

United States Senate

WASHINGTON, DC 20510

March 8, 2022

The Honorable Deb Haaland
Secretary, U.S. Department of the Interior
1849 C St, NW
Washington, DC 20240

Dear Secretary Haaland:

We write to reiterate our strong support for the Willow Master Development Plan (Willow), and to urge the Department of the Interior to expeditiously complete a Supplemental Environmental Impact Statement (EIS) that leads to federal re-approval of this critical project.

The Bureau of Land Management's (BLM) review process for Willow has consisted of a rigorous multi-year environmental analysis with coordination across four federal agencies, the State of Alaska, affected communities on the North Slope, Alaska Native Tribes, and the general public. The prior Record of Decision and Final EIS also facilitated robust public participation, including more than a dozen in-person meetings and a total of nearly five months of public comment periods.

The results of the process were clear: Willow is an environmentally conscious project that abides by the strictest environmental considerations in the world and has widespread support across Alaska from Alaska Natives, building trades and organized labor, and the public.

Today, Willow is supported by the Alaska Federation of Natives, the Inupiat Community of the Arctic Slope, and the North Slope Borough (NSB), among many others. It has drawn such extensive support because its operator, ConocoPhillips, has an excellent record of responsible development in our state, and because it will be a key source of job creation, government revenues, and energy security—all of which are needed in these turbulent times.

Willow is estimated to support hundreds of new, permanent, and well-paying jobs, many of which will be union jobs—a remarkable number for any project in Alaska. Many of its jobs will be filled by those who live in the North Slope Borough, while others will help Alaskans who remain unemployed or underemployed in the wake of the pandemic. This is particularly important for an industry that lost an estimated 30 percent of its jobs between 2019 and 2021 due to the pandemic.

By BLM's own estimates, Willow is projected to generate \$2.1 billion for the State of Alaska and \$1.2 billion for the NSB at oil prices dramatically lower than what we face today. Higher prices will generate more revenues for governments at all levels. The NSB will use its share of

those funds to support valuable community water and sewer infrastructure; educational services, including Alaska's only tribal college; and coastal and climate resiliency projects.

The war in Ukraine further underscores the urgency and need for Willow. Oil prices were already high, but have risen even further since the start of Russia's unprovoked atrocities. Countries around the world, especially our own, must shift away from any dependence on Russian energy. The Willow Project and its estimated 160,000 barrels of daily supply can play a major role in making sure that happens.

Willow also meets the stated goals for the administration's environmental justice initiatives. Approximately three-quarters of the Borough's nearly 10,000 permanent residents are Inupiat, with over 98 percent of Inupiat households living a subsistence lifestyle. Willow will be an example of responsible resource development that meets all local and federal laws while providing benefits to underserved and minority communities, while successfully balancing the needs of regional subsistence users through strong mitigation measures.

We firmly believe BLM should complete a Supplemental EIS and Record of Decision for Willow in time to allow for construction to begin during the 2022-2023 winter season. This is possible within the legal and administrative processes and would demonstrate seriousness about rising energy prices and the need for greater energy security. There is no better time and no better way to reassure our allies that the United States will help stabilize markets, prevent shortages, and lower prices.

Willow is a major project, located in our National Petroleum Reserve, which was specifically designated for energy development. The delays it has already faced are deeply unfortunate, and it now awaits approval at a key moment. In light of inflation, rising gas prices, and a dramatic shift in international geopolitics, we urge you to recognize the immense benefits this project will bring and to act promptly to approve it.

Sincerely,

Lisa Murkowski
United States Senator

Dan Sullivan
United States Senator

Don Young
Congressman for All Alaska

THE WALL STREET JOURNAL.

OP-ED: Let Alaska Sell American Energy to the World

Biden's limits on North Slope drilling have made the Ukraine war much costlier to Europe and the U.S.

By Harry Brower Jr. and Josiah Patkotak – March 4, 2022

<https://on.wsj.com/3pzSQFu>

Even as Russian tanks lined up on the Ukrainian border in February, the Biden administration froze U.S. drilling on federal lands and issued rules making it harder to build natural-gas pipelines. We may be Inupiaq Eskimos 5,000 miles away from the Washington policy machine, but we know crazy when we see it. And this is crazy.

Big profits from oil and gas exports to Europe and the U.S. are enabling Vladimir Putin's aggression in Ukraine. Curtailing U.S. energy production forces the world to buy oil and gas from countries like Venezuela and Saudi Arabia, which have abysmal human-rights records, low environmental standards and high carbon emissions. It doesn't have to be this way. The U.S. can responsibly produce enough energy to meet its own needs and those of the world while weakening Russia—but only if Washington allows it to happen.

Prudhoe Bay on the North Slope—one of the biggest oil fields in North America—is on our ancestral lands. Since 1977, Prudhoe Bay has produced more than 18 billion barrels of oil, contributing billions of dollars to state and federal coffers, funding development in Alaska's native communities, and contributing to U.S. national security. Because energy markets are global, oil produced on the North Slope has helped power the world. Alaskans have done all of this while protecting our lands and waters.

Alaska's North Slope—the National Petroleum Reserve in Alaska, or NPR-A—has the same potential. Roughly the size of Indiana, the NPR-A was set aside in 1923 by President Warren Harding for oil production in case of emergency. The site contains billion of barrels of oil. Invigorated by the previous administration, which encouraged increased domestic production, investments were flowing in to projects on the North Slope. It looked as though Alaskans, Americans and the world would soon benefit.

But then came the Biden administration, galvanized by extreme environmentalists whose goal is to shut down oil production. The opportunity was lost. Strict environmental standards mean that unlike other places in the country, the drilling season in Alaska is short, and timely permits are essential. The Biden administration has consistently delayed those permits, taking off the table any hope of drilling in winter. They have demanded further studies for projects that have been studied to death. They've also discouraged financial institutions from investing in the Arctic on both federal and private lands.

Reducing carbon emissions is crucial for the planet. Alaska is on the front lines of climate change. That is why Alaskans push tirelessly to ensure that energy companies drilling for oil do so with the most cutting-edge carbon-reducing technology.

Before the discovery at Prudhoe Bay—and before Alaska Natives gathered in force to demand rights to their lands and resources—our direct forebears, and the ancestors of many who still live on the North Slope, were among the most impoverished people on the planet.

But the Inupiaq culture discourages victimhood and resentment. We are now teachers and doctors. We are whaling captains and city workers. We are no longer one whale hunt away from starvation. We have healthcare clinics and schools in our communities. Still, our needs are great. Many of our people lack amenities such as running water and access to the internet, which people in the lower 48 states take for granted.

During times of conflict and war indigenous Alaskans have always answered the call to service, even when denied basic civil rights. During World War II and the Cold War, thousands of Alaska natives trained in special programs to serve as scouts and defenders of our state and country. Later, our men and women were sent from our Arctic villages to fight and sometimes die in steamy jungles and barren deserts half a world away. We are a patriotic people, and it's in our nature to protect and serve what's ours—our communities, our state, our country, our world.

As one nation invades another thousands of miles away from the North Slope of Alaska, as our country is hurting from high energy prices, as the world feels as if it is on the brink of chaos, we are here to help and we are here to serve. Will President Biden allow us to do so?

Mr. Brower, a whaling captain, is mayor of Alaska's North Slope Borough. Mr. Patkotak, an independent, represents District 40 in the Alaska House of Representatives.

Alaska State Legislature



March 8, 2022

Stephanie Rice
BLM Project Manager
222 W. 7th Avenue
Stop #13
Anchorage, AK 99513

Submitted Electronically

RE: Public Comments Willow Master Development Plan Supplemental Environmental Impact Statement

Dear Ms. Rice:

Thank you for the opportunity to provide comments on the Willow Master Development Plan Supplemental Environmental Impact Statement (SEIS). We represent House Districts 1, 2, 3 covering the Fairbanks downtown core area, Fort Wainwright, Badger, and North Pole. Fairbanks is the last major city for trucks traveling to Prudhoe Bay on the Dalton Highway and support industries related to oil development are a significant contributor to our local economy. A 2020 economic analysis by the McDowell Group noted that including all direct, indirect, and induced effects, the oil and gas industry accounted for an annual average of 2,908 jobs and total annual wages of \$192 million in the Fairbanks North Star Borough (FNSB). As such, the development of Willow is important to our community and is broadly supported statewide.

