



March 9, 2022

Stephanie Rice, Willow Master Development Plan Project Manager
Bureau of Land Management, Alaska State Office
222 West 7th Avenue, #13
Anchorage, Alaska 99513-7599

Submitted electronically via BLM ePlanning Website:
<https://eplanning.blm.gov/eplanning-ui/project/109410/510>

Re: Comments of Arctic Slope Regional Corporation on BLM's Notice of Preparation of a Supplemental Environmental Impact Statement for the Willow Master Development Plan

Dear Ms. Rice:

Arctic Slope Regional Corporation (ASRC) submits the following comments regarding the Bureau of Land Management's (BLM) preparation of a Supplemental Environmental Impact Statement (SEIS) for ConocoPhillips Alaska, Inc.'s (CPAI) Willow Master Development Plan (Willow).¹ ASRC appreciates the opportunity to offer our continued support for Willow and requests that BLM work expeditiously to complete the SEIS process so this project that is of great significance to the people of the North Slope can move forward without undue delay.

ASRC's detailed comments on BLM's prior 2020 Supplemental Draft Environmental Impact Statement for Willow, as well as the comments ASRC submitted during the November 2021 Alaska Native Corporation and Tribal Consultation process, are attached and incorporated by reference into these comments.

ASRC reiterates our steadfast commitment to environmentally responsible oil and gas exploration and development on the North Slope, including the development of Willow within the National Petroleum Reserve in Alaska (NPR-A). We continue to expect that BLM will protect, through its decision making, the social, political, and economic welfare of the Iñupiat people of the North Slope. Our region and the Native communities within it have thrived with the support of resource development in our region. We know that measured, responsible development can proceed in a manner that preserves our subsistence culture, provides benefits through technological advancements and scientific research, and supports our community needs, including infrastructure.

¹ Notice of Preparation of a Supplemental Environmental Impact Statement for the Willow Master Development Plan, 87 Fed. Reg. 6,890 (Feb. 7, 2022) ("Notice").

I. Arctic Slope Regional Corporation

ASRC is one of twelve land-owning regional Alaska Native Corporations established pursuant to the Alaska Native Claims Settlement Act of 1971 (ANCSA).² Congress created Alaska Native Corporations and provided for the conveyance to them of certain traditional lands in settlement of Alaska Native aboriginal land claims to provide for the economic, social, and cultural well-being of the Alaska Native people, who became owners of—or shareholders in—the Alaska Native Corporations after ANCSA was enacted.

ASRC's region is the North Slope of Alaska, the northernmost region of the United States. ASRC's shareholders, the Iñupiat of the North Slope, have lived on, and subsisted off the resources of the North Slope for over 10,000 years. The North Slope region spans 55 million acres and includes the villages of Point Hope, Point Lay, Wainwright, Atkasuk, Utqiagvik, Nuiqsut, Kaktovik, and Anaktuvuk Pass. The residents of these villages are also residents of the North Slope Borough (Borough), the county-level municipal government for the North Slope region.³ The residents of these villages are predominantly Iñupiat, and they comprise many of the approximately 13,000 Alaska Native owners of ASRC.

ASRC holds title to approximately five million acres of land on the North Slope, including both surface and subsurface lands. Much of this land holds energy, mineral, and other resource potential. These lands—the ancestral lands of the Iñupiat people—were conveyed to ASRC by the United States pursuant to ANCSA to provide for the economic well-being of the North Slope Iñupiat. As noted above, under ANCSA, Congress created Alaska Native Corporations, including ASRC, “to provide benefits to [their] shareholders who are Natives or descendants of Natives or to [their] shareholders’ immediate family members who are Natives or descendants of Natives to promote the health, education, or welfare of such shareholders or family members.”⁴

Consistent with this unique Congressional mandate, ASRC is committed both to providing sound financial returns to its shareholders, in the form of jobs and dividends, and to preserving our Iñupiat way of life, culture, and traditions, including the ability to maintain a subsistence lifestyle to provide for our communities. ASRC regularly invests in initiatives that promote and support education, the preservation of our language, healthy communities, and sustainable local economies. In furtherance of this congressionally mandated mission to provide benefits to our shareholders, ASRC conducts, and will continue to conduct, a variety of development and construction activities related to natural resource utilization, infrastructure development, and other purposes. ASRC's perspective is based on the dual realities that our Iñupiat culture and communities depend upon a healthy ecosystem and subsistence resources, as well as natural resource development as the foundation of a sustained North Slope economy.

² 43 U.S.C. § 1606 *et seq.*

³ The Borough is the county-level government for the North Slope region of Alaska. Although the Borough is a municipality, it serves a critical role in defending the interests of its Iñupiat residents, who comprise the large majority of its population.

⁴ 43 U.S.C. § 1606(r).



ASRC considers the potential impact of activities on the North Slope to our communities very seriously, and we are committed to ensuring that oil and gas development and production proceed on the North Slope in a responsible and sustainable manner. We remain confident that the current plan for Willow is sufficiently protective of the traditional use lands of our people—specifically, those of the village of Nuiqsut—and that our people will share in the significant benefits from Willow’s development.

II. Willow Was Developed Through Rigorous Environmental Review with Significant North Slope Involvement and Support

Willow represents the type of well-considered, environmentally responsible development that ASRC supports. Willow was evaluated and approved through an exhaustive environmental review process that was completed in accordance with the 2013 NPR-A Integrated Activity Plan, a land management plan developed and finalized by the Obama-Biden Administration. Following an extensive scoping process, environmental review, and refinement of project design elements based on feedback from local communities, much of which was based on local knowledge, BLM selected Alternative B as the preferred alternative for Willow.

For the reasons described more fully in our previous comments, ASRC continues to support Willow’s current proposed footprint as set forth in Alternative B in the 2020 Environmental Impact Statement (EIS) and subsequent Record of Decision (ROD) as representing the best plan for the project. The current plan for Willow’s footprint was specifically designed to protect surface values and to protect the Iñupiat way of life, including our reliance on subsistence harvesting. We remain satisfied that the mitigation measures are adequate to protect the land, water, and wildlife resources of the North Slope, as well as community health and wellbeing. Accordingly, additional mitigation measures are not necessary. Willow’s current design is the culmination of a years-long process involving local stakeholders, and it reflects the input and values of the Iñupiat people of the North Slope on CPAI’s overall project design and in the alternatives presented in the EIS.

Challenges to economic development projects on the North Slope—challenges focused on stopping all development rather than improving the design of locally-supported and economically critical projects—do not reflect an understanding of or appreciation for this thorough environmental review process, which was informed by decades of environmentally responsible oil and gas exploration and development in Alaska. It is unacceptable to us that many critics of these projects purport to speak for the Alaska Native people of the North Slope, while in reality they are ignoring years of substantive engagement by our elected Native leaders, thus dismissing Alaska’s Iñupiat population whose livelihoods are inextricably linked to oil and gas development within the region.

The reality is that Willow has significant support from the Alaska Native community. Organizations representing over 150,000 Alaska Native shareholders throughout the State of Alaska have offered strong public support for Willow given its extensive environmental review



and public comment process, and the significant economic benefits that will flow to state and local economies. The united position of the Alaska Native community on this important issue demonstrates how powerfully the public interest is served by allowing Willow to move forward.

III. BLM Should Limit the Scope of Its Supplemental Review of Willow to the Issues Specifically Identified by the District Court of Alaska for Reevaluation

As described in its Notice, BLM is preparing this SEIS to address the deficiencies in the 2020 Willow Final EIS and ROD identified by Alaska District Court Judge Sharon Gleason in her August 2021 opinion,⁵ and to ensure compliance with applicable law. In that lawsuit, environmental groups raised myriad claims challenging Willow, and Judge Gleason rejected the majority of those arguments—including those claims relating to the Teshekpuk Caribou Herd, claims that BLM lacked sufficient baseline information necessary to take a hard look at Willow, claims that BLM did not adequately consider Willow’s potential cumulative impacts, and claims that the U.S. Army Corps of Engineers’ review of Willow and subsequent issuance of a Clean Water Act (CWA) permit did not comply with the CWA. Instead, Judge Gleason identified only a few discrete areas that needed further analysis before Willow could proceed, and BLM initiated this SEIS process to address those issues.

ASRC understands that several environmental groups are now attempting to leverage this SEIS process to reopen the entire environmental review of Willow. Such groups conveniently disregard the comprehensive years-long environmental review process that Willow has already undergone, as well as the broad local support for and involvement in the development of this project. They only seek to delay projects like Willow to the point of economic infeasibility. ASRC vigorously disagrees with assertions that Willow’s environmental review was deficient and rejects the position that the review process must be redone. We respectfully request that BLM limit its supplemental review to address only the issues specifically identified by Judge Gleason as in need of supplemental analysis before Willow can proceed: namely, those issues related to BLM’s greenhouse gas (GHG) emissions analysis, BLM’s NEPA alternatives analysis (specifically, the issues Judge Gleason identified related to BLM’s authority to restrict CPAI’s lease rights and the Teshekpuk Lake Special Area), and the agency’s reliance on the U.S. Fish and Wildlife Service’s Biological Opinion for polar bear.

IV. Willow is Critically Import to the U.S. Energy Supply and Security

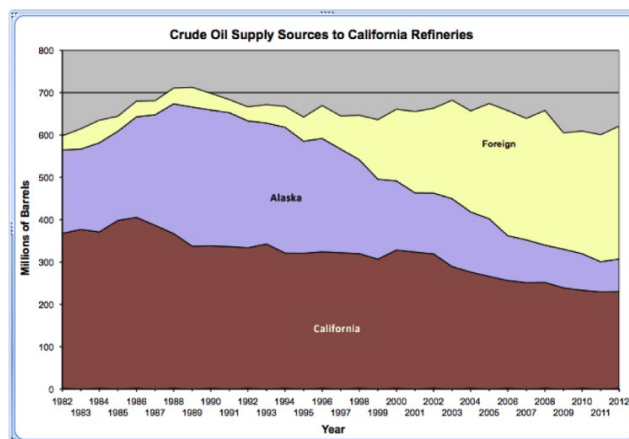
Though our comments have focused primarily on the interests of the Iñupiat people of the North Slope of Alaska, Willow’s expeditious development should be of interest to all Americans, particularly in light of recent events impacting global energy supply and security. Curtailing energy production in the United States forces our country and our allies to purchase oil and gas from countries like Russia, even as these countries impose economic sanctions on Russia for its attacks against Ukraine. The United States should be supporting the development of our

⁵ *Sovereign Iñupiat for a Living Arctic v. Bureau of Land Management*, No. 3:20-cv-00290-SLG (D. Alaska Aug. 18, 2021) (“Opinion”).



domestic energy resources to bolster our national security interests and to ensure that the benefits of resource development flow to U.S. communities instead of foreign enemies.

Until the President's recent announcement that the U.S. will prohibit imports of Russian oil, the United States had become the single largest buyer of Russian heavy-oil products and Russia was supplying more oil to the United States than any other foreign producer aside from Canada.⁶ There is no question that domestic production directly influences foreign imports. A cursory review of California's oil imports over a period of 30 years (see insert) shows that as Alaskan oil imports to California *decreased*, imports *increased* from foreign countries that have neither the environmental rules nor the human rights standards that we prize in America.⁷



In 2021, the United States imported an average of 670,000 barrels of oil and petroleum products, with a high of 848,000 barrels per day in June 2021, with imports up 24% in 2021 over 2020. The development potential at Willow and elsewhere on the North Slope could play a critical role in reducing these foreign imports and meeting our domestic energy needs.

It is an undeniable truth that oil and gas remain a critically important part of America's economy and of our national security strategy. BLM is in a position to ensure that the North Slope can supply much of these energy needs, and our Iñupiat communities will greatly benefit from that work. There is no question that America can and should focus on reducing its dependence on oil and gas. But that path is a long one, and the energy resources we continue to need should come from American communities that will receive the greatest benefit while reducing our dependence on and economic support of countries like Russia.

V. The SEIS Process Should Not Unjustifiably Delay the Benefits of the Willow Project to North Slope Communities

As more fully described in ASRC's prior comments, Willow is slated to bring significant benefits to North Slope communities in the form of economic benefits, employment, and infrastructure. We understand that CPAI is prepared to start construction by the 2022-2023 winter season to bring this project to fruition and to start bringing the benefits of this development to the people of

⁶ See Sheela Tobben and Jeffrey Bair, Bloomberg News, Russia Captures No. 2 Rank Among Foreign Oil Suppliers to U.S. (Aug. 4, 2021).

⁷ See Robert Rapier, Forbes, California's Oil Hypocrisy Presents A National Security Risk (Jun. 21, 2019) (citing, as source for image, California Energy Commission), available at <https://www.forbes.com/sites/rpapier/2019/06/21/californias-oil-hypocrisy-presents-a-national-security-risk/?sh=71a83dc2252a>.



the North Slope as soon as this year. Every delay of Willow consequently delays Willow's benefits to North Slope communities and our people. ASRC reiterates the message that timely completion of the Willow SEIS is essential, and that BLM should complete its SEIS as expeditiously as possible in order to allow this important project to move forward.

As with previous oil and gas development projects on the North Slope, Willow is slated to bring significant economic benefits to the North Slope and to ASRC's Native shareholders. Oil and gas revenues have compromised 80% of the State of Alaska's general fund revenue since 1977, and oil and gas property taxes annually account for more than 95% of the Borough's tax receipts. BLM estimates that Willow will result in approximately \$6 billion from federal royalties and state and local taxes for the State of Alaska and the North Slope's regional government alone. Such tax revenues from oil and gas development enable the Borough to provide and invest in public infrastructure and utilities and other services across multiple communities, including education, health care, and emergency services. Running water, reliable power, education, modern health care—things that most U.S. citizens take for granted—can be furnished in our region only if there is a tax base for our regional municipal government.

Additionally, North Slope communities—Nuiqsut in particular—will benefit from Willow's mandated contributions to the NPR-A Impact Grant Program. Willow is projected to add over \$2.5 billion to the Program, and those funds will be available for local grant requests. These increased revenues translate into increased social services support, and this new funding will allow Nuiqsut to seek funds for projects driven by local needs that will provide long-term quality of life improvements.

