1.<sup>5</sup> This publication has a 30-day comment period and is part of the process for imminent seismic testing in the Refuge which would have long-term and immediate impacts on the Refuge and the Gwich'in.

This imminent development by way of seismic testing and holding of lease sales in the Coastal Plain would cause serious and irreparable harm to the Gwich'in people. It also violates human rights commitments that the U.S. Government has made as a member of the Organization of American States and under multiple international treaties. As such, finalizing the lease sales and proceeding with seismic testing would cause imminent, serious and irreparable harms in violation of the Gwich'in's rights to health and well-being, religion, culture and subsistence, judicial protection, clean environment, and free, prior, and informed consent.

The Gwich'in Steering Committee respectfully requests that the Commission incorporate these updates in its immediate consideration through the mechanisms available as they demonstrate the

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<sup>2</sup> *Id.*

<sup>3</sup> U.S. Bureau of Land Mgmt., *Marsh Creek East Seismic Exploration* (Oct. 23, 2020). Retrieved from: <https://eplanning.blm.gov/eplanning-ui/project/2003258/510> (last visited Dec. 7, 2020).

<sup>4</sup> *Marine Mammals; Incidental Take During Specified Activities; Proposed Incidental Harassment Authorization for Polar Bears in the Arctic National Wildlife Refuge, Alaska*, 85 Federal Register 79, 082 (Dec. 8, 2020)(available at: <https://www.govinfo.gov/content/pkg/FR-2020-12-08/pdf/2020-26747.pdf>).

<sup>5</sup> *Id.*

continued serious and imminent violations of the Gwich'in Nation's human rights, food security, spirituality and will destroy the Gwichin's way of life. The U.S. Government is not honoring its own laws and we ask that you help us uphold our rights as articulated in the request submitted November 20, 2020.

Respectfully,



Bernadette Demientieff

Executive Director

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