The Bureau of Land Management's previously completed National Environmental Policy Act (NEPA) analysis was completed with broad stakeholder involvement at the federal, state, and local levels. It involved 140 days of public comment, a public scoping period, and 13 in-person public meetings in Anchorage, Fairbanks, Nuiqsut, Utqiagvik, Atkasuk, and Anaktuvuk Pass.

While the Alaska District Court found deficiencies in the Willow Master Development Plan EIS, many aspects were upheld and do not require further analysis in the SEIS. BLM's SEIS should focus on the specific issues raised by the District Court: climate change analysis, range of alternatives analysis, and aspects of the U.S. Fish & Wildlife Service biological opinion.

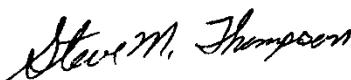
Importantly, BLM should complete its SEIS and Record of Decision in time to allow construction in the 2022-2023 winter season. Timely project approval is essential to avoid delays and reduce risk and uncertainty for Alaska's economy and North Slope stakeholders.

We appreciate your consideration.

Regards,



Rep. Bart LeBon
House District 1 – Fairbanks



Rep. Steve Thompson
House District 2 – Fairbanks



Rep. Mike Prax
House District 3 – North Pole

CITY OF ATQASUK

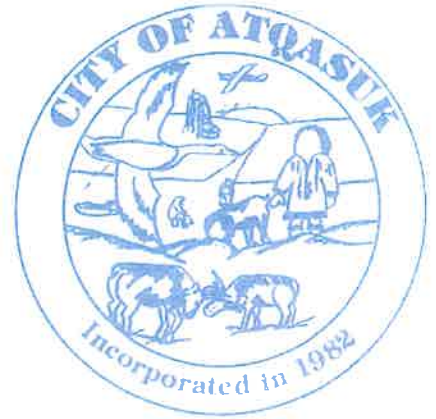
P.O. Box 91119

Atqasuk, Alaska, 99791

City Office Ph: 907-633-6811

Fax: 907-633-6812

Email: cityofatqasuk@hotmail.com



Douglas Whiteman, Mayor

Resolution No. 2021-05

A RESOLUTION OF THE CITY COUNCIL OF ATQASUK, ALASKA SUPPORTING OIL AND GAS DEVELOPMENT IN THE NPR-A

WHEREAS, the City of Atqasuk ("City") is located on the North Slope of Alaska and is a municipal government formed under the laws of the State of Alaska. Over 92% of the City residents are Native Alaskan Iñupiat; and

WHEREAS, the City is located within the municipality of the North Slope Borough ("Borough"); and

WHEREAS, the Borough is the area-wide local government for the northern portion of the State of Alaska, serving as the regional government for eight villages. The Borough has authority over the planning, platting, permitting, and zoning of lands within its boundaries, and is responsible for, or engaged in, environmental protection and wildlife management; and

WHEREAS, the Borough is a Home Rule Borough with authority analogous to, or greater than, that of county governments in other states, the Borough is a political subdivision and municipal corporation incorporated under the laws of the State of Alaska. As such, the Borough has authority over the planning, platting, permitting, and zoning of lands within its boundaries, and it is responsible for, or is engaged in, environmental protection and wildlife management; and

WHEREAS, among the Borough's Home Rule powers is the statutory authority to tax infrastructure for oil and gas development. The Borough's primary source of revenue derives from taxes levied on oil and gas infrastructure. These revenues provide significant economic benefit to the Borough and contribute funds that enable the Borough to provide essential services to its eight communities, including the City, and to employ many of its residents. The Borough is also the major employer in the City; and

WHEREAS, the City is also located within the National Petroleum Reserve – Alaska ("NPR-A") and is considered an impacted community with respect to oil and gas development in NPR-A; and

WHEREAS, fifty percent of the revenue generated by oil and gas development is paid into the NPR-A Impact Grant Funds ("Grant") managed by the State of Alaska. The City is a recipient of and uses its Grant funds to provide for community projects to off-set the effects of oil and gas exploration and development to our residents; and

WHEREAS, the new Biden Administration ("Administration") has recently halted all new oil and gas leasing on federal lands; and

WHEREAS, the Administration has stated that lands already leased will be honored, because projects must go through permit application processes that include significant data submissions, public comment and government consultation periods and agency adjudications after the leases are issued but before development may take place; and

WHEREAS, the Administration has said that it will review resource projects that have already been through extensive NEPA permitting processes, that included our Borough and Tribal Governments, and received a Record of Decision. These projects include, but are not limited to, the Willow Project located within the NPR-A; and

WHEREAS, the oil and gas companies operating on the North Slope have proven to be good neighbors as they have worked to minimize their development footprint and impacts to subsistence, have provided opportunities through their developments for jobs on the North Slope, have worked with our communities on improving education and access to higher education, and have worked to minimize impacts to the environment; and

WHEREAS, as the North Slope oil fields decline, it is vitally important to the City and the Borough that new fields, like the Willow Project, are developed to provide much needed revenue to the Borough from property taxes; and

WHEREAS, as an example, the Willow Project over its expected field life, is estimated to provide \$2.6 billion to the Grant Fund to communities most affected by oil and gas production in the NPR-A, and is estimated to provide an additional \$1.2 billion to the Borough through taxes, which means there will be significant funding made available to further improve living conditions, schools, and basic infrastructure for North Slope communities; and

WHEREAS, all oil and gas projects, like the Willow Project, on the North Slope and inside the NPR-A, go through a rigorous and extensive NEPA EIS process that includes the Borough as a Cooperating Agency and tribal councils through Government-to-Government consultation, and includes public forums, community outreach and comment periods, and has received a Record of Decision and has received all necessary approvals from the Borough; and

WHEREAS, the time, resources, and costs of participating in the public process that the City has expended in the NEPA process for oil and other developments, like the Willow Project, to protect our interests and economic well-being has been great; and

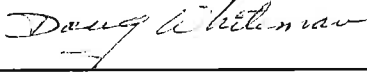
WHEREAS, we continue to seek timely and efficient solutions to resolve obstacles to the continued support for City, Borough and other North Slope communities; and

NOW, THEREFORE, BE IT RESOLVED THAT, the City Council strongly supports oil and gas development in the NPR-A for projects, like the Willow Project; and

BE IT FURTHER RESOLVED THAT, the Mayor of the City is hereby designated to act as the representative of the City in matters related to protection of its interests with respect to defending oil and gas projects within the NPR-A that will have a significant economic benefit to our community while also ensuring our subsistence resources are protected; and

BE IT FURTHER RESOLVED THAT, the representative identified above, together with the officers and staff of the City, be directed and authorized to take all such actions necessary to give effect to this resolution.

PASSED AND APPROVED by a duly constituted quorum of the City Council for the City of Atkasuk on the 5th day of April, 2021.

 04-06-21

Douglas Whiteman, Mayor Date

ATTEST:

 04-06-21

Sherlene Oyagak, City Clerk Date



City of Wainwright

March 9, 2022

Stephanie Rice
Bureau of Land Management
222 W. 7th Avenue, Stop #13
Anchorage, Alaska 99513

Re: Willow Supplemental Environmental Impact Statement Comments

Dear Ms. Rice,

The City of Wainwright appreciates having the opportunity to submit our comments on the Supplemental Environmental Impact Statement for the Willow Development in the National Petroleum Reserve-Alaska (NPR-A).

The City of Wainwright is a second class city located within the NPR-A and within the home rule government of the North Slope Borough. More than 95% of our residents are Native Alaskan Iñupiat. Our community works closely with the North Slope Borough and other NPR-A communities on issues that affect our residents and has been actively involved in this regulatory process for the Willow Project since 2018. A copy of our resolution supporting the Willow project is attached.

The NPR-A is our home; it provides us with not only our subsistence resources but our economic sustainability as well.

The City of Wainwright depends on the infrastructure the North Slope Borough provides for life, health, and safety. The costs of this infrastructure are high and the source of the Borough's ability to provide for our basic needs comes from its taxing authority of the oil industry on the North Slope. Since the development of oil in our region we have seen the life expectancy of our people increase by 13 years on average, largely due to the availability of clean water, sanitation, health clinics, and other services. According to the BLM, Willow can provide the North Slope Borough approximately \$1.2 billion in property tax revenue over the 30-year life of the project to support the high cost of the infrastructure needs of our communities.