Willow will also bring jobs to the state and to local communities. Oil and gas development projects on the North Slope present significant employment opportunities for ASRC and our shareholders through opportunities for ASRC's subsidiaries, including ASRC Energy Services, LLC, to contract with project operators such as CPAI. This, in turn, translates to meaningful, long-term employment for many of our Alaska Native shareholders. In addition to increased employment, these contracting opportunities would result in increased dividends provided directly to ASRC shareholders, which help our shareholders pay for housing and defray the high costs associated with life on the North Slope. Such economic relief is desperately needed as Alaska Native communities devastated by the COVID-19 pandemic struggle to get back on their feet.

Critically, oil and gas development projects like Willow also offer opportunities to alleviate some of the inherent hardships of life living in a remote Arctic region. For example, exploration and development require construction of roads and other local infrastructure that has intrinsic benefit to the local communities. Road connectivity in particular is viewed by many local residents as a significant benefit, and is supported by our elected leadership, because it lowers the cost of goods and services and provides greater access for subsistence activities. Willow will bring increased road connectivity and improved access to subsistence resources to the village of Nuiqsut, providing the community with year-round road access for subsistence activities. Construction of gravel roads also enables communities to capitalize on gravel cell openings by



industry, which would be cost prohibitive for our communities to obtain without industry involvement.

To this end, we ask BLM to commit to a timely SEIS process that will not cause any further unwarranted delay of this project, and we ask BLM to hold firm to its expected Q2 release of the draft SEIS.

VI. BLM Must Continue to Consult with Affected Alaska Native Corporations in the Supplemental Review of Willow

We appreciate that BLM has sought to work with affected Alaska Native Corporations throughout Willow's development, and that BLM's Notice indicates that it will continue to consult with Alaska Native Corporations under the Department of the Interior's Policy on Consultation with Alaska Native Claims Settlement Act Corporations (Aug. 10, 2012). We encourage the agency to continue to ensure that consultation with Alaska Native Corporations is more than merely a check-the-box exercise, because although legally mandated,⁸ consultation is ultimately intended to inform and improve federal decision making. Former President Barack Obama captured this sentiment in his 2009 Presidential Memorandum on Tribal Consultation:

History has shown that failure to include the voices of tribal officials in formulating policy affecting their communities has all too often led to undesirable and, at times, devastating and tragic results. By contrast, meaningful dialogue between Federal officials and tribal officials has greatly improved Federal policy toward Indian tribes. Consultation is a critical ingredient of a sound and productive Federal-tribal relationship.⁹

This sentiment is especially apparent when considering development projects on the North Slope. As described above, many critics of these projects purport to speak for the Alaska Native people of the North Slope, ignoring years of substantive engagement by our elected Native leaders, thus dismissing Alaska's Iñupiat population whose livelihoods are inextricably linked to oil and gas development within the region. ASRC appreciates its working relationship with BLM, and we encourage BLM to continue to collaborate with affected Alaska Native Corporations through active consultation during its supplemental review of Willow.

VII. Conclusion

Willow was developed through a robust environmental review process that involved the input and support of local communities, particularly the local Iñupiat community of Nuiqsut, whose traditional land use area will be most impacted by the project. In its supplemental environmental review for Willow, ASRC encourages BLM to preserve the work that has been done and to act

⁸ As BLM is well aware, the agency has a legal obligation to consult with Alaska Native Corporations "on the same basis as" federally recognized tribes. In 2004, Congress directed federal agencies to "consult with Alaska Native corporations on the same basis as Indian Tribes under Executive Order No. 13175." Pub. L. No. 108-447, 118 Stat. 2809, 3267 (2004) (amending Pub. L. No. 108-199, 118 Stat. 3, 452 (2004)).

⁹ Presidential Memorandum on Tribal Consultation (November 5, 2009).



expeditiously in order to move forward with this important project. Willow represents an opportunity for North Slope communities to begin rebounding from the pandemic-induced economic hardship, and it should not be unduly delayed by unnecessarily reopening the environmental review process.

We look forward to continuing this dialogue with BLM on how the voices of the Iñupiat people will be represented as we chart a shared path forward for resource development on the traditional lands of the Iñupiat people.

Sincerely,
ARCTIC SLOPE REGIONAL CORPORATION

A handwritten signature in blue ink, appearing to read "Bridget Anderson".

Bridget Anderson
Vice President, External Affairs

Enclosure

cc: Thomas Heinlein, Acting State Director, BLM Alaska
Raina Thiele, Senior Advisor for Alaska Affairs & Strategic Priorities, U.S. Department of the Interior





March 9, 2022

Ms. Stephanie Rice
Project Manager for Willow Project Remand & Additional NEPA Analysis
Bureau of Land Management Alaska State Office
222 West 7th Avenue, Mailstop #13
Anchorage, AK 99513

Submitted by e-mail to: srice@blm.gov

Re: Supplemental Kuukpik Corporation Comments on the
Scope of the BLM's Remand/Supplemental Willow NEPA Process

Dear Ms. Rice:

These comments on the forthcoming second Supplemental EIS for the Willow Master Development Plan are submitted by Kuukpik Corporation ("Kuukpik") on behalf of Kuukpik and our shareholders in Nuiqsut and beyond. These comments are intended to add to, not replace, our letter dated December 13, 2021, which is incorporated by reference here and attached for convenience and to ensure that it is included, considered, and responded to during this official Scoping Process for the second Supplemental EIS.

Kuukpik is the Alaska Native Claims Settlement Act ("ANCSA") village corporation for Nuiqsut. As an ANCSA village corporation, one of Kuukpik's primary goals is protecting the subsistence lifestyle and culture of the Native residents of Nuiqsut. We are also the only private landowner in the immediate Willow area, with thousands of acres of land that will be impacted if Willow is constructed. The attached December 13 letter describes Kuukpik's participation and interests in the NEPA process in more extensive detail.¹ Suffice to say that there are very few, if any, interested parties who have more at stake in this process than the people of Nuiqsut, and fewer still who have worked harder to protect those interests than Kuukpik.

¹ See Attachment 1, Kuukpik Comment Letter, Dec. 13, 2021, pp. 2-5.

Kuukpik's position throughout this process has been that we could support Willow if it was balanced and environmentally responsible. But we continue to believe that the version of the Project that was approved in 2020 will cause unreasonable and avoidable impacts on subsistence resources that are vital to Nuiqsut and other communities on the North Slope. Kuukpik therefore does not support the approved version of the Willow Project at this time. That said, Kuukpik wants to see BLM and Conoco find a version of the Project that we can support: one that doesn't inflict unnecessary and unreasonable impacts and risks on Nuiqsut, its subsistence resources, and Kuukpik's land. We look forward to continuing to participate in that effort over the coming months.

Before providing our substantive comments, we want to acknowledge BLM's decision to undertake a more inclusive and open public scoping process. Kuukpik was concerned that the previous unofficial "scoping" process would not facilitate broad participation, was being carried out without basic information on potential new alternatives, and was being rushed to try to help Conoco receive a decision in time for the 2022-2023 winter construction season. BLM's decision to take a step back and engage in a more normal scoping and NEPA process suggests a commitment to doing this process right rather than just doing it fast, which Kuukpik appreciates. The NEPA process will be complete in a year or two and BLM and others will move on; but the Project would be with Nuiqsut for decades, and its impacts felt for generations. We urge BLM to continue to take the time it needs to study and analyze the Project and develop an alternative that can work for all stakeholders.

Development of Alternatives

The most important thing to get right at this stage is to develop alternatives for analysis that will allow and facilitate an improved version of the Project. Kuukpik believes the Supplemental EIS should examine, at a minimum, (i) Conoco's Alternative B, (ii) Conoco's Alternative BT2N, (iii) Kuukpik's Northern Satellite Drill Site Alternative, and (iv) the 3 drill site version of Willow BLM approved in the 2020 Record of Decision (ROD). We know the first two will be examined, but it's important to consider why the latter 2 alternatives should be included.

Kuukpik has long urged BLM to examine an alternative where the northernmost Willow drill site is not connected by road to the other Willow drill sites (like CD-3 is not connected to the other Alpine drill sites). BLM declined to examine that alternative under the previous administration and before the U.S. District Court remanded the EIS to BLM to consider, among other things, alternatives that would reduce impacts in the Teshekpuk Lake Special Area (TLSA). In light of the District Court's order, and the shortcomings of Alternative BT2N that will obviously be used against it (such as the inability to reach all the resource Conoco wants to extract), it now seems even more obvious that the second Supplemental EIS should examine a Northern Satellite Drill Site alternative.

A Northern Satellite Drill Site alternative would not only comply with the Court's order, it might allow Conoco to access more oil than their proposed Alternative BT2N. Constructing the northernmost drill site as a satellite would eliminate about 9 miles of road and over 300,000 cubic yards of gravel from the TLSA compared to Alternative B. There is simply no reasonable argument that, at a conceptual level, a drill site that could be constructed with 9 fewer miles of gravel road in the TLSA would reduce impacts to caribou in the TLSA, which is precisely the kind of analysis the District Court will want to see when this SEIS ends up back in court.²

But perhaps just as important, a northern satellite drill site could likely be constructed farther north than the proposed BT2N drill site, which would likely allow Conoco to reach more oil in the northern reaches of the TLSA than Alternative BT2N. A northern drill site with no permanent gravel road connection could probably be built closer to Conoco's original proposed BT4 location because the impacts from locating the drill site in a more sensitive area (to the north) should be offset by completely eliminating the road. **So the Northern Satellite Drill Site alternative might very well achieve what we're all looking for: reduced impacts on caribou and within the TLSA, and more complete access to the resource.** These factors should make both Conoco and BLM interested in analyzing the impacts, costs, and practicalities of developing the northernmost drill site as a roadless satellite.

Including Kuukpik's proposed alternative in the upcoming SEIS is also much more likely to satisfy the District Court when this SEIS inevitably ends up back there. The court may not look favorably on an SEIS that only adds one additional alternative---an alternative proposed by the Project proponent. BLM really needs to include at least two new alternatives in the upcoming SEIS to avoid the perception (and reality) that it is only comparing and choosing between two alternatives, both of them put forward by Conoco (Alternatives B and BT2N).³

² BLM's preliminary belief that a Northern Satellite Drill Site Alternative would involve unacceptable air traffic puts the cart before the horse and wouldn't be persuasive to the District Court anyway. BLM can't weigh the impacts of reduced gravel and reduced barriers to migration against increases in air traffic without, at a minimum, modeling the air traffic a satellite alternative would require. That's never been done. So BLM's basis for not examining this alternative is not supported by any data and would be considered arbitrary. Moreover, examining alternatives that reduce gravel and impacts on caribou and the TLSA is exactly what the District Court ordered BLM to do, regardless of whether there are offsetting impacts to hunters that may, after the option is fully examined, ultimately make that alternative less appealing.

³ Because BLM has already expressed and articulated a rationale for preferring Alternative B over Alternatives C and D, BLM cannot legally go back now and prefer Alternative C or D unless the underlying analysis of at least one (or more) of those alternatives changes dramatically. Otherwise, BLM would be accused of changing its earlier decision arbitrarily because the agency cannot reach a different decision than it did before unless the underlying data or analysis changes enough to support such a change. So unless BLM radically alters its impact analysis of any of these alternatives, it is unrealistic –

Effectively comparing just two alternatives would not satisfy NEPA's legal requirements or goals of examining a full range of alternatives, particularly on a Project of this magnitude.⁴ Including Kuukpik's proposal along with Conoco's *second* proposal makes the SEIS more likely to survive the inevitable court challenge than just analyzing Alternative BT2N. And more to Kuukpik's concerns, including other alternatives is more likely to result in a preferred alternative where everyone can win: Conoco gets more oil, BLM survives a court challenge, and subsistence hunters and community members in Nuiqsut are not unnecessarily impacted. Kuukpik's proposed Northern Satellite Drill Site Alternative remains a very reasonable option to attempt to achieve that goal.

Kuukpik would also like to see an analysis of the version of Willow that BLM approved in the 2020 Record of Decision. If BLM doesn't analyze that alternative, this process could result in a step backward rather than an improvement if it undoes one of the good outcomes of the previous NEPA process: the decision to authorize only three of the proposed five originally proposed drill sites. Only one of those drill sites was in the TLISA, and it was farther south and in a less sensitive area than the northernmost drill site in Alternative BT2N. So in some ways, the three drill site Willow Project that was approved in BLM's ROD – standing alone, and without taking into account the other two drill sites that could have been approved later – may actually be preferable to the four drill site Alternative BT2N Conoco is suggesting now.

It would be ironic (and bad form) if the court's remand and instruction to develop a new alternative focused on reducing impacts in the TLISA resulted in BLM approving an alternative that includes more drill sites than the previous ROD, not less, one of which is in a more sensitive area farther north than the previously approved northernmost site. Kuukpik isn't saying we would oppose Alternative BT2N on that basis alone; we never take a position on new alternatives until the EIS is complete. But if BLM intends not to take a step backward, the SEIS should include an analysis of the three drill site Alternative that BLM approved in the ROD. This would not only provide a lower impact development alternative for analysis than Alternative B (thereby filling out a better range of alternatives for comparison), it would be the first analysis of the version of the Project BLM actually approved in 2020. Legally and practically, that alternative should be included in the SEIS if BLM wants to preserve the ability to make the same decision it made last time and so stakeholders can more accurately compare

and probably unlawful – for BLM to select Alternative C or D. They are effectively strawmen in the process at this point, and probably not even really worth talking about unless BLM intends to closely re-examine them (which seems unlikely, but please let us know if otherwise).

⁴ As Judge Gleason noted, “[A]n EIS must consider alternatives “varied enough to allow for a real, informed choice. The existence of a viable but unexamined alternative renders an environmental impact statement inadequate.” August 18, 2021 decision, p. 36.

any new alternatives to the three drill site alternative that should serve as the baseline or floor for any future project approval.

Analyzing Proposed Project Changes

Kuukpik wants to see a preferred alternative comprised of the Project elements that provide the most benefits with the least impacts. In order to do that, stakeholders need to understand the differences between specific proposed elements of the Project.

The introduction of Alternative BT2N underscores how important it is to analyze discrete elements of each alternative, not just compare the overall impacts of each. The Conoco-developed Alternative BT2N includes several significant changes to the original Alternative B that Conoco clearly *wants* to include in the Project, and which they will urge BLM to include in the Preferred Alternative (whatever that may be). These include elements like eliminating a standalone Willow Mud Plant in favor of processing mud at the Kuukpik Pad and processing oil produced at GMT2 at Willow. These and other changes will significantly affect estimates for things like vehicle and truck traffic and water usage. But BLM cannot analyze whether these proposed changes have more or less impacts than Conoco's original proposal without understanding how each proposed change affects the estimated impacts. So the SEIS should analyze, for example, how many additional mud and chemical delivery truck trips between K Pad and Willow will be generated if Conoco is allowed to expand the current K Pad mud plant instead of simply building one right next to the Willow facility. Otherwise, BLM will not know which of those features to include in a preferred alternative.

And that's only at a micro level. Big picture, failing to individually account for the different impacts of significant design changes would make it difficult or impossible to accurately compare the existing Alternatives with any new alternatives, including Alternative BT2N and a Northern Satellite Drill Site Alternative. As just one example, we note that Table 2.10-1 of Conoco's EED (p. 2-66) states that Alternative B will require approximately 3,188,910 one-way vehicle trips over the life of the field. It states that BT2N would require about forty-three thousand less. This might be viewed as a pretty minor difference in vehicle trips over a 30 year period, and might lead decisionmakers to think that eliminating an entire drill site does not have a significant impact on vehicle traffic.⁵ But there are other design changes in Alternative

⁵ The EED attempts to take that position, stating that the new mud processing location will cause a "minor" reduction in construction traffic and a "minor" increase in drilling truck traffic. EED, p. 4. This partly illustrates Kuukpik's point: we can't be satisfied with just characterizing the differences as "minor", because who knows that that means? We want to see the data to support CPAI's statement so we can evaluate it for ourselves, determine if it is realistic, and then decide for ourselves whether the changes are "minor". That's part of the point of the public process. Having said that, we acknowledge that the proposal to process mud at the K Pad may reduce some impacts by eliminating construction traffic to Willow that would otherwise be necessary to construct the standalone mud plant there. But the

BT2N that could account for the relatively similar traffic estimate, such as the proposal to process drilling mud at K Pad instead of Willow---a proposal that would require all the drilling mud to be trucked between those two locations. In short, there's no way to know what impact consolidating BT2 and BT4 into BT2N has on vehicle traffic without determining, at a minimum, what impact changing the mud plant has on that same estimate.⁶

Kuukpik believes that many of the vehicle trips that would be avoided by eliminating BT4 would be added back into the Project if CPAI processes drilling mud almost 30 miles away at K Pad because the latter requires transporting all that mud 30 miles to Willow by truck.⁷ Worse still, that truck traffic would be heavy duty vac trucks right through the heart of some of Nuiqsut's most heavily used subsistence areas along the GMT1 and GMT2 road. This is not only a substantive problem that needs to be examined (since BLM could design a preferred alternative that looks similar to BT2N but requires mud to be processed at Willow instead of K Pad), it prevents an "apples to apples" comparison between Alternatives B and BT2N. Only Alternative BT2N includes the *very* roughly 1,217 vehicle trips that would be caused solely by Conoco's new proposal to process mud at K Pad, which makes Alternative BT2N look worse by comparison for reasons that are wholly unrelated to the main design difference of consolidating BT2 and BT4 into BT2N. That's misleading.

Again, the point isn't that 1,217 additional vehicle trips is, by itself, a determinative factor between two alternatives; but rather, that failing to at least *try* to account for differences in impacts caused by *major* design differences between alternatives makes it that much harder to conduct an "apples to apples" comparison. The SEIS needs to analyze the differences between processing locations if stakeholders are to understand which location would have fewer impacts.

question is whether that short-term decrease is offset or outweighed by the increased and longer-term traffic needed to support drilling operations between K Pad and Willow. We suspect it is, but need to see the data to reach a definitive conclusion.

⁶ We have a similar question regarding anticipated air traffic. The reduction in fixed wing flights between Alternative B and BT2N is negligible in the grand scheme of the Willow Project, only about 118 flights. Given Alternative BT2N's somewhat smaller construction and operating scope, we would have expected the reduction in flights to be more significant. This is another instance where more specific information is needed if we are to understand what specific project elements are contributing to the flight total under each alternative. That will allow stakeholders to identify the specific elements from each alternative that result in fewer flights and, ideally, combine those elements into a preferred alternative.

⁷ Kuukpik estimates that something like 1 vehicle trip every 3 days will be needed on average to transport drilling muds and fluids between Willow and the K Pad for a 2 rig drilling program. That's 121 vehicle trips per year during the 7-10 year drilling period at Willow, totaling approximately 1,217 vehicle trips between Willow and the K Pad that are caused by the proposal to process mud at K Pad instead of Willow.

Kuukpik believes processing at Willow is likely to be preferable, but only a detailed analysis in the SEIS can say for sure.

The same goes for the other major design changes that are included (or omitted) in Alternative BT2N, but which are unrelated to the major change in drill site location. These include processing GMT2 oil at Willow, eliminating the CFWR⁸, locating BT5 further east⁹, and building a diesel pipeline from CD1 to Willow (a design feature that is included in Alternatives C and D, but not in B or BT2N).¹⁰ These differences between these design elements are significant enough individually and cumulatively to distort the comparison between alternatives. Each of them could --- and should --- also be “mixed and matched” with other elements to create a preferred alternative that has the lowest possible impact. These elements therefore need to be analyzed and accounted for, very specifically. Stakeholders deserve (and BLM *needs*) to know the specific impacts of these major design changes, not just see the final estimates that don’t allow us to understand what impacts are caused by which design changes.

Specific Data Related to Vehicle and Air Traffic

In addition, we want to emphasize that it’s not just the raw numbers of vehicle trips or flights that matters; location matters to Kuukpik and Nuiqsut. A vehicle trip between Willow and GMT2 will not have nearly the same impact on subsistence hunters or Kuukpik-owned land as a trip between Willow and K-Pad or Willow and Alpine. So Kuukpik and Nuiqsut might be able to support an alternative with similar or even more total vehicle trips *if* those trips were predominantly outside our most heavily used subsistence lands. It would be helpful for the SEIS to not just estimate how many total trips will occur under each alternative, but estimate *where*

⁸ The EED doesn’t explain why Alternative BT2N doesn’t require a CFWR. We hope the EIS will explain the rationale for that, in addition to providing some of the more detailed information on the anticipated different impacts between using or not using the CFWR (which we realize is articulated in the first Supplemental EIS to some degree, but may need to be refreshed and specified in context in order to facilitate a thorough understanding of the issue).

⁹ See EED, p. 2-53. Describing BT2N, the EED states “BT5 would be located east of the location proposed for other action alternatives to avoid two yellow-billed loon nest setbacks, which would also reduce the length of the BT5 road and infield pipelines.” **Kuukpik would like to understand if BLM and Conoco intend to make this change regardless of what alternative is selected, whether there are any other consequences from that change, and what specific changes in pipeline and road lengths would occur.**

¹⁰ The truck trips needed to haul diesel out to Willow would likely be significantly more than those needed to haul drilling muds. For context, Kuukpik believes approximately 3.5 million gallons of diesel was used to support Alpine operations in 2003. Trucking that amount of diesel to Willow would require somewhere around 490 tanker trips per year, or 1.3 round trips per day. The number is likely higher for the larger Willow Project. Nearly all these trips could be avoided if a diesel line to Willow is constructed.

those trips will occur and to show that information with more detail than NEPA documents have in the past.

Similarly, Willow is far enough west of Nuiqsut that a certain amount of air traffic to and from the Project (or between the Project and a roadless satellite) might be preferable to impacts on the ground that are closer to home or which threaten the migration of caribou towards Nuiqsut, like a permanent gravel road to the northernmost drill site. Calculating where air traffic would occur and providing both the data and a “hot spot”-type graphic showing those estimates would help locals evaluate the tradeoffs.

And as we’ve said many times, when those calculations are complete, we ask BLM to listen and defer to the community’s opinion of whether the expected flights for each alternative would be more or less disruptive than a permanent gravel road and associated vehicle traffic. No reasonable alternatives should be screened out before the Draft SEIS stage based on BLM’s opinion of whether certain tradeoffs would be acceptable to the community or have worse impacts on subsistence. Nuiqsut must be allowed to reach that conclusion for themselves.

Economic Feasibility of Other Alternatives

The most obvious billion-dollar question raised in Conoco’s EED is whether Alternative BT2N would allow Conoco to fully develop its oil and gas leases. Kuukpik understands this question to turn essentially on whether a particular alternative would strand an economically viable amount of oil. The key to that analysis is not what “economically viable” means since that is clearly a term that is incapable of precise definition. Rather, the key is whether any oil is actually permanently “stranded” under a particular alternative.

At this stage of development, there is virtually no risk that any oil will be permanently stranded under any of these alternatives because the Willow development is just getting started and this isn’t a one-shot deal. Conoco has already indicated it intends to expand from Willow to access oil that won’t be reachable from the drill sites it’s currently proposing even under Alternative B.¹¹ So even Conoco acknowledges that they expect to be back in a few years asking BLM to approve more drill sites in this area. Therefore, BLM can rest assured that approving just three or four drill sites during this process will not permanently strand any oil; it will just

¹¹ See EED, Map 2.8-1, where Conoco shows future locations for “Greater Willow 1” and “Greater Willow 2”. Amazingly, both of these potential pad locations are in the TLSA (and one is either in or on the boundary of the TLCHA). The fact that Conoco anticipates seeking approval for those drill sites in the TLSA at some point in the future further confirms that it could just as easily seek authorization for a more northern drill site later to access any oil that can’t be reached from the northern BT2 option. It also further confirms Kuukpik’s other point, above, that the EIS should include a three drill site option like the one approved in the earlier ROD because nothing prevents BLM from approving fewer than 4 or 5 drill sites now and requiring Conoco to come back later to seek authorization for additional drill sites.

require Conoco to seek further authorization prior to proceeding with additional development later.

More specifically, even if Conoco's position that they will be able to access about 26M fewer barrels of oil under Alternative BT2N is correct, that's not determinative because those barrels can be accessed from a different drill site later. Only if that oil would become inaccessible would it qualify as permanently "stranded". But nothing in the Willow area will be stranded until there is no possibility of accessing it, which is a long way off. At a minimum, technological advancements in drilling in the coming years will continue to reduce the amount of oil that isn't accessible from the drill sites that are permitted in this process. And any argument claiming it would never make economic sense to build another drill site farther north than BT2N is too hypothetical to support a conclusion that the oil would be permanently stranded. Kuukpik suspects that if oil prices remained at current levels, for example, it wouldn't take long at all for Conoco to apply to build a small drill site north of BT2N after all.

The point is that BLM doesn't need to authorize every drill site in the BTU *now* in order to avoid stranding oil. Just because Conoco may not be able to reach all the oil in the Unit from one of the drill sites BLM authorizes in *this* process doesn't mean they will never reach it. Conoco practically acknowledged as much when they asked BLM to approve just three drill sites in the 2020 Willow ROD. The fact that Conoco requested that limitation -- and BLM approved just the three sites -- implicitly demonstrates that the current process does not need to result in a ROD that gives Conoco access to all the oil it will ever drill in the Willow area. We therefore urge BLM to focus on reducing impacts even if it means Conoco needs to go through additional applications or NEPA process to obtain approval for additional drill sites later on. The oil will still be there.

Additional Issues for Analysis

Kuukpik provides the following additional points for consideration:

1. Conoco states that Alternative BT2N would include 219 wells compared to Alternative B's 251. (EED, p. 2-6) Despite the reduced number of wells, Conoco indicates that Alternative BT2N would require one more year of drilling (7) than all other alternatives (6). (EED, p. 2-30) The vague explanation for this longer drilling time is that there would be more wells drilled at BT1 and "one fewer pad on which to place rigs and equipment." (EED, p. 2-30). These statements require further explanation since it's not self-evident that either factor should slow Conoco's progress down by an entire year.
2. Alternative BT2N does not include the Constructed Freshwater Reservoir (CFWR) that is proposed for all other alternatives. (EED, p. 2-19 – 2-20) Kuukpik would like to understand more about why the CFWR isn't needed for Alternative BT2N, what the relative advantages and disadvantages are, and what changes in impacts result from the decision to construct or

omit the CFWR. The properties and ability of Lake M0015 to be the source of significant freshwater also need to be studied and understood.

3. Conoco states multiple times in the EED that Willow will comply with the 2013 and 2020 NPR-A IAPs. (See, *e.g.*, EED, p. 2-32, 2-62) This language has never made much sense to Kuukpik because the 2013 and 2020 IAPs are different in many respects, and it is not always clear (nor should it be up to Conoco to decide) which requirements are more protective in a particular instance. But this appears to be a moot point now because its Kuukpik's understanding that the 2020 IAP is being withdrawn and will no longer have any legal or practical effect. This makes thing very clear and simple for Conoco and BLM: the Willow Project should comply with the 2013 NPR-A IAP Best Management Practices and other requirements (including applicable Special Areas that would have been eliminated under the 2020 IAP). References to the 2020 IAPs only seem to cause confusion at this point and, we believe, should be eliminated.
4. The use of single and multi-season ice pads has become increasingly common. To Kuukpik's knowledge, there have not been any studies of the impacts from these pads or formal efforts to observe the time it takes for the tundra to recover after the pads are allowed to melt. Our experience is that the tundra under these pads is impacted for at least a couple of years, and there are some instances of more significant tundra damage (believed to have been caused by vehicles on the saturated tundra after the pads have melted). We encourage BLM to require more methodical analysis and studies regarding the impacts and recovery times for tundra affected by ice pads, and to develop any criteria that may be needed to ensure that these areas are rehabilitated as thoroughly and promptly as possible. We also need to begin to understand whether it is preferable to have a single area used multiple times for ice pads or whether it is better to move these pads around and allow the used areas to recover. Finally, Conoco states that 10 multi-season ice pads would be needed to support both Alternatives B or BT2N, but only 7 are listed in the tables. (EED, pp. 2-46 and 2-52) Are the other 3 related to sealift module delivery (EED, p. 2-69) or something else?
4. Please note again that additional requirements have been imposed on the Project since BLM last analyzed it and issued the ROD. Please see Kuukpik's December 13, 2021 letter, page 9 and Attachment 2. In particular, the North Slope Borough imposed several requirements in response to concerns raised by Kuukpik on behalf of Nuiqsut during the Willow Rezone process. It makes sense to incorporate and consider these requirements into the SEIS analysis since they are effectively regulatory requirements that affect the design and/or operations of the Project.
5. Alternative BT2N includes 200 foot tall communications towers at each drill site. (EED, pp. 2-6 and 2-9) We believe existing communications towers are 140 feet tall. While we understand Willow is farther from existing infrastructure, could these proposed towers be reduced in height by, for example, using the standalone 200 foot tall tower at the WOC as a repeater for smaller drill site towers?