The NPR-A Impact Grant Program, which is funded by the state portion of the federal royalties on production within the NPR-A, provides grants to mitigate the effects of oil and gas development on Wainwright and other affected communities. These grant funds are critical to City of Wainwright as they provide resources for city operations, youth programs, local jobs and vital community infrastructure to improve the quality of life in our community. BLM estimates that \$2.3 billion will be made available through the NPR-A grant program over the life of the Willow project that will help to offset these impacts on our communities.

The requirements of Environmental Justice EO 12898 to address the disproportionately high adverse effects of this project on minority, low-income and Alaska Native tribal populations and underserved communities are partially addressed through the grants funded by royalties from this project. Projects like Willow are also important in that they meet the requirements of EO 13985 which speaks to addressing racial inequality, social justice and providing jobs to underserved communities.

The City of Wainwright has engaged with ConocoPhillips for many years and has a history of working with our community and other affected communities on the North Slope to protect our subsistence resources and lifestyle while contributing to our long-term local economic sustainability.

We understand that this Supplemental Environmental-Impact Statement for the Willow Development is being prepared to address deficiencies identified in the August 21, 2021 U.S. District Court of Alaska decision. The City of Wainwright urges the BLM to focus only on the issues identified in the court decision and complete this supplemental NEPA process as quickly as possible which will enable the project to begin construction during the next winter season. Further delay threatens our future ability to provide for our residents and plan for a transition toward other revenue sources.

Thank you for considering our community's concerns and support for the Willow Master Development Project and our request that a focused Supplemental EIS is completed as soon as possible.

Quyanaqpak.

Sincerely,



Amos AguvlukNashookpuk
Mayor, City of Wainwright

Attachment: City of Wainwright Resolution #2021-26



City of Wainwright

RESOLUTION NO. 2021-26

WHEREAS, the City of Wainwright (“City”) is located on the North Slope of Alaska and is a municipal government formed under the laws of the State of Alaska. Over 95.7% of the City residents are Native Alaskan Iñupiat; and

WHEREAS, the City is located within the municipality of the North Slope Borough (“Borough”); and

WHEREAS, the Borough is the area-wide local government for the northern portion of the State of Alaska, serving as the regional government for eight villages. The Borough has authority over the planning, platting, permitting, and zoning of lands within its boundaries, and is responsible for, or engaged in, environmental protection and wildlife management; and

WHEREAS, the Borough is a Home Rule Borough with authority analogous to, or greater than, that of county governments in other states, the Borough is a political subdivision and municipal corporation incorporated under the laws of the State of Alaska. As such, the Borough has authority over the planning, platting, permitting, and zoning of lands within its boundaries, and it is responsible for, or is engaged in, environmental protection and wildlife management; and

WHEREAS, among the Borough’s Home Rule powers is the statutory authority to tax infrastructure for oil and gas development. The Borough’s primary source of revenue derives from taxes levied on oil and gas infrastructure. These revenues provide significant economic benefit to the Borough and contribute funds that enable the Borough to provide essential services to its eight communities, including the City, and to employ many of its residents. The Borough is also the major employer in the City, and

WHEREAS, the City is also located within the National Petroleum Reserve – Alaska (“NPR-A”) and is considered an impacted community with respect to oil and gas development in NPR-A, and

WHEREAS, fifty percent of the revenue generated by oil and gas development is paid into the NPR-A Impact Grant Funds (“Grant”) managed by the State of Alaska. The City is a recipient of and uses its Grant funds to provide for community projects to off-set the effects of oil and gas exploration and development to our residents; and

WHEREAS, the new Biden Administration (“Administration”) has recently halted all new oil and gas leasing on federal lands; and

WHEREAS, the Administration has stated that lands already leased will be honored, because projects must go through permit application processes that include significant data submissions, public

comment and government consultation periods and agency adjudications after the leases are issued but before development may take place; and

WHEREAS, the Administration has said that will review resource projects that have already been through extensive NEPA permitting processes, that included our Borough and Tribal Governments, and received a Record of Decision. These projects include but are not limited to the Willow Project located within the NPR-A; and

WHEREAS, the oil and gas companies operating on the North Slope have proven to be good neighbors as they have worked to minimize their development footprint and impacts to subsistence, have provided opportunities through their developments for jobs on the North Slope, have worked with our communities on improving education and access to higher education, and have worked to minimize impacts to the environment; and

WHEREAS, as the North Slope oil fields decline, it is vitally important to the City and the Borough that new fields, like the Willow Project, are developed to provide much needed revenue to the Borough from property taxes; and

WHEREAS, as an example, the Willow Project over its expected field life, is estimated to provide \$2.6 billion to the Grant Fund to communities most affected by oil and gas production in the NPR-A. And is estimated to provide an additional \$1.2 billion to the Borough through taxes, which means there will be significant funding made available to further improve living conditions, schools, and basic infrastructure for North Slope communities, and

WHEREAS, all oil and gas projects, like the Willow Project, on the North Slope and inside the NPR-A, go through a rigorous and extensive NEPA EIS process that includes the Borough as a Cooperating Agency and tribal councils through Government-to-Government consultation, and includes public forums, community outreach and comment periods, and has received a Record of Decision, and

WHEREAS, the time, resources, and costs of participating in the public process that the City has expended in the NEPA process for oil and developments, like the Willow Project, to protect our interests and economic well-being has been great, and

WHEREAS, we continue to seek timely and efficient solutions to resolve obstacles to the continued support for City, Borough and other North Slope communities; and

NOW, THEREFORE, BE IT RESOLVED THAT, the City Council strongly supports oil and gas development in the NPR-A for projects like the Willow Project; and

BE IT FURTHER RESOLVED THAT, the Mayor of the City is hereby designated to act as the representative of the City in matters related to protection of its interests with respect to defending oil and gas projects within the NPR-A that will have a significant economic benefit to our community while also ensuring our subsistence resources are protected; and

BE IT FURTHER RESOLVED THAT, the representative identified above, together with the officers, management, and staff of the City, be directed and authorized to take all such actions necessary to give effect to this resolution.

Vacant, Mayor



Frederick Rexford, Member

Edward Kagak , Member

ATTEST:



Cheryl Panik, City Clerk



John Hopson Jr., Vice Mayor




Jimmie Kagak, Member

Amos AguvlukNashookpuk, Member



Linda Agnasagga, Member



Date

Congress of the United States
Washington, DC 20515

January 25, 2021

The Honorable Debra Haaland
Secretary of the Interior
U.S. Department of the Interior
1849 C Street NW
Washington, D.C. 20240

Dear Secretary Haaland:

We are writing to urge you to suspend any further action on the Willow Master Development Plan, a massive oil and gas project which represents a looming climate threat in the Alaskan Arctic, pending a comprehensive analysis of the compatibility of this project with our nation's climate change commitments.

The Willow Plan in the National Petroleum Reserve – Alaska (Reserve) was approved in the final months of the Trump Administration. This complex and far-reaching proposal would have significant impacts on the region and entire Reserve, particularly on the Teshekpuk Lake Special Area, and due to the project's greenhouse gas emissions – our global climate.

The Willow Plan was on a path to being built until the Ninth Circuit Court of Appeals imposed an injunction. Recently, the U.S. District Court in Alaska voided the Department of Interior's approvals for the project due to "serious errors" in the analysis of the project. We applaud the Biden Administration for declining to further defend the flawed Willow Plan in court as the deadline to appeal that decision came and went, and we were encouraged this week by the steps taken to undo the 2020 Integrated Activity Plan for the entire Reserve.

The Willow Plan is out of step with our nation's climate and conservation imperatives. Willow would produce up to 200,000 barrels of oil per day for at least 30 years, adding 260 million metric tons of CO₂ to the atmosphere. These numbers illustrate that this project is not consistent with the Administration's climate commitments and the need to limit warming to below 1.5 degrees Celsius. Now is not the time to be fast tracking permitting for a massive new oil development project. The Biden Administration can take a significant step toward achieving its national climate goals by using its authority to suspend activity on leases and reconsider its approach to evaluating the Willow Plan. Simply put, there is no room in the global climate budget for any more oil and gas development if we are to achieve our climate goals.