6. What “emergency” would justify discharging wastewater on the tundra? (EED, p. 2-20)
7. Are the pipeline valves on either side of Fish Creek and Just Creeks automatic or manual? (EED, p. 2-27) Manual valves would have a significantly longer shutoff response time than automatic ones.
8. We continue to urge BLM and Conoco to explore the use of drones for pipeline inspections, particularly where infrared technology is being used and visual inspection is not as critical or can be done by camera in conjunction with infrared. (See, e.g., EED, p. 2-28)

Finally, Kuukpik refers again to our December 13, 2021, and ask that it be considered incorporated here in full as all of our concerns from December still stand. In addition, we reiterate our earlier requests that BLM hold in person meetings in Nuiqsut at every key stage of this process so community members can participate in a meaningful way.

We appreciate the effort to develop a new alternative that might reduce Willow’s impacts on Nuiqsut and our subsistence resources. But as we’ve made clear throughout this letter, Kuukpik will not support that alternative just because it has one less drill site than Conoco’s earlier preferred alternative. We will wait, as we always do, for BLM to conduct a thorough analysis and then decide whether any of these alternatives, or a customized version of one, strikes a reasonable balance between development and our community’s needs and well-being.

We look forward to continuing that process with BLM and appreciate the ongoing opportunities to discuss the future of the Willow Project.

Sincerely,

KUUKPIK CORPORATION

By:



Joe Nukapigak
President

cc: Kuukpik Board of Directors
City of Nuiqsut
Native Village of Nuiqsut



December 13, 2021

Ms. Stephanie Rice
Project Manager for Willow Project Remand & Additional NEPA Analysis
Bureau of Land Management Alaska State Office
222 West 7th Avenue, Mailstop #13
Anchorage, AK 99513

Submitted by e-mail to: srice@blm.gov

Re: Kuukpik Corporation Comments on the
Scope of the BLM's Remand/Supplemental Willow NEPA Process

Dear Ms. Rice:

These comments on the forthcoming additional Supplemental EIS for the Willow Master Development Plan are submitted by Kuukpik Corporation ("Kuukpik") on behalf of Kuukpik and our shareholders in the community of Nuiqsut. As you know, Kuukpik is the Alaska Native Claims Settlement Act ("ANCSA") village corporation for Nuiqsut. As an ANCSA village corporation, one of Kuukpik's primary goals is protecting the subsistence lifestyle and culture of the Native residents of Nuiqsut.¹ We are also the only private landowner in the immediate Willow area, with thousands of acres of land that will be impacted if Willow is constructed. It is

¹ For the benefit of those who may be less familiar with Nuiqsut, we want to emphasize the critical impacts that the Willow Project – and the NEPA process surrounding it – will have on Nuiqsut. Nuiqsut is a traditional and subsistence-dependent community located about 30 miles east of the proposed Willow Project site. Nuiqsut is the community most affected by oil development on the North Slope to date, and those impacts will only increase if Willow is constructed. Not only is the entire Willow Project area within the traditional subsistence range of Nuiqsut, so is the entire Bear Tooth Unit in which Willow lies. Kuukpik, as the ANCSA Village corporation for Nuiqsut, owns tens of thousands of acres of land between Nuiqsut and the proposed Willow Project. BLM's prior NEPA analyses have shown that Willow will impact these privately held lands more than any others, particularly due to all the vehicle traffic over Kuukpik-owned lands and the likely disruption of caribou migration to and from Kuukpik's lands where Nuiqsut residents and Kuukpik shareholders subsist.

safe to say that few, if any, interested parties will be more directly affected by the Willow Project and BLM's decisions in this process than Kuukpik and the people of Nuiqsut.

Background

Kuukpik has participated in every phase of permitting the Willow Project. In August 2018, we submitted detailed scoping comments outlining some of the most significant issues that BLM would be examining in the NEPA process. Of most importance today, Kuukpik urged BLM to look critically at CPAI's proposed drill site locations and the road connections between them, and to develop several alternatives that would reduce impacts to migrating caribou, especially in the northern Project area and the Teshekpuk Lake Special Area.² BLM did that to some extent by developing two alternative road connection options (Alternatives C and D in the Draft and Final EIS), but didn't analyze the alternative road layout that Kuukpik has long been most interested in: a road connection between GMT2 and the core Willow facilities, with BT4 and BT5 developed as roadless satellites (like CD3).³

When the Draft EIS was published in September 2019, Kuukpik consulted with BLM extensively and submitted detailed written comments on issues that were of particular concern to us and to Nuiqsut. Chief among those concerns were the findings BLM was preparing to make regarding Willow's likely impacts on Nuiqsut and its subsistence resources:

1. Reductions in the availability of subsistence resources described above for Alternative B may significantly restrict subsistence uses for the community of Nuiqsut.
2. Limitations on subsistence user access described above for Alternative B may significantly restrict subsistence uses for the community of Nuiqsut.....

The totality of limitations on subsistence access associated with the Project, particularly during the 7-year construction phase but lasting through the life of the Project, would constitute a substantial restriction on subsistence access for Nuiqsut residents....[G]iven the importance of caribou availability and access to traditional hunting areas to Nuiqsut hunters, the BLM expects that limitations to subsistence

² See Endnote No. 1. Kuukpik is including excerpts from our earlier comments in support of the concepts described in this letter and Attachment 1 because we have previously identified multiple alternatives that would be responsive to the District Court's decision and instruction to analyze ways to reduce impacts in the TLSA (and generally). Those excerpts are included as Endnotes, beginning on page 8 of this letter, and include the footnotes and citations that were part of Kuukpik's earlier comments to facilitate ease of reference and use of the existing NEPA documents.

³ See Endnote No. 2.

access and the reduced resource availability anticipated to occur over the 30-year Project life...would result in an extensive interference with Nuiqsut hunter access.⁴

How could such findings not strike fear into the subsistence hunters that BLM concluded would likely experience decreased opportunities to harvest caribou to feed the community (and surrounding communities with whom Nuiqsut shares)? And faced with such findings, how could Kuukpik do anything *but* urge BLM to reconsider its options and continue to look for ways to reduce impacts? Which is exactly what we did. Based on the Draft EIS's conclusion that Conoco's proposed Project would likely cause significant negative impacts to subsistence users in Nuiqsut, Kuukpik continued to urge BLM to look at alternative drill sites and road layouts to determine if the worst-case scenarios projected by the Draft EIS could be avoided, particularly by limiting the amount of gravel road that would be constructed across the caribou migration path near Teshekpuk Lake.⁵ Unfortunately, BLM declined to revisit the proposed alternatives at that time, and continued to favor Conoco's proposed Project design despite the serious negative impacts that design was, and is, expected to have on Nuiqsut's subsistence activities.

Throughout that process, Kuukpik also provided extensive analysis and first-hand accounts of the dangers of introducing an artificial island in Harrison Bay, as CPAI initially proposed. Faced with such opposition to that element of the project, Conoco developed an alternative option to deliver the Willow modules to the project site: an overland ice road delivery route that Kuukpik could support because it will probably have little or no long-term impact on the natural environment and subsistence resources. This change of plans was significant enough that it necessitated a supplemental NEPA analysis. But more importantly from our perspective, that whole sequence of events shows that oil companies can find ways to

⁴ DEIS, Vol. 4, Appx. G, p. 22 and 25. The Final EIS reached the same conclusion (see FEIS, Vol. 4, Appx. G., pp. 23 and 25). Further, the Final EIS (Appx. G., pp. 53-54) reached the following conclusion with respect to the cumulative impacts of constructing Willow in the context of all the other development occurring or proposed across the North Slope:

1. Reductions in the abundance of caribou described above for the cumulative case and selection of the 2020 Final NPR-A IAP/EIS Alternative D or Alternative E may significantly restrict subsistence uses for the communities of Nuiqsut, Utqiagvik, Atkasuk, Wainwright, and Anaktuvuk Pass.
2. Reductions in the availability of subsistence resources described above for the cumulative case may significantly restrict subsistence uses of marine mammals for the communities of Nuiqsut, Utqiagvik, Wainwright, and Point Lay, and caribou for the community of Nuiqsut.
3. Limitations on subsistence user access described above for the cumulative case may significantly restrict subsistence uses for the community of Nuiqsut.

⁵ See Endnote No. 3.

reduce impacts when they have to---and they have to at Willow. If they do, they can gain the support of the community. Kuukpik doesn't oppose all impacts; we oppose unnecessary impacts.

Kuukpik agreed with the decision to prepare a Supplemental EIS to analyze alternative module delivery options. Unfortunately, however, the process began to break down at that point. The Draft SEIS was published just two weeks after the covid-19 pandemic hit Alaska, which brought nearly all other governmental public processes to a standstill. The in-person community meetings required under NEPA and ANILCA Section 810 were delayed and eventually held virtually, over the objections of Kuukpik, the Native Village of Nuiqsut, and multiple members of Congress, including now-Secretary Haaland. All these parties, including Secretary Haaland, argued that the permitting process should slow down to allow those who would be most affected by Willow to analyze the material and participate in the process in a meaningful way. Former Secretary Bernhardt disagreed, and the process proceeded hastily without much meaningful participation from Nuiqsut.

This process culminated with a last minute, pre-election Record of Decision, issued on October 27, 2020, approving what amounted to Conoco's original preferred alternative, minus the Module Transfer Island. It bears repeating that no one in Nuiqsut supported this alternative as far as we know.

Kuukpik continues not to support the Willow Project as approved in 2020 because it is likely to cause unreasonable and avoidable impacts on subsistence resources and offers relatively few offsetting benefits to Nuiqsut, the community that will be most impacted by it. If those impacts can be reduced, Kuukpik and Nuiqsut may be able to support the Project; but that's not the case today.

We've provided this brief history in order to provide context for the remainder of our comments. We understand BLM isn't undertaking this additional NEPA process by choice; it's doing so because the US District Court ordered it to. But that's not a bad thing from Kuukpik's perspective; quite the opposite. This supplemental NEPA process is an outstanding opportunity to find ways to reduce Willow's impacts on Nuiqsut and thereby gain the support of the local community. We hope and believe that BLM—and Conoco for that matter⁶—is approaching it with that goal in mind and intends to review several meaningful alternatives to the current

⁶ Recall that Conoco's public position is that they believe the Willow EIS and approval were lawful. See CPAI August 30 media office statement: "We strongly believe that the BLM and cooperating agencies performed a robust, thorough, and extensive review of the Willow project, but we will again engage with the relevant agencies to address the matters described in the Court's decision. On a parallel path we will continue to perform engineering design work in anticipation of a future final investment decision (FID)." In other words, Conoco doesn't even think this process is necessary, but will do it anyway—while also preparing to build the same, or basically the same, Project if BLM will let them.

project with an open mind. In other words, the goal shouldn't be just to carry out an analysis that will satisfy the court when this Supplemental EIS inevitably ends up back there, but to actually try to improve the Project and avoid the worst case impacts projected in the earlier EISs so the community can finally support Willow. That's what everyone wants, but it won't be easy.

It also doesn't need to be done fast. Developing alternatives and analyzing them in enough detail to satisfy the courts and stakeholders will take time. That's ok. The oil isn't going anywhere, and neither is ConocoPhillips. BLM can take the time it needs to develop alternatives that might meaningfully reduce Willow's impacts on Nuiqsut and the North Slope and to perform the analysis that will inform stakeholders about the issues that matter most.

The process shouldn't be rushed just to try to get a Record of Decision issued in time to let Conoco start dumping gravel in the winter of 2022/2023. It took about five months to produce the earlier Draft Supplemental EIS, and that document only analyzed a few comparatively simple aspects of the overall Willow Project. Here, the court has ordered BLM to look at one or more totally new alternatives. It's completely reasonable to expect that analysis to take longer than the earlier SEIS. In fact, it probably *should* take longer if the analysis is going to withstand the next court challenge.

Rather than rush the process and risk another remand (which really *might* doom the Project even though this remand will not), we urge BLM to take the time it needs to do this right, not fast. We're concerned this process is already getting a little off track because there is no formal *public* scoping period---a decision we assume was made largely (or entirely) to avoid having to receive and respond to written comments from everyone who BLM didn't directly invite to participate in this informal process. Kuukpik certainly appreciates BLM's efforts to engage with us. But there haven't been any meetings in Nuiqsut for local community members to participate in, nor any opportunity for other interested parties to weigh in on the scope of the supplemental analysis. Presumably we'll find out if that decision was legal whenever this EIS ends up back in court.