We are also concerned by the harmful impacts that the Willow Plan could have on the unique ecological and subsistence values in the Reserve. The Reserve is home to many of our nation's Arctic treasures, including two large caribou herds, globally significant migratory bird populations, threatened polar bears, extraordinary complexes of lakes, ponds, rivers, floodplains, wetlands, and upland areas, and sensitive coastal resources. These values are central to the subsistence livelihood of local Indigenous communities and our nation's conservation heritage.

There are multiple Special Areas designated in the Reserve that seek to protect these values and resources.

Before the Department of Interior heads back to the drawing board on the Willow Plan, an opportunity exists to reconsider the Trump Administration's approvals of this project and ensure that any supplemental process fully complies with the National Environmental Policy Act and Endangered Species Act, as well as national and international policies regarding climate change and conservation.

The Bureau of Land Management (BLM) should be maintaining the strongest possible protections for Special Areas within the Reserve. Instead, the Willow Plan encroaches into the Teshekpuk Lake Special Area, which has been protected for decades because of its ecological values. It also encroaches into the Colville River Special Area, which provides important nesting habitat for raptors and other birds, as well as being an area of subsistence activities for communities. Allowing development in Special Areas would leave lasting impacts to wildlife and the people who rely on them.

In addition to ensuring that any new development is consistent with our climate obligations, as the BLM moves forward to supplement the analysis for the Willow Plan, it must engage in a full review of the project's significant adverse effects and consideration of less harmful alternatives. Where the Trump Administration ignored local communities and failed to adequately address the risks to the health and safety of people, land, water, and wildlife, the Biden Administration must do better by creating a new standard that prioritizes meaningful tribal consultation, environmental justice, and a just and equitable transition away from a fossil fuel dependent economy. At a minimum, this requires BLM to engage in a public scoping process at the outset, and to fully evaluate new alternatives to the Willow Plan and its impacts, including alternatives that involve less development. Interior should not limit any review solely to deficiencies identified the District Court, and should fully reevaluate the project as a whole.

Recent steps to restore the 2013 Integrated Activity Plan are a positive step in this direction, but more is necessary in the year ahead to align management of the Reserve with our climate and biodiversity goals. Now is the time for the Department of Interior and the Administration to set out a new management direction for the Reserve. One that provides durable protections for the communities that rely on the Reserve, benefits the regions fragile biodiversity, and acts as a tool as a part of the solution to the climate crisis instead of part of the problem.

We thank the Department of Interior and the Administration for opting not to defend the Willow Plan in court. However, it is still critically important that the Department of Interior immediately freeze any further action on the Willow Master Development Plan and conduct a thorough review of project that fully incorporates the impacts to the region's environment as well as the global climate. We look forward to continuing to work with you toward our shared goals for the Arctic and our federal public lands.

Sincerely,



Alan Lowenthal
Chair, Subcommittee on Energy and Mineral
Resources



Raúl M. Grijalva
Chair, House Natural Resources Committee



Jared Huffman
Chair, Subcommittee on Water, Oceans, and
Wildlife



Joe Neguse
Chair, Subcommittee on National Parks,
Forests, And Public Lands



Katie Porter
Chair, Subcommittee on Oversight and
Investigations

45

North Slope Borough

OFFICE OF THE MAYOR

P.O. Box 69
Barrow, Alaska 99723
Phone: 907 852-2611 or 0200
Fax: 907 852-0337



Harry K. Brower, Jr., Mayor

March 9, 2022

Stephanie Rice, Natural Resource Specialist
Bureau of Land Management, Alaska State Office
222 West 7th Avenue, #13
Anchorage, Alaska 99513-7599

Submitted via mail and <https://eplanning.blm.gov/eplanning-ui/project/109410/510>

Re: Comments of North Slope Borough on Willow Master Development Plan Supplemental Environmental Impact Statement

Dear Ms. Rice:

The North Slope Borough (Borough) appreciates this opportunity to provide comments to the Bureau of Land Management (BLM) on the development of a Supplemental Environmental Impact Statement (SEIS) for ConocoPhillips Alaska, Inc.'s (CPAI) Willow Master Development Plan (Willow).

The Borough renews its support for Willow as previously authorized by the BLM's Environmental Impact Statement (EIS) and subsequent Record of Decision (ROD). We understand that BLM is undertaking this SEIS effort in order to address the identified deficiencies in Willow's environmental review as set forth in Judge Sharon Gleason's August 2021 opinion.¹ As such, the Borough encourages BLM to limit its evaluation in this SEIS to those discrete issues, and not to reopen items outside the scope of those identified by Judge Gleason for reassessment in her vacatur and remand of BLM's approval of Willow.

Willow is not only a well-designed, but also a well-analyzed, project. BLM, the U.S. Fish and Wildlife Service (FWS), and the U.S. Army Corps of Engineers all conducted rigorous environmental reviews to ensure that associated development continues to be conducted in an environmentally responsible manner that appropriately protects the North Slope's resources.

¹ *Sovereign Iñupiat for a Living Arctic v. Bureau of Land Management*, No. 3:20-cv-00290-SLG (D. Alaska Aug. 18, 2021) ("Opinion").

The Borough participated as a cooperating agency with the federal government in the development of Willow's EIS. Through numerous meetings and workshops, we assisted in the development of the alternatives, lease stipulations and best management practices for Willow. BLM did an exceptional job throughout this process in its outreach to local entities. Furthermore, Willow is a great example of responsible oil and gas development. It is land-based development typical of the North Slope, which will be connected to existing infrastructure and the Trans-Alaska Pipeline System. This is not a risky project, and for all the reasons noted below, it will benefit the Borough and support our ability to maintain essential municipal services to our residents and communities. For these reasons, the Borough intervened in the legal challenges to Willow from outside groups that do not understand or appreciate the mitigation measures, planning and outreach that went into this project, as well as its importance to our residents.

The Borough offers the following comments to renew its support for the proposed development plan for Willow and to encourage BLM to preserve the years-long environmental review process—a process which involved substantial input from the local community—by limiting its reassessment of Willow to the narrow issues identified in Judge Gleason's decision.

North Slope Borough

The Borough is the regional government for eight villages spread across northern Alaska. The Borough's jurisdiction stretches from the United States-Canada border across to the western border of Alaska, and its coastline extends across the Beaufort and Chukchi Seas. It is the largest municipality in the United States by size. The Borough's jurisdiction includes the Iñupiat villages of Anaktuvuk Pass, Atkasuk, Kaktovik, Nuiqsut, Point Hope, Point Lay, Utqiagvik (Barrow), and Wainwright, as well as the National Petroleum Reserve-Alaska (NPR-A).

Our residents offer a unique perspective on the North Slope of Alaska and its resources. Approximately three-quarters of the Borough's nearly 10,000 permanent residents are Native Alaskan Iñupiat. The Iñupiat have occupied and depended upon the subsistence resources of the North Slope's lands and waters for their physical health, cultural well-being, and survival for thousands of years. Over 98% of Iñupiat households utilize subsistence foods, and the social fabric of our communities revolves around subsistence traditions. The importance of this subsistence way of life to our communities goes beyond the need for food. Our unique Iñupiat culture, traditions, and links to our ancestors and history are tied to our subsistence lifestyle, to our custom of sharing with others, and to celebrating our connection to the North Slope.

Oil and gas resources developed on the North Slope come from our backyard—a place that has sustained our people for generations. The Iñupiat have strong cultural and subsistence ties to the areas where oil and gas development on the North Slope occurs. We consider ourselves to be the first and rightful stewards of these lands, and any form of development on this land demands careful stewardship. However, our lives are inextricably tied to responsible resource development, and the Borough relies on such development in order to support economic and infrastructure development opportunities, access to services, and the provision of employment and subsistence benefits for our residents.

BLM Should Limit the Scope of the SEIS to the Discrete Issues Identified for Reevaluation in Judge Gleason's Decision

The current plan for Willow was created following a years-long environmental review process that includes and reflects significant input from local communities. Though the Plaintiffs in the lawsuits challenging Willow's environmental review raised myriad claims in their attempts to prevent the development of Willow from proceeding, Judge Gleason identified only a few discrete areas in which she deemed BLM's environmental review of the project insufficient for the purposes of the National Environmental Policy Act (NEPA) and the Endangered Species Act.² In accordance with the remand, BLM should limit its current supplemental environmental review to those issues, amending only the provisions of the EIS identified by Judge Gleason as requiring further analysis. These issues include the analysis of greenhouse gas emissions, certain aspects of the EIS alternatives analysis—specifically, BLM's authority over CPAI's lease rights and the evaluation of the Teshekpuk Lake Special Area—and BLM's reliance on FWS's Biological Opinion evaluation related to polar bear. It would be inappropriate for the agency to independently broaden the scope of this remanded environmental review beyond these enumerated issues. BLM should not needlessly reopen the evaluation of potential environmental impacts and toss aside its work—work that involved the dedicated efforts and local input of the people of the North Slope—that has been completed.

A. Greenhouse Gas (GHG) Emissions

In order to address Judge Gleason's holding that BLM's analysis of GHG emissions was inadequate, BLM need not undertake the herculean task of quantifying the effects of consuming oil abroad in Willow's downstream emissions analysis. It is our understanding that currently available information and modeling tools are insufficient to support this analysis. Instead, BLM can simply provide a more robust explanation detailing *why* it cannot evaluate the impact of foreign GHG emissions.

To remedy the deficiencies in the foreign GHG emissions analysis identified by Judge Gleason, BLM must at least consider and respond to the studies that were submitted during public comments and in the agency's administrative record. In addition, BLM must address the studies of foreign GHG emissions that were at issue in the litigation on the Liberty project, as Judge Gleason's opinion specifically faults BLM for failing to consider these reports.³ However, as Judge Gleason's opinion acknowledges, in some cases, quantification of foreign GHG emissions may not be feasible. If the estimated effects of these foreign GHG emissions cannot be

² Specifically, Judge Gleason rejected Plaintiffs' claims relating to the Teshekpuk Caribou Herd, finding that BLM took the requisite "hard look" required by NEPA at the potential impacts of Willow on the herd. Opinion at 41-48. She similarly rejected Plaintiffs' claims that BLM lacked sufficient baseline information necessary to take a hard look at Willow and found that BLM adequately considered Willow's potential cumulative impacts. Opinion at 48-66. Judge Gleason also determined that, contrary to Plaintiffs' claims, the U.S. Army Corps of Engineers' review of Willow and subsequent issuance of a Clean Water Act (CWA) permit for the project complied with the CWA. Opinion at 67-88.

³ Opinion at 30-31.

summarized or estimated based on accurate or credible scientific information, the agency then “must thoroughly explain why such an estimate [of foreign GHG emissions] is impossible.” Accordingly, on remand, BLM should provide a thorough explanation of why—without further credible scientific data—further analysis necessary to produce an estimate of the effects of foreign GHG emissions is infeasible and speculative.

B. Alternatives Analysis

(1) BLM’s Authority to Restrict ConocoPhillips’ Lease Rights

Judge Gleason found that BLM acted contrary to law by developing its alternatives analysis based on the agency’s purported lack of authority to restrict CPAI’s lease rights.⁴ Though Judge Gleason rejected Plaintiff’s assertion that BLM’s lack of authority was the primary reason for not considering certain alternatives in the EIS, she speculated that “it certainly appears to have been a significant reason.”⁵ BLM must explain in the SEIS that it did not unduly rely on its supposed lack of authority to restrict CPAI’s lease rights in choosing not to consider additional alternatives in the EIS.

Specifically, BLM must clarify its consideration and acknowledgement of CPAI’s lease rights in structuring its NEPA analysis did not improperly constrain its selection of alternatives under the EIS. In particular, BLM should explain that its conclusion that infrastructure would be required in the Teshekpuk Lake Special Area (TLSA) did not presuppose BLM’s preclusion of any alternative development scenarios within the TLSA based on CPAI’s lease terms. Similarly, BLM should explain how its determination that infrastructure would be required within the TLSA in order to achieve Willow’s primary purpose did not lead BLM to improperly discard consideration of these potential development scenarios with modified or no infrastructure in the TLSA. BLM must elaborate on how the alternatives selected for detailed consideration were sufficient for informed decision making by the agency and participation by the public, and that these selections do not rely upon BLM’s lack of authority to restrict CPAI’s lease rights.

In short, BLM should clarify that it did not restrict its selection of alternatives based on a lack of authority to regulate CPAI’s design of Willow, and should reiterate the myriad ways in which BLM did assess alternatives that proscribed the bounds of Willow.

(2) Teshekpuk Lake Special Area

Judge Gleason held that BLM acted contrary to law in its alternatives analysis for the Teshekpuk Lake Special Area (TLSA) by failing to consider the statutory directive that BLM give “maximum protection” to surface values in that area.⁶ She determined that BLM failed to provide an adequate explanation for its elimination from more detailed study of an alternative with modified or no infrastructure in the TLSA.⁷ To remedy this issue, BLM must proffer a more robust

⁴ Opinion at 35-38, 109.

⁵ Opinion at 38.

⁶ Opinion at 38-39, 109.

⁷ Opinion at 39-40.

explanation for its decision not to consider an alternative with modified or no infrastructure in the TLSA. Further, BLM must clarify its intention when it described the TLSA as “only an administrative boundary.” BLM should also acknowledge that TLSA’s designation as a “special area” brings with it the additional statutory and regulatory requirements that BLM assure “maximum protection” of surface values within the special area.

Rather than focusing on the distinction (or lack thereof) between lands within and directly outside the TLSA, BLM should explain how the approved plan for Willow—including its conditions, lease stipulations, required operating procedures, and other mitigation measures—meets the statutory directive to provide for maximum protection of surface values within the TLSA. This explanation could include an explanation of how protective measures in force outside the TLSA contribute to the protection of the TLSA.

C. Reliance on FWS Biological Opinion for Polar Bear

Judge Gleason held that the incidental take statement in the U.S. Fish and Wildlife Service’s (FWS) Biological Opinion (BiOp) was legally insufficient for lacking requisite specificity of mitigation measures for the polar bear, and because the incidental take statement’s take finding concerning polar bears was arbitrary and capricious. Therefore, she held that BLM’s reliance on the BiOp was unlawful.

On remand, BLM should coordinate with FWS on its analysis of potential impacts to the polar bear, working to ensure that FWS’s analysis includes and considers Willow’s location, design elements, mitigation factors, and other specifics when evaluating Willow’s effects. Early communication and coordination with FWS will be key to ensuring that the supplemental environmental review process for Willow moves forward in a timely manner. As such, BLM should coordinate at the earliest possible stages with FWS as the agencies revise their respective analyses.

BLM Should Complete the SEIS Expeditiously to Ensure Willow’s Benefits to Borough Residents Are Not Unduly Delayed

The Borough encourages BLM to expeditiously complete its SEIS process. Every delay of development of the Willow project consequently delays the project’s economic, social, and infrastructure benefits for the people of the North Slope.

Responsible oil and gas development is essential to the economic survival of the Borough and its residents. It is the primary economic generator for our region, and taxes levied on oil and gas infrastructure—such as processing equipment, pipelines, and other facilities—are by far the most significant source of funding for the Borough’s community services and infrastructure. For example, for Fiscal Year 2021, oil and gas property taxes accounted for 95% of the Borough’s total property tax receipts. BLM has estimated that, over its 30-year development life, Willow will generate \$1.23 billion in Borough property tax revenues.

Property tax revenues collected by the Borough for almost 50 years have enabled the Borough to invest in public infrastructure and utilities (including reliable sewer, water, and heat)

and to provide essential services to the eight Iñupiat villages on the North Slope. Oil and gas tax revenues support education (e.g., Alaska's only tribal college), health (e.g., clinics in each village, hospitals, schools, and increased sanitation), and emergency services (e.g., aircraft and crew that conduct regular medevac and search and rescue operations throughout the North Slope). These revenues support our Department of Wildlife Management, through which we deploy significant biological and traditional expertise to protect our residents' cultural and subsistence resources in the context of proposals to develop oil and gas resources. In addition to providing these services, the Borough creates employment opportunities for local residents and entities. The local government sector (primarily, the Borough government) is the largest employer of North Slope residents.