But more to the point for our current purposes, this unusual informal scoping process put Kuukpik and other commenters at a substantive disadvantage (in addition to leaving the general public out of the process altogether). Rather than providing any written descriptions on the types of alternatives BLM might be considering in response to the court's decision, BLM essentially asked Kuukpik to propose an alternative for analysis. While in some ways we appreciate the spirit of the request, the reality is we are being forced to speak mostly in hypotheticals and broad generalities because we don't have any proposed new alternatives in front of us yet. That makes it very difficult to provide specific input.⁷ It is much easier for laypeople to comment on a

⁷ Even at the original scoping stage of the Willow NEPA process (in August 2018) we had Conoco's proposed project description and an Environmental Evaluation Document. So we could comment on that

proposed alternative than to create one from scratch, or to at least get some idea of what BLM is thinking. Right now, the public has almost no insight into what BLM thinks the court decision requires or what Conoco may be proposing to BLM today. So in essence, we're being forced to take a position without knowing what anyone else is discussing or proposing---because there's no public process going on. There's just a bunch of one on one conversations between BLM, Conoco, Kuukpik, and probably a few others. That's not really how this is supposed to work.

Despite these reservations, Kuukpik certainly wants to work with BLM to develop some alternatives that would comply with the court decision and also stand a real chance of reducing impacts and gaining support in Nuiqsut. All the alternatives described in this letter are consistent with the District Court's order to analyze options that will reduce impacts in the Teshekpuk Lake Special Area. We have also provided several additional mitigation measures that we believe should be considered alongside the more comprehensive new alternatives. We hope that some combination of these proposals can reduce impacts enough to finally gain Nuiqsut and Kuukpik's support.

Summary of Alternatives to Consider

The two primary development alternatives KPK thinks should be analyzed are (1) roadless BT4 and BT5 development options, and (2) a consolidated development option that would involve either 3 or 4 total drill sites, with the northernmost drill site farther south than previously envisioned and, potentially, the southernmost drill site farther north. Kuukpik has provided extensive information demonstrating why those alternatives might be preferable from a subsistence perspective and why they should therefore be examined in the upcoming second supplemental DEIS.⁸

Another option is to authorize Willow in phases. For example, the core Willow facilities and 2-3 drill sites could be approved in the next 12-24 months and construction carried out over the next few years. Kuukpik would then want to see a meaningful delay (at least 3-5 years after Phase 1 construction was complete) before any additional drill sites are constructed to allow time for Willow's impacts to become better understood, both through scientific studies and traditional knowledge and local observation. **Attachment 1** to this letter provides additional options and details that we believe are worth considering.

To be clear, Kuukpik is not saying we currently support any of the alternatives discussed below, or that we would definitively support them in the future. Instead, what we're saying is

proposal rather than just speaking generally about what a development in the Bear tooth Unit might look like.

⁸ See Endnotes Nos. 1-3. Kuukpik's complete earlier comments on this topic were provided to BLM's Stephanie Rice by email on November 24, 2021, all of which is incorporated into this letter by reference.

that these alternatives would likely have fewer negative impacts than BLM's previously approved alternative. But we (and BLM) won't know if that's true until BLM conducts a thorough analysis of these alternatives. After that happens, Kuukpik and Nuiqsut will consider the analysis and decide whether we can support any alternatives, or whether we simply cannot support the Willow Project.

One of the most important considerations in that decision will be comparing impacts from vehicle and air traffic trips under each alternative. Kuukpik previously discussed how critical it is that BLM carefully calculate how many and where such trips will occur under each alternative.⁹ Equally important, when those calculations are complete, BLM will need to listen to the community's opinion of whether the expected flights for each alternative would be more or less disruptive than installing a permanent gravel road and the vehicle trips that would be required under other alternatives. Willow is far enough west of Nuiqsut that a certain level of air traffic to and from the Project might not be as disruptive as a permanent gravel road and the very high number of vehicle traffic that would be generated by an entirely road-connected project. This is particularly true for Kuukpik because our privately-owned ANCSA lands would be spared some of the vehicle traffic under certain roadless alternatives.

The earlier EISs acknowledged this tradeoff but did not seem to balance the impacts consistently across alternatives or give enough weight to the community's opinion on what impacts would be more acceptable.¹⁰ We urge BLM to focus on that in the upcoming analysis. No one is better equipped to evaluate whether air or vehicle traffic would be more disruptive to caribou and to Nuiqsut's hunters than those hunters themselves. If BLM can develop an alternative that Nuiqsut's hunters, elders, and leaders believe would have less impacts than the current fully road connected option, Kuukpik may be able to support that alternative.

Other Mitigation Measures

In addition, there are at least two issues that need to be analyzed that BLM has not yet considered in any detail: (i) the option of building a diesel pipeline to reduce fuel truck deliveries, and (ii) the impacts that different mud plant locations would have on Kuukpik's lands and subsistence resources.

BLM is aware by now that one of Kuukpik's biggest concerns is the amount of vehicle traffic that will cross Kuukpik lands to support Willow.¹¹ Conoco's own estimate of vehicle traffic during the operations phase is 55,000 trips per year, which would equate to an average of

⁹ See Endnote No. 4.

¹⁰ See Endnote No. 5.

¹¹ See Endnote No. 6.

about one vehicle every ten minutes every day of the year if they were spread out evenly (which they're not).¹² If a meaningful portion of those trips can be eliminated by constructing a diesel pipeline, then the pipeline should be built. Not only will this reduce vehicle traffic during the construction and operations phases of Willow, a pipeline between CD1 and Willow would actually reduce the *current* amount of vehicle traffic because the pipeline could also serve every road-accessible drill site between Alpine and Willow (CD5, GMT1, and GMT2) that currently requires fuel to be delivered by truck.

There are at least three pipeline options that should be analyzed:

1. A diesel pipeline from CD1 to Willow, constructed on CPAI's preferred/proposed timeline. This option is less desirable because the pipeline would not be in place in time to deliver diesel during the first few years of construction, meaning there would be several years of truck-delivered diesel early in the project. But this option would reduce truck traffic for the other 30-plus years of the Project, so clearly this option is preferable to no pipeline at all and is worth analyzing in detail. The perfect should not get in the way of the good here.
2. A diesel pipeline from CD1 to Willow, constructed in the first construction season. This option would simply require CPAI to phase construction in a way that would maximize the benefits of installing a diesel pipeline and reduce impacts more than their proposed schedule would. The potential benefits are significant, but won't be precisely known until this option is analyzed in the EIS. The costs may not be great either since CPAI will be building pipelines eventually anyway; this option would just require them to be built sooner.
3. A diesel pipeline from CD1 to GMT2, built in the first construction season. If for any reason it is infeasible to install a diesel pipeline to Willow, a backup plan would be to install a pipeline as far as GMT2. Delivering fuel to GMT2 by pipeline would allow gravel haulers and other vehicles to refuel at GMT2 rather than driving all the way back across Kuukpik Lands and past Nuiqsut to Alpine. Those trucks would only have to travel between Willow and GMT2, which would eliminate much of the traffic Kuukpik is concerned about. Kuukpik believes there are plans to install pipelines to GMT2 for non-diesel purposes already. So this option could re-purpose one of those pipelines during Willow construction, or simply be an additional pipeline that gets installed for permanent diesel use.

The point at this stage is that we need BLM to analyze these options before rejecting them based on vague assertions about cost or because they wouldn't eliminate all the fuel

¹² CPAI Compensatory Mitigation Statements (March 2020), p. 7

delivery trucks. We need to find out how many vehicle trips and other impacts a pipeline would avoid before deciding whether the cost is justified. So these options should be examined in the EIS and a decision made after that.

Another significant issue is where CPAI will process all the drilling muds needed for Willow. Kuukpik believes the prior NEPA analyses anticipated that Willow would have its own mudplant for that purpose.¹³ But our understanding is that may no longer be the case, and that CPAI may wish to process drilling muds at the existing mudplant at the Kuukpik Pad. Processing mud at the K-Pad would require thousands more vehicle trips across Kuukpik-owned lands than an onsite Willow mud plant facility. It would also require additional water use from the lakes near the K-Pad, which may not even be able to meet such an increased demand on a year-round basis. None of these impacts were analyzed in the earlier EISs. It is therefore imperative that BLM analyze and compare the impacts from processing drilling muds at Willow versus an expanded facility at the existing K-Pad. In addition to facilitating a decision on which mudplant location would have less impacts, analyzing this detail is critical to accurately projecting the overall number of vehicle trips that would be associated with any version of the Willow Project.

Finally, as we briefly discussed in our October 6, 2021 consultation, we recommend BLM review the North Slope Borough's rezone ordinance for the Willow Project (passed in January 2021). That ordinance imposed a number of requirements for Willow that had not previously been required (*e.g.*, use of insulation in roads and pads to reduce the height and visual impacts from these features; a stipulation requiring CPAI to transport Nuiqsut hunters and their gear to and from other areas where they are welcome to hunt if caribou are not available in traditional areas, *etc.*). See **Attachment 2**. We urge BLM to consider these measures in the context of the Willow Project as well, and analyze whether any or all of them should be included in the supplemental NEPA analysis to help reduce impacts to subsistence.

Finally, it's important to remember that the Rezone ordinance hearings were the last time most of the Nuiqsut community was involved in any public process surrounding Willow. Everything that has happened since then has largely been in court rooms and in private meetings between BLM, Conoco, and a few other stakeholders. In fact, BLM has not hosted an in person meeting in Nuiqsut to discuss Willow since 2019. The virtual meetings in April 2020 that were ostensibly intended to gather input on the Draft SEIS were not particularly successful, to say the least. Not a single commenter addressed the SEIS specifically, which was unsurprising since that document was released just weeks into the beginning of the global covid-19 pandemic when no one was paying attention or could be expected to devote attention to studying NEPA documents and participating in online permitting processes. We can't change any of that now,

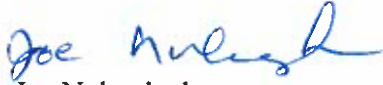
¹³ See Attachment 3, excerpt from the 404 Permit Application for Willow.

but we do urge BLM to use this remand to improve the process by hosting several meetings in Nuiqsut in 2022 to ensure that everyone who wants to be heard in this process can be.

We look forward to continuing that process with BLM, and appreciate the ongoing opportunities to discuss the future of the Willow Project.

Sincerely,

KUUKPIK CORPORATION

By: 
Joe Nukapigak
President

cc: Kuukpik Board of Directors
City of Nuiqsut
Native Village of Nuiqsut

ENDNOTES

1. Kuukpik's Scoping Letter on the Willow MDP (Sept. 28, 2018), p. 6-7:

Kuukpik has a number of concerns about the proposed drill site locations. The first is that the current proposal calls for a considerable amount of infrastructure to be built in special areas that have been set aside because of their importance to migratory caribou. CPAI's preferred alternative would locate drill sites BT2 and BT4 and associated roads, and pipelines (110 total acres) within the Teshekpuk Lake Special Area (TLSA), and BT4 further within the Teshekpuk Lake Caribou Habitat Area (TLCHA). Approximately 1 mile of road and pipeline (8 acres) would also be in the Colville River Special Area (CRSA).¹⁴

The TLSA and TLCHA were set aside precisely because of the importance of these northern coastal areas to migrating caribou—caribou that are essential subsistence resources not just to Nuiqsut but throughout the North Slope (both as a result of migrations and sharing of harvests between villages). In order for CPAI's proposed locations to be acceptable, CPAI

¹⁴ EED, p. 36 and 47; WMDP, p. 2; EED, p. 10. Note however, that various references in the WMDP summary and EED only refer to the BT4 site as being within the Teshekpuk Lake Special Area. In fact there seem to be many incomplete or inaccurate references to the TLCHA and TLSA that will need to be correct in the Draft EIS.

would have to demonstrate compelling reasons why it must drill in these areas instead of from less sensitive areas. This type of presumption against any development in these areas is appropriate to require CPAI to demonstrate why it absolutely cannot avoid causing impacts to the these areas. BT4 in particular need only be moved probably a quarter or half mile east to avoid the TLCHA entirely.

See also Scoping Letter, pp. 13-14:

Kuukpik continues to believe that only the most responsible development should be permitted in the areas south of Teshekpuk Lake, whether inside or outside the designated Special Areas. But achieving that goal is especially important for proposed development inside the Caribou Habitat and Special Areas. By law, any activities in these areas must be conducted in a manner that will “assure the maximum protection of such surface values to the extent consistent with the requirements of the Act for exploration of the reserve.” 42 USC § 6504 (emphasis added). Since CPAI correctly notes that this does not prohibit development entirely, if the special designation is to mean anything at all, it must mean that the burden is on CPAI to explain why it cannot avoid locating new infrastructure in the Special Area, and if doing so is unavoidable, to go above and beyond what would normally be required to provide “maximum protection” for caribou and subsistence users who depend on them.

The EIS therefore needs to propose and critically examine alternatives to building BT4, BT2, and the roads to each of them within the Teshekpuk Lake Caribou Habitat and Special Areas.¹⁵ Nearly a quarter of CPAI’s proposal would be constructed within the TLSA—a staggering amount that CPAI will certainly need to justify. Although we recognize that the north-south reservoirs in this area impose certain constraints on drilling locations, BLM must carefully review the technological feasibility of accessing the oil resources from alternate locations other than the currently proposed BT2 and BT4.¹⁶ Only if moving these drill sites would result in significant shortfalls should they be allowed inside the Special Areas.

2. Scoping Letter, p. 7:

That said, if either BT2 or BT4 (or both) really must be built in the special areas, CPAI is legally required to carry out activities in these areas with as little impacts to caribou as possible.

¹⁵ We are less troubled by the short road segment that would fall within the CRSA, but expect the same standards to apply to the analysis of whether constructing the road through that special area is unavoidable, or whether any benefits to avoiding the Special Area would be outweighed by other negative impacts. Very little weight should be given to cost concerns when determining which road alignment was preferable.

¹⁶ CPAI states that the anticipated maximum measured depth of Willow wells is about 22,000 feet. Was this figure based on use of conventional rigs like Doyon 19 or use of the new Doyon rig slated to drill Fiord West from CD 2?

This may very well mean building a **roadless satellite at the far northern edge of the Willow Development so that the 7 or so mile north-south drill site access road can be eliminated entirely**. Kuukpik is deeply concerned that the proposed 25 mile road extending directly north-south in this area will be a major deterrent to migrating caribou, particularly those moving from Teshekpuk Lake in the west to areas east of Nuiqsut. These are the animals that are most important for Nuiqsut hunters because they pass closest to the village and are therefore more accessible and abundant in areas Nuiqsut hunters use the most. We fear that an elevated north-south road and pipeline directly perpendicular to the majority of the migration could deter and deflect the migration far away from Nuiqsut. Eliminating the road segments in the far north and far south (to BT4 and BT5, respectively) would reduce this barrier by about half, and would be particularly beneficial in the north where more caribou are present and attempting to migrate east near Nuiqsut and areas that are accessible by the Spur Road. The EIS needs to look at this alternative very closely.

See also Scoping Letter, p. 22-24:

But the specific location and proposed length of the Willow Road increases these risks for Nuiqsut. The proposed road and pipeline could effectively create about a 27 mile long picket fence directly west of the community. In fact, Nuiqsut is directly east of the approximate midpoint of the proposed road system. This means there would be a potential barrier extending about 12 or 13 miles to the north and to the south (each, not total) of the village in the area to the west where caribou traditionally migrate closest to Nuiqsut (mostly west/northwest to east). If significant numbers of caribou that traditionally migrate through this area are deflected 12 or 13 miles in either direction until they find an unobstructed place to continue moving east (*i.e.*, north of BT4 or south of BT5), we don't know whether those animals would return to their normal migration path at all.¹⁷ This increases the stakes for Nuiqsut considerably because if animals do not pass as close to the community, subsistence users will be required to travel farther to hunt, increasing the cost and safety risks of practicing subsistence. Over the long term, it would not take many years of that for the entire migration pattern to change, leaving far fewer animals passing closer to Nuiqsut than there currently are.

...But eliminating sections of the infield road entirely would reduce Willow's impacts to migrating caribou and Nuiqsut subsistence users even further. BT4 and BT5 are the most obvious candidates for standalone, roadless construction because they are the outliers that increase the overall distance of the road so much (by about 9 and 7 miles respectively). It looks like eliminating access roads to both of these facilities would reduce the overall Willow infield

¹⁷ We are not aware of any studies analyzing whether and how quickly deflected caribou return to their traditional migration paths. Traditional knowledge and common sense suggests that a considerable number of animals that are deflected by 12 miles or more may not return to their original path at all. The EIS should review and/or require studies on this issue.

road length by around 15 miles (even if the design kept a water access road south of BT3/WCF). That's a huge amount of gravel and over 100 acres of footprint that could potentially be avoided just by constructing 2 of these 5 facilities without permanent access roads.¹⁸ Just building BT4 as a roadless facility would achieve more than half these savings and avoid significant impacts in the critical northern reaches of the Project Area.

But even more important from a subsistence perspective, eliminating either or both of those roads—but especially the road to BT4—would reduce the impediment to caribou migration to the west of Nuiqsut from 12 miles (each) north and south of the village to about 2-3 miles to the north and maybe 5 miles to the south (based on the maps we have available now). Those are serious reductions, and ones that would keep Willow from interfering with a lot of caribou movement through this key area and around Nuiqsut. It would also allow those animals that *are* deflected to get “back on track” sooner (*i.e.*, to start moving east again closer to Nuiqsut). Eliminating the northern road segment (between BT2 and BT4) would be particularly beneficial because more animals tend to migrate farther north closer to the coast towards the Colville Delta. Those animals are also the most likely to be successfully targeted by subsistence hunters accessing the Alpine road system *via* the Spur Road north of Nuiqsut. Eliminating negative impacts to those animals would help preserve the subsistence benefits that have begun to accrue as a result of the Spur Road, and which helped make other projects (like GMT1 and GMT2) more acceptable from a cost-benefit perspective.

3. See Kuukpik's Draft EIS Comment Letter (Oct. 29, 2019), p. 3:

More specifically, the Draft EIS's analysis of Alternatives C and D confirms that the proposed alternatives for a **roadless BT4 and/or BT5 should have been carried forward**. Eliminating the road connections to BT4 and BT5 looks increasingly like one of the better alternatives available, but the Draft EIS inexplicably doesn't analyze either option despite repeatedly confirming that the proposed 25 mile north-south road system would disrupt and deter migrating caribou, particularly those moving east from Teshekpuk Lake towards Nuiqsut. These are the animals that (in terms of impacts from Willow) are most important for Nuiqsut hunters because they pass closest to the village and are therefore more accessible and abundant in areas Nuiqsut hunters use most. An elevated north-south road and pipeline directly perpendicular to this migration path could deter and deflect the migration far to the north or south of those commonly used areas. Eliminating the road segments in the extreme north and south (to BT4 and BT5, respectively) would reduce this barrier by about half and would be particularly

¹⁸ The need for an emergency airstrip at a roadless drill site would offset some of this savings, but a 9 mile or a 7 mile industrial road is a lot more gravel than an airstrip and likely more disruptive to migrating caribou. Note that the Alpine Satellite Development Plan, Vol. 1, pp. 47-48 acknowledges that a roadless pad with winter-only drilling (supported by an ice road) could feasibly have a 3,400 foot airstrip.

beneficial in the north where more caribou are present and attempting to migrate east towards areas that are accessible by the Spur Road.¹⁹

See also Kuukpik's Draft EIS Letter, p. 9:

A moderately larger BT4 with no permanent gravel road connection would almost certainly cause less impacts on the ground than a slightly smaller drill site with a 7 mile access road. The Final EIS needs to look at this option in detail so stakeholders can compare the site-specific impacts of expanding BT4 against the potential benefits of eliminating the access road to that site. Kuukpik thinks it's pretty likely that the road would have significantly more impacts than a comparatively small increase in pad size. But the Draft EIS doesn't provide any information on this important issue. That's why we continue to urge BLM to explore the roadless BT4 and BT5 alternative(s) in depth.

4. Kuukpik's Draft EIS Letter, p. 9-13:

B. A small increase in air traffic could be outweighed by eliminating road segments that may not be as useful for subsistence purposes.

There would be minimal, if any, offsetting subsistence benefit from hunters using a road to BT4 or BT5. In its scoping comments and consultations with BLM, Kuukpik has emphasized that it does not support building roads unless their value outweighs their negative impacts. Roads relatively close to the village provide convenient and safer travel options for subsistence hunters and residents generally. But the farther from the village a road is, the less valuable it is because, at a certain point, the time and cost of the trip become a deterrent to use. For many people headed west from Nuiqsut on the road system, that point is probably somewhere between GMT1 and GMT2. Certainly there will be some people who venture farther, but the subsistence value of the roads proposed to support Willow are far, far less than those that have been built over the last couple of years to support GMT1 and GMT2 for example.²⁰

This is especially true for the infield roads connecting the Willow drill sites. Those road segments are so far from the community that they are unlikely to be used for subsistence unless hunting conditions are especially bad elsewhere. Moreover, to use those roads at all, Nuiqsut residents would have to drive right through the area around the Willow Processing Facility ("WPF"), which most people will probably not want to do. Those that did venture past the WPF would encounter a drill site every few miles along the north-south access road. It's simply not

¹⁹ Vol. 1, p. 99 ("[D]uring the mosquito season, TCH caribou are predominantly found north of the Willow area, but high densities of animals can be present in the northern portion of the analysis area.").

²⁰ Vol. 4, Appx. E.16, p. 51 (Table E.16.18) (Alternative B: "Moderate likelihood of increased access although use of roads may decrease with distance from the community.").

realistic to think many people will want to practice subsistence in that environment except as a last resort.

Overall, Kuukpik believes the Final EIS needs to give much more weight to alternatives that eliminate one or more of the infield road segments. Those segments are unlikely to provide significant subsistence or other value to Nuiqsut residents. Conversely, they are likely to have significant impacts on migrating caribou, as discussed below. Thus, even if the entire Willow Development is not roadless, eliminating certain road segments would almost certainly reduce negative impacts to migrating caribou without much reduction in the amount of useful road available to subsistence hunters.

Unfortunately, there's no analysis upon which to base a firm conclusion because the roadless BT4/BT5 alternative isn't included in the Draft EIS. But given the conclusions scattered throughout the Draft EIS and ANILCA 810 analysis indicating that both "roadless" options BLM *did* analyze would result in less impacts to caribou than the preferred alternative, it's near certain that a roadless BT4/BT5 option would be as good or better with respect to those impacts on Nuiqsut than either Alternative C or D, and may very well be preferable to Alternative B. We strongly urge BLM to include roadless BT4/BT5 satellites in a new alternative in the Final EIS so we can see a detailed analysis of anticipated flight numbers, the marginal differences between alternatives, and a careful assessment of where and when the impacts from those flights would occur.

The Final EIS should also include this more specific information on Alternatives C and D and present it in a way that clarifies how the impacts from those alternatives would differ from Alternative B. No matter which alternative is selected, there will be additional flights in the area—that's just a fact.²¹ The Draft EIS estimates that BLM's preferred Alternative B would

²¹ See Vol. 1, p. 137:

Air traffic, particularly helicopter traffic, has been the most commonly reported impact on caribou hunting (CPAI 2018b; SRB&A 2018a). Throughout the alternatives analysis area, air traffic could cause direct and indirect disturbances to caribou availability both within and outside of the Project footprint. During construction, fixed-wing airplanes would be the primary source of air traffic, with helicopters used to support ice road construction, surveying, and monitoring (CPAI 2018b). There would be increased fixed-wing traffic to Alpine for the first 2 years of construction, which could affect resource availability for residents hunting by boat in the CRD. Once the airstrip is constructed, air traffic to Project area would likely increase to multiple daily flights throughout the life of the Project, although at slightly lower levels during drilling and operations. Helicopter traffic would occur on a more periodic basis throughout the life of the Project. According to SRB&A (2018), the area west of Nuiqsut accounts for a substantial percentage of Nuiqsut's annual caribou harvest, and increased air traffic within that area could affect Nuiqsut harvesting success during the construction and operation phases. Impacts of air traffic to caribou resource availability would be most likely during the fall when caribou migrate in an

generate about 1,190 *new* flights per year, which comes out to about 3-4 flights per day (though that's not a precise number since flights would fluctuate during construction and production).²² What's particularly interesting, though, is that Alternative C is only estimated to require about 400 more flights than Alternative B over the entire the life of the project.²³ Based on the assumed 30 year lifespan, that's only about one extra flight per month in exchange for eliminating the road between the Willow Processing Facility and BT1.²⁴

That could be the kind of tradeoff Nuiqsut residents are willing to make.²⁵ One extra airplane a month, flying high overhead or thirty miles west of the village, would not be unacceptable if the potential benefit is reducing potentially generational changes in caribou migration.²⁶ In fact, we think Nuiqsut hunters and residents could be open to this alternative or

easterly direction, often crossing through the Project area into areas heavily used by Nuiqsut caribou hunters (Figures 3.16.7 and 3.16.8; Figure E.16.2 in Appendix E.16).

²² Vol. 1, p. ES-8. This is based on 35,713 total projected flights spread over 30 years. That may be the "best case" scenario given CPAI's history of underestimating its flights at Alpine. On the other hand, CPAI needs to be thinking about as many ways to reduce extra plane trips as possible, such as using slightly larger planes to deliver more people or material in one trip. There are some questions involved in that tradeoff as well since larger planes tend to cause more disturbance on the ground than smaller ones, but again, that approach would probably be acceptable at Willow if it reduces the overall number of flights. This is just one more hard question that will need to be answered going forward.

²³ Vol. 1, p. ES-8 (36,183 total flights over 30 years).

²⁴ Appx. G, p. 26.

²⁵ Vol. 1, p. ES-8 and Appx. G, p. 27. Alternative D would require more additional flights: about one extra flight per day compared to Alternative B. We're less sure that would be an attractive option for most people in Nuiqsut, especially considering that there are *some* people who will want to use the access road beyond GMT2, which this alternative would eliminate. So even though we think Alternative D would reduce some impacts, it's not necessarily Kuukpik's preferred alternative at this point either.

²⁶ Vol. 1, p. 141 ("Use of Project roads and/or avoidance of previously used areas could cause an overall shift in hunting areas and may result in a loss of knowledge, particularly among the younger generation, of traditional hunting methods and use areas."); see also p. 142:

Impacts to sociocultural systems resulting from changes to subsistence resource availability and harvester access are most likely to occur for the community of Nuiqsut, as Nuiqsut harvesters most frequently use the potentially affected area and are most likely to experience direct and impacts. However, Utqiaġvik harvesters may also experience changes to sociocultural systems if the Project affects harvesting activities in the vicinity of Teshekpuk Lake or winter furbearer harvesting activities. Given the relationships between communities and the sharing of resources throughout the area, sociocultural effects could extend beyond Nuiqsut and Utqiaġvik. Though this is unlikely due to the Willow Project alone, when added to other past, present, and reasonably foreseeable future actions, the likelihood could increase, as discussed in Section 3.19, Cumulative Effects. Impacts on sociocultural systems from drilling and operations would be long term as these

the roadless BT4/BT5 alternative if they knew more about the precise flight numbers and routes the planes would be using. Without those details, Kuukpik and Nuiqsut can only speculate on these key details, which makes it much harder to evaluate whether Alternative C or D or a different roadless alternative would be preferable to Alternative B.²⁷

Having said that, the Draft EIS suggests that BLM realizes the roadless alternatives may be better than the Preferred Alternative from a subsistence perspective. For Alternatives C and D, BLM concludes that the “Increase in air traffic impacts would be offset by decreased infrastructure and potential for deflection.”²⁸ The ANILCA 810 analysis repeats this conclusion:

[Alternative C:] The increase in air traffic would likely be offset by decreased ground traffic between the WPF and BT4, and lack of gravel infrastructure and associated human activity between the WPF and BT1 during the peak caribou hunting season. ... [I]mpacts to caribou resource availability would likely be reduced under Alternative C.²⁹

The analysis of Alternative D is even more specific and provides more of the nuances of this tradeoff:

Per the Willow MDP EIS, Alternative D may result in less impacts on caribou availability due to the lack of a year-round access road. While air traffic levels would be somewhat higher, air traffic generally causes localized disturbances whereas roads can cause larger effects on caribou movement and distribution. The increase in air traffic would not be enough to outweigh the benefits of reduced deflection of caribou as they migrate toward the Nuiqsut’s core hunting grounds to the west of the community. Additionally, while the Project area would not be road-accessible year-round for Nuiqsut hunters, they would likely still continue to use existing roads and hunt in the area between GMT-2 and the Project area.³⁰

In short, BLM’s own analysis shows that the modest increase in flights needed to support Alternatives C and D would probably be less disruptive overall than the roads that would be

changes would affect current residents’ use of and relationship to the area, and these changes would be transmitted to the next generation.