In addition to tax revenue, the Borough and its residents benefit from the generation of royalty revenue sharing available to fund the NPR-A Impact Grant Program, which administers grants from federal royalties, which are used to offset development impacts or improve communities impacted by development. Such grants are available to North Slope municipalities, including both the Borough itself and its incorporated cities. These grants are of significant benefit to the local communities. Over the past ten years alone, the Borough has received almost \$30 million in NPR-A Impact Grants, which it used to fund dozens of projects related to safety, local government, infrastructure, wildlife management, environmental health, workforce development, subsistence, planning, and social and cultural programs. A few highlights of these NPR-A Impact Grant-funded projects include:

- \$8,707,798 – Community Winter Access Trails: to design, construct, monitor, and maintain the North Slope Borough Community Winter Access Trails; includes support for a travel safety and inspection program within the NPR-A villages, documentation of data needed to support lower cost connectivity for village residents to the state road system, and quantifying the potential benefits of establishing seasonal trails for all NPR-A communities.
- \$2,750,000 – Naval Arctic Research Laboratory Road: to relocate a portion of Stevenson Road which provides access from the core Barrow area to the Naval Arctic Research Laboratory area complexes, including Illisagvik College and subsistence sites beyond.
- \$1,187,500 – Area-Wide Air Quality Study: to focus on several aspects of air quality and air quality monitoring by collecting baseline data in the NPR-A impacted communities.
- \$1,400,000 – NPR-A Village Comprehensive Land Use Plans: to create and update comprehensive plans that serve as a guide to the local governments when they are making decision on budgets, ordinances, capital improvements, zoning, and subdivision matters related to the community.
- \$1,174,100 – EMS Equipment Upgrades & Emergency Training Equipment: to support emergency medical services, fire protection, and search and rescue capabilities.
- \$682,000 – Iñupiat Language Revitalization: to assist through strategic planning, revitalize, save, and sustain the Iñupiatun dialect by building greater awareness of the status of North Slope Iñupiatun, conduct community gatherings in the NPR-A villages, develop after-school language programs, quarterly seminars supporting Iñupiatun fluency, and develop assessment tools to measure language learning and language loss.

- \$377,500 – Student Outreach/Science Education for NPR-A Villages: to enhance the critical education of students in the North Slope NPR-A villages regarding vital subsistence resources and scientific and traditional knowledge studies conducted by the NSB Department of Wildlife Management as a means of building much needed capacity in the NPR-A villages.
- \$300,000 – NSBPD Training & Personnel for NPR-A Impacted Communities: to provide police officers for the five NPR-A villages.
- \$300,000 – Health Impact Assessment – Mental Health: to provide baseline data for future mental health impact-related studies of residents across the North Slope Borough that are within the NPR-A communities.
- \$250,000 – Monitoring Teshekpuk Caribou Movements with Satellite Telemetry: to monitor the movement and seasonal distribution of the Teshekpuk caribou.

Willow is expected to generate an additional \$2.6 billion in royalty revenue sharing available to fund the NPR-A Impact Grant Program.

The benefits to the Borough and our residents from oil and gas development go beyond direct financial support from tax revenue and Impact Grants. Through coordination with local, state, tribal, and federal entities in decision-making processes regarding new oil and gas development, the Borough works to ensure that development provides ancillary benefits in the form of infrastructure and other benefits for our residents.

Infrastructure investments associated with oil and gas development often involve new roads and local facilities that provide tangible benefits to our residents. On the North Slope, access to subsistence areas and connectivity provided by roads is viewed by many residents as a significant benefit. For example, roads associated with industrial development have improved the ability of our residents to pursue subsistence opportunities.

Exploration and development activities increase employment opportunities for the residents of Borough villages. Currently, economic opportunities in our communities are limited due to their isolated locations. Development on the North Slope brings jobs to the Borough's communities, including for Borough residents. More than one-third of jobs held by Borough residents are directly or indirectly supported by the oil and gas industry.

Finally, oil and gas development and exploration serve as economic multipliers on the North Slope. First, oil and gas activities increase household income for local residents employed by industry. In addition, industry often contracts with Alaska Native corporations, and local shareholders of these Native corporations benefit from employment opportunities, dividend income, and the myriad investments of the Native corporations in the social, cultural, and economic welfare of the communities. For example, project developers have utilized local Alaska Native corporations to perform services ancillary to exploration and development projects on the North Slope, including Willow. Nanuq Inc. (a wholly owned subsidiary of Kuukpik Corporation, Nuiqsut's local village corporation established pursuant to ANCSA) employs Nuiqsut residents and serves as Willow's ice road construction contractor. In addition, staking and survey work for

ice roads is performed by UMIAQ Design, LLC (a subsidiary of Ukpeaġvik Iñupiat Corporation, Utqiagvik's local ANCSA village corporation).

Actions that unreasonably prohibit, restrict, or delay oil and gas development on the North Slope have significant negative impacts on the Borough's economy and our ability to generate tax revenue to provide critical services to our residents. The potential delay or loss of tax revenue and NPR-A grant funds would directly and significantly impair the Borough's ability to provide essential government functions, support and grow our economy, provide increased opportunities for our citizens, and provide for the health and well-being of our residents. Further, loss of economic activity on the North Slope means lost jobs and opportunities for our residents in an area of the country that already struggles with significant unemployment. BLM should act without delay to complete this supplemental review process and expedite the delivery of Willow's myriad benefits to the people of the North Slope.

Conclusion

The Borough acknowledges that BLM must conduct this supplemental environmental review process in order to redress the deficiencies identified by Judge Gleason in her August 2021 decision, which vacated the federal approvals for Willow and remanded the action to the agencies for further consideration. And, the Borough supports BLM's efforts to ensure that this process is thorough and legally defensible. However, the Borough encourages BLM to focus its SEIS efforts on addressing the deficiencies identified in Judge Gleason's decision and not to unnecessarily reevaluate issues which were already addressed through the rigorous EIS process that reflected the efforts and voices of the North Slope's Iñupiat people.

The Borough welcomes the opportunity to submit comments to BLM on this SEIS, and we encourage BLM to continue to engage with the Borough as BLM moves forward through this process.

Sincerely,


Harry K. Brower, Jr.

Mayor, North Slope Borough



March 9, 2022

Bureau of Land Management – Alaska State Office
Attention – Willow Supplemental Environmental Impact Statement (Scoping)
222 West Seventh Avenue, Number 13
Anchorage, Alaska, 99513

Submitted electronically through: <https://eplanning.blm.gov/eplanning-ui/project/109410/510>

Re: State of Alaska Scoping Comments on Willow Master Development Plan Supplemental Environmental Impact Statement (EIS)

Dear State Director Heinlein and BLM Project/EIS lead Rice,

The State of Alaska would like to submit the following scoping comments on Bureau of Land Management's (BLM) Supplemental EIS for the Willow Master Development Plan.

The State was closely involved, as a cooperating agency, with developing the Willow Master Development Plan Final EIS that was the subject of litigation and judicial remand that precipitated this additional review and process. We appreciate and support the comprehensive EIS BLM has already developed, and request that BLM commit to ensuring the Supplemental EIS can be completed quickly in light of both the work done to date and the importance of this review.

We were disappointed to see the judicial remand and the resulting delay, given the negative consequences it has for the State of Alaska and the public. We continue to maintain that the federal process to date has been transparent, thorough, and comprehensive. It is critical that this supplemental EIS is completed comprehensively and efficiently, in a manner consistent with the remand, to avoid any further delay and the ensuing public harms. Specifically, the scope of the supplemental EIS should be strictly limited to issues identified by the Court and should address them directly without raising other issues or improperly expanding the scope of the re-review.

The Willow Master Development Plan Final EIS that was completed in 2020 was the culmination of a multi-year process with extensive public engagement, and was developed by representatives from Federal, State, and Local agencies as well as a variety of other key North Slope representatives and stakeholders. Each of these entities contributed significant time and resources and conducted numerous reviews of the EIS, leading to an outcome based on consensus to ensure all stakeholders' needs and concerns were considered and mitigated. Both BLM career staff and the State experts concluded that the Willow Master Development Plan checked all the appropriate boxes and was ready to move forward. We would strongly encourage BLM to affirm that scoping comments that explicitly or implicitly dismiss and discredit all the hard work done by professional staff in all of these organizations, and that seek to re-open conclusions and determinations by BLM that were not remanded by the Court, is inappropriate and further strains public time, money, and resources.