²⁷ This information should also be used to determine whether certain flight restrictions—like seasonal or daily flight limits in key areas—could reduce localized impacts from air traffic, thus making these alternatives more acceptable. Flight restrictions should be considered especially during May and June when caribou and birds are most active in the areas around and south of Willow.

²⁸ Vol. 4, Appx. E.16, p. 50.

²⁹ Vol. 4, Appx. G, p. 26.

³⁰ Vol. 4, Appx. G, p. 27.

required under Alternative B. BLM's preference for Alternative B therefore sharply conflicts with the ANILCA 810 analysis and makes Kuukpik question why BLM prefers CPAI's proposed alternative over those that would reduce impacts further. Kuukpik also believes the roadless BT4 and/or BT5 option could be better overall than either Alternative C or D because it would offer the maximum amount of road access to both subsistence users and CPAI, while nevertheless eliminating very significant portions of road that are not as useful to either CPAI or subsistence resources. For all these reasons and more, Kuukpik strongly urges BLM to analyze the alternative of constructing BT4 and BT5 as roadless satellites.

5. Kuukpik's Draft EIS Letter, p. 4:

The failure to incorporate the results of a similar balancing of competing interests with respect to Alternatives C and D is one of the other most significant shortcomings in the Draft EIS. Throughout the Draft EIS and ANILCA 810 analysis, there is information showing that Alternatives C and D would likely reduce impacts to caribou migration by removing roads and road connections in certain high value areas. BLM even concludes (in some places, but not others) that reducing those on-the-ground impacts would probably be worth accepting some marginal additional air traffic. Whether the community of Nuiqsut ultimately agrees with that conclusion or not (and the community's evaluation of those competing interests should certainly be given far more weight than anyone else's), that conclusion conflicts with and deeply undercuts BLM's decision to prefer Alternative B. The bulk of the Draft's analysis shows that other alternatives would have less impacts on subsistence and Nuiqsut generally. How then can BLM continue to prefer Alternative B? Furthermore, how can it summarily reject other semi-roadless options (like a roadless BT4 and/or BT5) that Kuukpik has asked BLM to analyze?

6. Kuukpik's Comment Letter on CPAI's 404 Permit application (May 11, 2020), p. 12:

Vehicle Traffic

Conoco and the Corps must find ways to reduce vehicle traffic associated with Willow. Industrial traffic not only disturbs subsistence resources and hunters, it increases indirect impacts to wetlands through increased dust and risk of accidents and spills. Current estimates for vehicle traffic during the operations phase is 55,000 trips per year, which would equate to an average of about one vehicle every ten minutes every day of the year if they were spread out evenly (which they're not).³¹ That's an extraordinary amount of new vehicle trips to add into this area. Additionally, CPAI notes that over 20,000 of those trips will be between Willow and GMT2. What they fail to mention is that the overwhelming majority of those trips will actually begin or end at Alpine, not GMT2. So it's not just 20,000 additional vehicles traveling between Willow and GMT2 (which might not impact Nuiqsut or Kuukpik on a daily basis), but probably 15,000

³¹ Compensatory Mitigation Statements, p. 7.

or more vehicle trips a year across Kuukpik Land and heavily used subsistence areas between GMT2 and Alpine. The Draft EIS repeatedly acknowledges how serious vehicle impacts can be to subsistence resources. There will obviously be impacts to Kuukpik's private property and shareholders wishing to use these ANCSA lands as well.

These impacts cannot be eliminated, but they need to be reduced as much as possible. One obvious way to do so is to require CPAI to install a pipeline to deliver diesel fuel to Willow. This would eliminate thousands of truck trips to deliver fuel from CD1 all the way to Willow as currently proposed. A new 6 inch diesel pipeline between Kuparuk CPF2 and Alpine CD1 are already proposed as part of this project.³² That pipeline should simply be extended further by adding it to existing VSMs along the pipeline route between Alpine and GMT1 and on to Willow. CPAI is already planning to install a seawater pipeline along that exact same route, providing an ideal opportunity to install a diesel pipeline as well.³³

The only plausible objection to installing this pipeline is cost. Cost alone, however, cannot be used to reject an option that would clearly reduce environmental impacts.³⁴ And here, a diesel pipeline to Willow would be a long-term investment to reduce vehicle traffic throughout the region. Not only would it eliminate hundreds, if not thousands, of trips per year between Alpine and Willow, but hundreds or thousands more trips that are currently required to support CPAI's existing facilities along the proposed pipeline route. And assuming development continues west beyond Willow, the pipeline would eliminate the thousands of diesel deliveries that would be needed for *those* facilities as well. All these improvements can be achieved simply by installing one more 6 inch pipeline along thirty miles of an existing pipeline route. These long term and exponential benefits need to be looked at very closely and compared to the anticipated cost of adding a relatively small pipeline to this massive project. Kuukpik believes the long-term benefits of using a pipeline instead of trucks for the next 30-plus years will vastly outweigh the cost. The diesel pipeline should be included as past the LEDPA for this project.

³² Public Notice, p. 3.

³³ Public Notice, p. 3.

³⁴ Practicable, as stated in 33 CFR 332.1(c)(2), means available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

ATTACHMENT 1

KUUKPIK ALTERNATIVES AND MITIGATION MEASURES

WILLOW DEVELOPMENT PROJECT

Kuukpik Proposed Alternatives for Analysis

1. Roadless Development for BT 4 (and Perhaps BT 5) – Kuukpik provided excerpts from its correspondence to the BLM during the Willow scoping and Draft EIS processes to the BLM regarding roadless development on November 24, 2021. As Kuukpik noted previously, the elimination of roads to these drill sites would eliminate about 12 miles of gravel roads (*i.e.* about 7 miles for BT 4 and about 5 miles for BT 5) or nearly half the total infield road length. Kuukpik does not believe each roadless satellite would necessarily require an airstrip.

2. Relocate BT 4 Drill Site to a Southern Location – Based on the BLM’s Willow Blackout Analysis, the BT 4 drill site could be located about 2 miles or more to the south from its present location. This alternative would provide some reduction of infrastructure in the TLSA. It is unknown to Kuukpik what the impact on recoverable reserves from Willow would be from this alternative.

3. Relocate BT 5 Drill Site to a Northern Location – The BT 5 drill site could be located to a location 1-2 miles north of its present location. While the current BT 5 location is outside the TLSA, such a shift in location would reduce the north-south “picket fence” effect from the Willow project. Caribou move from the west (near Teshekpuk Lake) to the east where they are harvested by Nuiqsut subsistence hunters. Again, it is unknown to Kuukpik what the impact on recoverable reserves from Willow would be from this alternative.

4. Develop Willow in Phases – This alternative would allow BT 1, BT 2, BT 3, the Willow airstrip, the Willow production facility, and the Willow operations center to be constructed as Phase 1. Studies could then be performed for a specified time frame (*e.g.*, 3-5 years after Willow Phase 1 is complete) to determine the impacts to subsistence and subsistence resources before moving on to the next phase. If the impacts are too great, as demonstrated from the study activities, other options for BT 4 and BT 5 development would be evaluated prior to any additional construction. This alternative is in some ways similar to the plan that was already approved in the 2020 Record Decision that did not approve BT4 and BT5. However, Kuukpik would want more time between the completion of Phase 1 and even beginning to permit a second phase. CPAI’s previous plan did not include a long enough break to study Phase 1’s impacts. Such a delay between phases would be necessary to allow studies to be conducted and local observations to be made, and to *use* those results for the permitting process of Phase 2.

5. Eliminate BT4 Drill Site – This alternative would likely provide the greatest reduction of infrastructure in the Teshekpuk Lake Special Area (TLSA). It is unknown to Kuukpik what the impact on recoverable reserves from Willow would be under this alternative.

6. Relocate the BT 2 Pad to a Western Location - While this relocation would not move the BT 2 drill site out of the TLSA, it would move the pad further away from Fish Creek. Such a move is expected to enhance waterfowl (and perhaps caribou) use of the Fish Creek area due to the noise reduction that would occur.

Mitigation Measures

Kuukpik urges the BLM to analyze the benefits that the proposed mitigation measures below could have in terms of reducing impacts to subsistence resources and users. These options could be combined with the new alternatives that BLM is analyzing to develop a reasonable and balanced Project.

1. Seasonal Operation Restrictions – Kuukpik believes these measures should be incorporated into any final development scenario. The BLM could impose restrictions on activities such as vehicle traffic, aircraft traffic, drilling, fracturing, well workovers, and other activities that produce a significant amount of noise or require significant activities that may disturb waterfowl and caribou during a specified time frame. This action would be similar to the requirements already imposed by the U.S. Fish and Wildlife Service on major projects to protect nesting waterfowl (*i.e.*, no construction activities from June 1 to July 31). The time frame would need to be adjusted to cover caribou calving activities.

2. Higher VSMs/HSMs – Vertical and horizontal support members are currently expected to be a minimum of 7 feet above the tundra. Increasing this minimum height to 8 feet (or higher) for all Willow infield pipelines would likely enhance caribou movement. Please see Kuukpik's Scoping Letter (Sept. 28, 2018), pp. 25-26 for additional information.

3. Early Installation of a Planned Willow Pipeline to Willow or GMT2 – Installing a pipeline to GMT2 and/or Willow early in the construction process would allow diesel for Willow construction to be moved by pipeline instead of trucks. Kuukpik understands that much of the diesel use for the Willow Project will occur during construction. Any reduction in truck traffic associated with the Willow project will minimize potential subsistence impacts. Since certain pipelines are already planned as part of the Project, one of them can simply be built early in the process and used for diesel, at least as far as GMT2 and possibly all the way to Willow. This would not even affect the Project's costs significantly since some pipelines are already proposed—it's just a matter of timing. A line used for diesel during construction could even be repurposed for some other fluid later if a different permanent diesel line is built later or not ultimately needed.

It's critical that this mitigation measure be examined now. CPAI is currently in the front end engineering and design process for Willow. If BLM examines this requirement now and determines that it would significantly reduce impacts, CPAI could incorporate this element in the

project relatively easily and without undue extra expense. CPAI is already required to perform a pipeline utilization study to the NSB as part of the rezone process. However, that study would be worthless if it comes after this NEPA process is already completed and a new ROD issued because the Borough will not require CPAI to deviate too much from the project described in the ROD. Therefore, an early and independent analysis is necessary to determine how to incorporate any of these options into the Project.

4. Require Use of Insulation in Roads and Pads Wherever Feasible – This action will reduce the height and visual impacts of these features for caribou (and people) while still maintaining permafrost integrity. CPAI agreed as part of the NSB rezone process to use foam wherever possible. Hence, it would be a measure that BLM may adopt without CPAI objection.

5. Inclusion of a “Good Neighbor” Agreement for the Willow Project – In light of the troubling ANILCA 810 findings regarding the likely negative impacts to caribou and subsistence hunters, Kuukpik argued in favor of a “Good Neighbor Agreement” as part of the NSB rezone process and obtained a requirement that CPAI negotiate such an agreement with the community. In summary, if Nuiqsut experiences significant declines in caribou subsistence harvests, CPAI can be required to fly Nuiqsut hunters and their gear to a location where caribou are available. After the hunting activities are completed, CPAI will fly the hunters, their gear, and the harvested caribou back to Nuiqsut. Obviously Kuukpik hopes none of that is ever necessary, but since NSB has imposed this requirement, BLM might consider doing the same.

6. Require Use of Best Available Technology to Operate Roadless Drill Sites – CPAI has approximately 15 years of operational experience with the CD 3 drill site, which is not road connected to the remainder of the Alpine facilities. Technology has improved significantly since CD 3 startup. Equinor (previously known as Statoil) has operated the fully automated Oseberg H platform in the North Sea since 2018. It is very likely that a roadless Willow satellite could be fully automated as well, which would reduce vehicle and other impacts significantly. BLM should require use of best available technology in any roadless drill site scenario.

7. Require use of electric, natural gas, or gasoline powered vehicles – BLM required CPAI to study use of natural gas-powered vehicles as far back as 2015 at least.¹ If natural gas vehicles didn’t work, CPAI was supposed to switch to electric or gasoline powered vehicles. Well over 6 years later, we haven’t seen any electric vehicles in regular use, and most vehicles are still using diesel. Kuukpik requests BLM enforce its earlier stipulations on this issue and establish updated requirements and a timeline for adopting lower emission vehicles and equipment.

8. Use of Alternative Transportation to Roadless Drill Sites – Kuukpik encourages BLM to always consider evolving technology and look “outside the box” at ways to reduce impacts. For example, crafts like airships and hovercraft might be used to transport people or material to roadless drill sites. Airships have similar carrying capacities to C130s, do not require long

¹ See GMT1 Record of Decision (February 2015), p. 8 (“Air Quality -- To the extent practicable, all oil and gas operations (vehicles and equipment) must be powered by natural gas, electric power, or gasoline rather than diesel fuel.”).

runways, and are quieter than conventional rotary or fixed wing aircraft. Hovercraft have been used on the North Slope (at Northstar) for personnel transport since around 2001. Although that use occurs offshore currently, certain hovercrafts can be used on the tundra and are quieter than fixed or rotary wing aircraft. There are no significant river or stream crossings between BT 3 and BT 5, which could facilitate use of hovercraft in that area. Additional investigation would be needed to determine if a bridge or other structure across Fish Creek would be necessary for hovercraft to access BT 4 from BT 2. These options could eliminate the need for roads and/or airstrips at roadless drill sites.