While the inefficient use of federal resources to analyze and reanalyze decisions is not in the public interest as a general matter, these additional reviews also have significant impacts on the Alaskan communities, local governments, native organizations, and other groups that have less resources than BLM but also need to fund staff time to participate and track this ongoing federal review as they try to realize its benefits to their communities.

The State believes, as thoroughly articulated in our prior comments on the EIS and demonstrated throughout the record, that the Willow project provides significant public benefits. The potential production it will generate will provide significant revenues to both the State and federal governments at a time when both of our organizations have significant pressures to continue to fund essential public services. Notably, a significant portion of these revenues will go directly to support North Slope communities within the National Petroleum Reserve – Alaska (NPR-A) under the state and federal laws establishing the NPR-A Impact Grant Mitigation Program and Fund. The development will provide additional supplies to the Trans Alaska Pipeline System (TAPS), improving both its operational and economic capacity; will promote significant employment and economic activity throughout the State; and will sustain the energy needs of the United States, particularly the U.S. West Coast.

Unfortunately, we anticipate scoping comments that dismiss these benefits, exaggerate the risks and impacts, and ignore the factual record and history of responsible development in Alaska. This continued attack on development of Alaska's resources is short sighted, forces us to rely on foreign oil at a cost to national interests, and threatens Alaska's economy and way of life. The North Slope has demonstrated over decades that oil and gas exploration, development, production, and transportation under some of the harshest environmental conditions in the world can occur safely and responsibly with the appropriate regulatory controls and environmental protections in place. Activities on the Slope must meet or exceed the high standards demanded by one of the most rigorous environmental regulatory regimes of any state for balancing development with the protection of resources using best management practices and mitigation measures. This rigorous regulatory regime ensures that subsistence practices can be sustained while providing economic benefits for residents in terms of health care, public safety, and education. We ask BLM to recognize this reality and long factual history in the Supplemental EIS, and maintain an appropriate focus on the specific issues subject to the remand.

Regarding public interests, projects like Willow not only contribute directly to jobs for the region, but they also provide revenue streams to local communities, principally the North Slope Borough. The Willow project will generate billions of dollars over its life that will flow through these communities. These funds go to essential infrastructure as well as many other community needs. Bringing projects online, like Willow, is one of the single most effective things BLM can do to provide economic benefits to North Slope communities and promote an autonomous and self-sustaining future that reduces "environmental justice" impacts as assessed by BLM.

In fact, not allowing the Willow project to efficiently move forward would be the biggest "environmental justice" impact of all. Delaying or stopping the first major production in NPR-A would deprive NPR-A communities of a long-promised partnership in the benefits of resource production. The Willow development is the answer to mitigating a host of "environmental justice" impacts to NPR-A communities, but without the production royalties from projects like Willow and future NPR-A developments this program will not be able to generate revenue and fund necessary

mitigation projects as promised by the federal government. We believe the input of organizations that directly represent the residents of the North Slope should be carefully considered by BLM, with the first among these being the North Slope Borough.

In sum, the Willow project, and specifically the timeliness of the completion of the SEIS, are of critical interest to the State, the Nation, and the public. With the potential to produce over 160,000 barrels of oil per day, it is imperative that Alaska, and the United States, is allowed to responsibly develop our resources.

The Willow project would power America, provide thousands of family-supporting jobs, and greatly benefit the people and communities of Alaska. Responsibly developing National **Petroleum Reserve** - Alaska resources is an important step towards our energy independence as a Nation. TAPS is one of this Nation's treasured assets and another key component to energy independence. Adding additional oil to TAPS is essential to prolonging its life and reducing maintenance costs. The United States no longer needs to choose to rely on other countries for the oil and gas resources that power our nation. The federal government has an opportunity to develop NPR-A resources in a way that significantly moves our Nation towards responsible energy independence and further away from relying on foreign countries. For all of these reasons, the State of Alaska strongly encourages BLM to write a timely, efficient, and most importantly resilient supplemental EIS that addresses the remanded topics and allows the Willow development to promptly proceed.

Sincerely,



Corri Feige
Commissioner
Alaska Department of Natural Resources



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 155
Seattle, WA 98101-3188

REGIONAL
ADMINISTRATOR'S
DIVISION

March 9, 2020

Stephanie Rice, Project Manager
Bureau of Land Management
222 W 7th Avenue, Stop #13
Anchorage, Alaska 99513

Dear Stephanie Rice:

The U.S. Environmental Protection Agency has reviewed Bureau of Land Management's February 2022 Notice of Intent for the Supplemental Environmental Impact Statement for the Willow Master Development Plan (CEQ Number 20200166, EPA Project Number 18-0035-BLM). EPA has conducted its review pursuant to the National Environmental Policy Act and our review authority under Section 309 of the Clean Air Act.

BLM is preparing the SEIS to address deficiencies identified by the U.S. District Court for Alaska in the 2020 Willow Master Development Plan (MDP)/Final Environmental Impact Statement (EIS) and Record of Decision (ROD) issued in October 2020, and to ensure compliance with applicable law.

EPA has been supporting BLM on the development of the SEIS since September 2021. We provided scoping comments to BLM in November 2021 to support BLM's workshops with the Cooperating Agencies and stakeholders.

Teshkepuk Lake Special Area

Our November 2021 comments encouraged BLM to analyze alternatives that considered drilling sites outside of the Teshkepuk Lake Special Area. Given the current technological status of extended reach drilling, we found it important to fully evaluate the use of this technology to provide maximum protection to the TSLA.

EPA notes that the previous FEIS found that development activities will have an adverse impact on the flora and fauna that reside within the proposed project area. These activities, in turn, will likely impact the integrity of the subsistence way-of-life practiced by the people, particularly the Alaskan Native communities, that have and continue to use those resources.

Environmental Justice

EPA previously provided comments on Environmental Justice and offers this expanded guidance.

We encourage you to use EPA's Environmental Justice Screening and Mapping Tool (EJScreen). The information provided by this tool is a useful first step in understanding or highlighting locations that may be candidates for further review or outreach.¹ EPA considers a project to be in an area of potential environmental justice (EJ) concern when an EJScreen analysis for the impacted area shows one or more of the eleven EJ Indexes at or above the 80th percentile in the nation and/or state. At a minimum, EPA recommends an EJScreen analysis consider EJScreen information for the block group(s) which contains the proposed action(s) and a one-mile radius around those areas.

It is important to consider all impacted areas by the Willow Development. Areas of impact can be a single block group or span across several block groups and communities. When assessing large geographic areas, consider the individual block groups within the project area in addition to an area wide assessment. Important caveats and

¹ <https://ejscreen.epa.gov/mapper/>

uncertainties apply to this screening-level information, so it is essential to understand the limitations on appropriate interpretations and applications of these indicators.² As the screening tool does not provide data on every environmental impact and demographic factor that may be relevant to a particular location and/or proposed project, consider additional information in an EJ analysis to supplement EJSscreen outputs.³

Further review or outreach will be necessary for the development of this SEIS. The Willow Development would be in an area of potential EJ concern. An EJSscreen analysis for these sites shows several EJ Indexes at or above the 80th percentile in the nation and state. To address these concerns, EPA recommends:

- Applying the "Environmental Justice Interagency Working Group Promising Practices for EJ Methodologies in NEPA Reviews" report, or the Promising Practices Report, to this project.⁴ The Promising Practices Report is a compilation of methodologies gleaned from current agency practices concerning the interface of EJ considerations through NEPA processes.
- Characterizing project site(s) with specific information or data related to EJ concerns.⁵
- Describing potential EJ concerns for all EJ Indexes at or above the 80th percentile in the state and/or nation.
- Describing block groups which contains the proposed action and at a minimum, a one-mile radius around those areas.
- Describing individual block groups within the project area in addition to an area wide assessment.
- Supplementing data with county level reports and local knowledge. This may include:
 - The Health Impact Assessment (HIA) Resource and Tool Compilation⁶
 - Limited English Proficiency Mapping⁷
 - Air Quality Data⁸
 - Center for Disease Control and Agency for Toxic Substances and Disease Registry's Social Vulnerability Index⁹
 - Extreme Heat Vulnerability Mapping Tool¹⁰
 - Global Probabilistic Extremes Forecast Tool¹¹
 - Resilience Analysis and Planning Tool¹²
 - Smart Location Mapping¹³
 - Ground truthing through meaningful engagement with residents, community leaders, and organizations.