It is even worth considering whether things like an elevated light duty rail or monorail systems could one day be used on the North Slope. These types of systems could be integrated with VSM and pipelines to a certain degree, which would result in the ability to transport people or material without building a road or causing much significant impact to the tundra itself. An electrified monorail system would be extremely quiet and non-disruptive and could be achievable in the not-too-distant future. There is currently a monorail in operation as far north as Moscow, Russia. They have been proposed in Norway and Ukraine but not yet constructed. While these technologies may not be available in time for the Willow Project to take advantage of them, Kuukpik believes it's important that BLM continue to look ahead and be open to alternatives that at first glance may seem farfetched, but which could become the norm sooner than later. This will help reduce impacts as more and more development continues to come to the North Slope.

Exhibit 4

**Proposed Conditions of Approval
in Response to Kuukpik Comments
North Slope Borough Ordinance Serial No. 75-06-75**

1. Kuukpik proposed addition: "Use of insulation in roads, pads and airstrip to reduce the height (and visual barrier) of these features to minimize impacts on caribou movement."

Proposed Condition of Approval: ConocoPhillips will use insulation in the Willow gravel infrastructure to reduce the height (and visual barrier) of these features to minimize impacts on caribou movement, subject to obtaining necessary permits and agency authorizations. ConocoPhillips will submit a detailed implementation plan, including explanation of where insulation is and is not practicable, to the North Slope Borough by September 30, 2021, pursuant to NSBMC Chapter 19.50.

2. Kuukpik proposed addition: "Reduction of the size of the airstrip to only what is needed for all aircraft that CPAI proposes to use at Willow."

Proposed Condition of Approval: ConocoPhillips will reduce the length of the Willow airstrip to a maximum 5,700 feet long. Final approval of the airstrip dimensions will be determined in accordance with NSBMC Chapter 19.50. ConocoPhillips has no plans to use the Willow airstrip for Boeing 737s or similar passenger aircraft, and therefore will leave the surface of the runway as gravel. Any modification of this condition, including the use of Boeing 737s or similar passenger aircraft, will require approval of the North Slope Borough Assembly. The airstrip permit application will include an analysis of required runway dimensions based on aircraft manufacturer guidance, FAA requirements and recommendations, safety considerations, and engineering best practices.

3. Kuukpik proposed addition: "Restrictions on vehicle & aircraft use during sensitive periods (e.g. caribou calving & bird nesting)."

Proposed Condition of Approval:

Vehicle Plan. ConocoPhillips will provide to the North Slope Borough a vehicle plan that includes restrictions on and minimization of vehicle use during sensitive periods (caribou calving, bird nesting, and peak caribou subsistence activity). The objective of the vehicle plan is to mitigate potential impact of Willow project vehicle traffic on caribou calving, bird nesting, and peak subsistence activity. A vehicle plan for 2021 is attached. A vehicle plan for construction activities beginning in 2022 will be developed in consultation with the North Slope Borough Wildlife Department, and submitted for review and approval, in accordance with NSBMC Chapter 19.50, no later than September 1, 2021 and updated as needed when drilling and operations commence.

Aircraft Plan. ConocoPhillips will provide to the North Slope Borough an aircraft plan that minimizes aircraft use during sensitive periods (caribou calving, bird nesting, and peak caribou subsistence activity) and will include a communication protocol with the local community. The objective of the aircraft plan is to mitigate potential impact of Willow project air traffic on caribou calving, bird nesting, and peak subsistence activity. An aircraft plan will be developed in

**Proposed Conditions of Approval
In Response to Kuukpik Comments
North Slope Borough Ordinance Serial No. 75-06-75**

consultation with the North Slope Borough Wildlife Department and submitted for review and approval, in accordance with NSBMC Chapter 19.50, at least six months prior to the Willow airstrip commissioning.

4. Kuukpik proposed addition: "Require provision of aircraft plans and vehicle plans for NSB approval."

Proposed Condition of Approval: See above.

5. Kuukpik proposed addition: "Require the planned diesel pipeline to be extended from its current end point at Alpine to the Willow project area."

Proposed Condition of Approval: ConocoPhillips will submit a diesel use plan for review and approval, in accordance with NSBMC Chapter 19.50, by October 31, 2021. The plan will include an analysis of diesel transportation, including the conversion of existing pipelines or the utilization of Willow pipelines authorized in the Willow EIS Record of Decision for diesel transportation. The objective of this plan is to minimize traffic impacts & spill impacts due to human error on roads in high-use subsistence areas.

6. Kuukpik proposed addition: "Inclusion of a "good neighbor" agreement on caribou."

Proposed Condition of Approval:

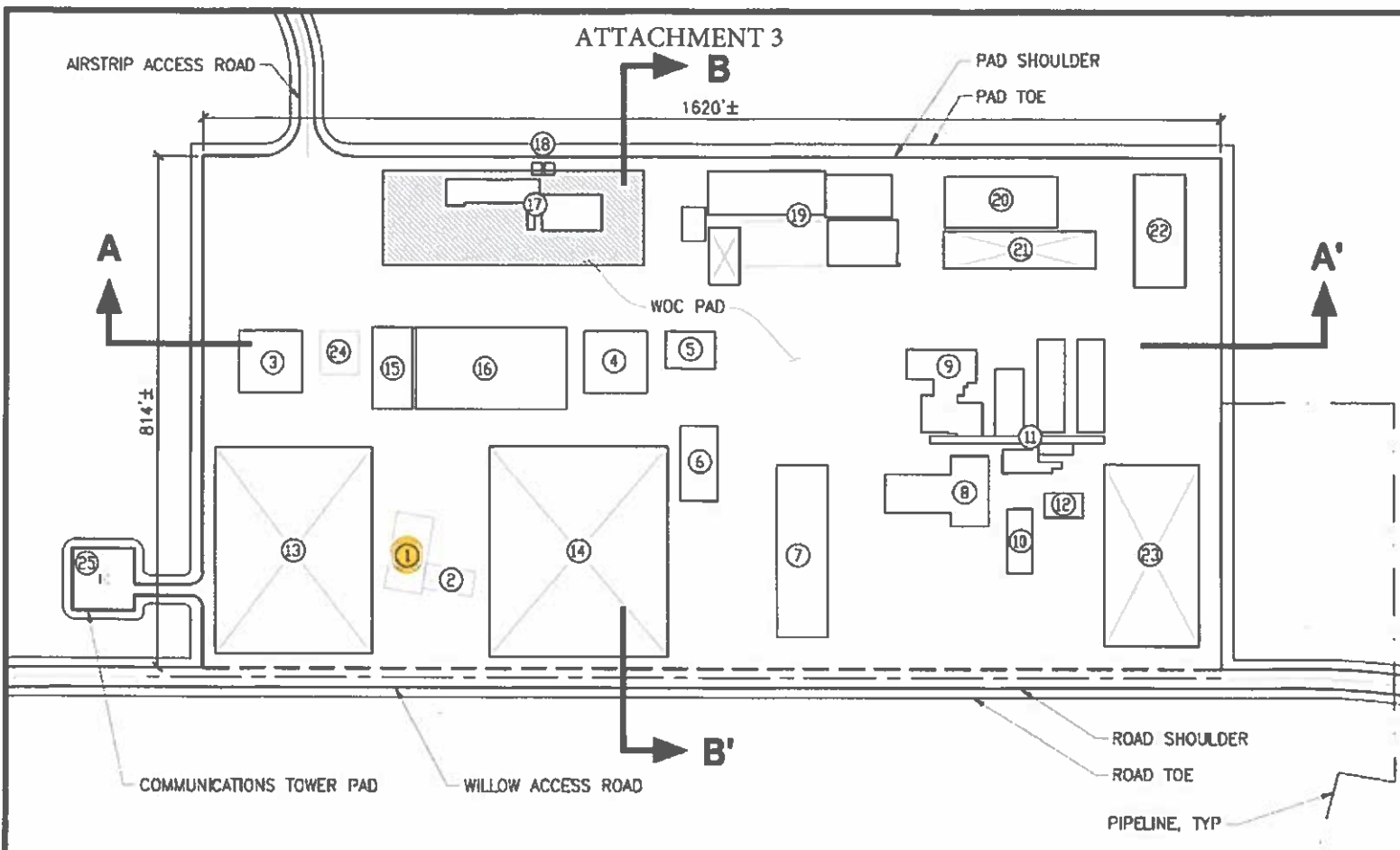
During the construction period of the Willow Project (prior to start-up of the central processing facility), if requested by the North Slope Borough Subsistence Mitigation Committee, in addition to the existing contributions, ConocoPhillips will provide an annual air charter for a group of Nuiqsut hunters and their gear to support caribou subsistence activities. This will be requested and administered by the North Slope Borough Subsistence Mitigation Committee.

ConocoPhillips will develop a Good Neighbor Policy on caribou in consultation with the community of Nuiqsut and the North Slope Borough Wildlife and Planning Departments ("North Slope Borough"). ConocoPhillips will host at least one community workshop in the Village of Nuiqsut to obtain input from hunters and residents prior to October 31, 2021. The Good Neighbor Policy will include support to transport Nuiqsut caribou subsistence hunters and their gear to and from areas where caribou are available if it is determined that the Willow Project has significantly impacted the ability of the hunters to harvest caribou based on criteria in the Good Neighbor Policy. The determination will be made by the Director of the North Slope Borough Planning Department, in consultation with the North Slope Borough Wildlife Department. ConocoPhillips will submit a Good Neighbor Policy to the North Slope Borough on or before June 30, 2022 for review and approval, in accordance with NSBMC Chapter 19.50.

**Proposed Conditions of Approval
In Response to Kuukpiik Comments**

North Slope Borough Ordinance Serial No. 75-06-75

- 7. Proposed Condition of Approval:** ConocoPhillips will amend Section 1(b) of the Oil Spill Mitigation Fund Agreement for the Alpine Development District (executed August 2019) (Agreement), to incorporate the Willow Development District into the Agreement, with an effective date prior to Willow first oil. The Agreement will also be amended to include spills to land. To accomplish that, Section 2(a)(i) of the Agreement will be deleted in its entirety and replaced with the following: "CPAI's oil and gas activities in the Alpine or Willow Development Districts cause oil to be present on land or in the water, or on the ice over water." ConocoPhillips will submit this amendment for North Slope Borough review and approval, in accordance with NSBMC Chapter 19.50, six months prior to anticipated Willow first oil.



FACILITIES				FACILITIES (CONT)	
①	MUD PLANT	⑩	H2O PLANT	⑲	WASTE INJECTION FACILITY
②	DRILLING SHOP	⑪	CAMP MODULES	⑳	DRILLING FLUIDS STORAGE
③	INCINERATOR BUILDING	⑫	WASTE WATER TREATMENT PLANT	㉑	ROLLING STOCK STORAGE
④	WAREHOUSE	⑬	ROLLING STOCK STORAGE	㉒	DRILLING FLUIDS
⑤	WELD SHOP	⑭	MUD PRODUCT STORAGE	㉓	ROLLING STOCK STORAGE
⑥	FLEET MAINTENANCE BUILDING	⑮	O&M STORAGE BUILDING	㉔	POWER GENERATION/FUEL GAS CONDITIONING
⑦	ELECTRICAL/MECHANICAL/INSTRUMENT SHOPS	⑯	MATERIAL LAYDOWN AREA	㉕	COMMUNICATIONS TOWER
⑧	WPL BUILDING	⑰	DRILL RIG/PIPE SHELTER		
⑨	CONTROL ROOM	⑱	DRILL/PROD WASTE DISPOSAL WELL		

NOTES:

1. MINIMUM GRAVEL DEPTH 5.0' WITH 2:1 FILL SLOPES.
2. SEE SHEET 43 FOR WOC TYPICAL SECTIONS.



0 150 300 450 FT

WOC PAD PLAN

P | N | D
ENGINEERS, INC.

ConocoPhillips
Alaska, Inc.

REFERENCE: POA-2018-00190
APPLICANT: CPAI
PROPOSED: WILLOW ROAD, PAD,
BRIDGE, & PIPELINE
CONSTRUCTION

AT: ALASKA

SHEET **42** of **128** 12/3/2020



NATIVE VILLAGE OF BARROW IÑUPIAT TRADITIONAL GOVERNMENT

March 4, 2022

Ms. Stephanie Rice

Project Manager

Bureau of Land Management

222 W. 7th Avenue, Stop #13

Anchorage, AK 99513

srice@blm.gov.

Re: Willow Project SEIS Scoping Comments

Dear Ms. Rice,

I hope the day finds you well. The Native Village of Barrow (NVB) submits these scoping comments on the Supplemental Environmental Impact Statement NEPA process for the Willow Development proposed by ConocoPhillips Alaska in the National Petroleum Reserve – Alaska (NPR-A). NVB is a federally recognized tribe, located in Utqiagvik, Alaska and our tribal members live within the boundaries of the NPR-A.

We understand that BLM is preparing a Supplemental Environmental Impact Statement for the Willow Development to address deficiencies identified in the August 21, 2021 U.S. District Court of Alaska decision. The Native Village of Barrow urges BLM to focus only on the issues identified in the court decision and complete this supplemental NEPA process as quickly as possible, so that the project can begin construction during the next winter season. The project has already undergone over 140 days of public comment, over 12 public hearings, and an extensive review and an approval process by the North Slope Borough.

Our tribal members are also residents of the North Slope Borough (NSB) which provides key services for its communities such as education, public health, public utilities and infrastructure (clean water, solid waste, roads, etc.) and safety (fire, police, search and rescue). The costs of this infrastructure are high and the NSB's ability to provide for basic needs comes from its taxing authority over the oil industry on the North Slope. According to the BLM, Willow can provide the NSB with approximately \$1.2 bn in property tax revenue over the 30-year life of the project, which will be essential to providing for our tribal members and communities.

Letter from NVB to BLM re Willow project
Supplemental EIS

ConocoPhillips has engaged with North Slope residents for over 50 years and they are a responsible operator with a history of collaborating with our communities and working with us to protect our subsistence resources and lifestyle while contributing to our long-term local economic sustainability. They have made changes to the project and incorporated significant mitigations to protect the subsistence resources and lifestyle of our people which we support.

We urge BLM to listen to the people of the North Slope and complete a focused Supplemental EIS in a timely manner so that the project can move forward.

Sincerely,



Mary Jane Lang
Executive Director