² <https://www.epa.gov/ejscreen/technical-documentation-ejscreen>

³ <https://www.epa.gov/healthresearch/health-impact-assessment-hia-resource-and-tool-compilation>;
<https://www.lep.gov/maps/lma2015/Final>; <https://www.airnow.gov/>; <https://www.atsdr.cdc.gov/placeandhealth/svi/index.html>;
<https://nihhis.cpo.noaa.gov/vulnerability-mapping>; <https://www.cpc.ncep.noaa.gov/products/predictions/threats/extremesTool.php>;
<https://www.fema.gov/emergency-managers/practitioners/resilience-analysis-and-planning-tool>;
<https://epa.maps.arcgis.com/home/webmap/viewer.html?webmap=137d4e512249480c980e00807562da10>;

⁴ https://www.epa.gov/sites/default/files/2016-08/documents/nepa_promising_practices_document_2016.pdf

⁵ For more information about potential EJ concerns, refer to the July 21, 2021, Memorandum for the Heads of Departments and Agencies Interim Implementation Guidance for the Justice40 Initiative. <https://www.whitehouse.gov/wp-content/uploads/2021/07/M-21-28.pdf>

⁶ <https://www.epa.gov/healthresearch/health-impact-assessment-hia-resource-and-tool-compilation>

⁷ <https://www.lep.gov/maps/lma2015/Final>

⁸ <https://www.airnow.gov/>

⁹ <https://www.atsdr.cdc.gov/placeandhealth/svi/index.html>

¹⁰ <https://nihhis.cpo.noaa.gov/vulnerability-mapping>

¹¹ <https://www.cpc.ncep.noaa.gov/products/predictions/threats/extremesTool.php>

¹² <https://www.fema.gov/emergency-managers/practitioners/resilience-analysis-and-planning-tool>

¹³ <https://epa.maps.arcgis.com/home/webmap/viewer.html?webmap=137d4e512249480c980e00807562da10>

The NEPA Committee of the Federal Interagency Working Group on EJ has noted that, in some cases, it may be appropriate to use a threshold for identifying low-income populations that exceeds the poverty level.¹⁴ For this project, there may potentially be low-income populations that may not be accurately recognized by U.S. Census Bureau data. This can happen if the analysis does not account for areas with high housing costs that occur in Alaska, or other critical family expenses and resources. Of particular importance are those that are indelible to the functioning of a tribal community.

Existing screening tools do not currently capture certain demographic characteristics of rural Alaskan communities, such as their remote nature and the high-cost burden of transportation, that may present EJ concerns. As such, EPA recommends consideration of the definition of “disadvantaged community” as referenced in EO 14008 and further described in the Interim Implementation Guidance for the Justice40 initiative,¹⁵ which direct agencies to consider a range of specific demographic and environmental variables when assessing a community.

Climate Change

EPA suggests climate adaptation and resilience are the priority consideration when preparing the SEIS. Considering potential projected climate change impacts to local subsistence activities and/or endangered species will better ensure the continued ecological function and benefits to people and the environment that the TSLA provides. Given the climate change challenges faced by communities throughout the U.S., particularly communities with EJ concerns, EPA recommends the SEIS discuss climate impacts that reflect content from the Alaska chapter of the National Climate Assessment (e.g., “The threats are greatest for rural residents, especially those who face increased risk of storm damage and flooding, loss of vital food sources, disrupted traditional practices, or relocation.”). Those who are already vulnerable due to a range of social, economic, historical, and political factors have a lower capacity to prepare for, cope with, and recover from climate change impacts. Understanding the comparative risks to vulnerable populations is critical for developing effective and equitable strategies when responding to climate change.

EPA recommends that BLM consider the potential additive and synergistic impacts of climate change and the proposed project when developing the SEIS. Doing so will avoid a greater number of negative impacts to human health and the environment.

Greenhouse Gas Emissions

EPA recommends that the SEIS include a detailed discussion of the Willow Development’s GHG emissions in the context of national and international GHG emissions reduction goals, including the U.S. 2030 Paris GHG reduction target. The SEIS should include, for comparison, a scenario or scenarios that incorporate existing and potential policy changes that are consistent with the 2030 and 2050 reduction targets, for example by following the recently published Long Term Strategy of the United States. This would provide decision makers and the public essential context regarding the program’s long-term GHG emissions and essential emissions reduction policies. EPA further recommends that the SEIS incorporate practicable mitigation measures to reduce GHG emissions.

EPA notes that we have shared with BLM recent letters provided by EPA to other federal agencies for use when developing its GHG emissions analysis. We recommend utilizing those documents as reference materials when developing the NEPA analysis.

¹⁴ Federal Interagency Working Group on Environmental Justice & NEPA Committee. Promising Practices for EJ Methodologies in NEPA Reviews. March 2016. Available at: https://www.epa.gov/sites/production/files/2016-08/documents/nepa_promising_practices_document_2016.pdf.

¹⁵ Office of Management and Budget. “Interim Implementation Guidance for the Justice40 Initiative.” White House, US Government, 20 July 2021, www.whitehouse.gov/wp-content/uploads/2021/07/M-21-28.pdf.

We appreciate that BLM has scheduled a technical meeting on air quality and GHG emissions on March 10, 2022, to describe the current status of the analysis, and to ensure that the Draft SEIS will appropriately analyze foreign greenhouse gas emissions.

Geological Information

In our previous correspondence, EPA also encouraged BLM a mitigation measure that requires a NEPA adequacy review be completed if the barrels per day gross annual average is greater than 10% of the original barrels per day production target (disclosed in the development's most recent NEPA document) over a two-year period; or when the cumulative recovered reserves are greater than 10% of the original estimated recoverable reserves (disclosed in the development's most recent NEPA document).

Wetlands

Our 2021 letter continued to address our concerns that were raised in letter EPA provided on the 2020 FEIS on impacts to wetlands. Considering the surface values of the TLSA, EPA remains concerned regarding the potential for direct impacts to approximately 690 acres of wetlands, as well as additional indirect impacts. We recommend BLM consider additional mitigation, including compensatory mitigation, as it develops its NEPA analysis. We continue to recommend that the SEIS include analysis of the impacts to aquatic resource functions and values at the site-specific scale, which will help to inform decisions regarding appropriate mitigation.

Thank you for the opportunity to provide scoping comments for this project. If you have questions about this review, please contact Lauren Boldrick of my staff at (907) 561-5097 and boldrick.lauren@epa.gov, or me, at (206) 553-1774 or at chu.rebecca@epa.gov.

Sincerely,

Rebecca Chu, Chief
Policy and Environmental Review Branch

Congress of the United States
Washington, DC 20515

March 9, 2022

The Honorable Debra Haaland
Secretary of the Interior
U.S. Department of the Interior
1849 C Street NW
Washington, D.C. 20240

Dear Secretary Haaland:

We are writing to thank you for preparing a Supplemental Environmental Impact Statement (SEIS) for the Willow Master Development Plan in the National Petroleum Reserve – Alaska (Reserve) and for providing the public the opportunity to weigh in as you prepare the SEIS. This massive oil and gas project represents a looming climate and environmental threat in the Alaskan Arctic and around the globe.

We are mindful that exceptional circumstances and disruptions to the global energy market have led to calls to increase domestic fossil fuel production. Regardless of the merits of this position, however, this project cannot contribute to that objective on a realistic timeframe. It is clear that in the long run, it would be adverse to the Administration's climate goals. The complex and far-reaching Willow Plan would have significant impacts on the region and the entire Reserve – particularly on the Teshekpuk Lake Special Area – and our global climate due to the project's greenhouse gas emissions.

The Willow Plan is out of step with our nation's climate and conservation imperatives. No single oil and gas project has *more* potential to set back the Biden administration's climate and public lands protection goals than the ConocoPhillips Willow Plan. In the long term, Willow would produce up to 200,000 barrels of oil per day for at least 30 years, adding 260 million metric tons of CO₂ to the atmosphere. These numbers illustrate that this project is inconsistent with the Administration's climate commitments and the need to limit warming to below 1.5 degrees Celsius. The Intergovernmental Panel on Climate Change's newest report further emphasizes that the window for climate action is closing; now is not the time to be fast-tracking permitting for a massive new oil development project. The Biden Administration can take a significant step toward achieving its national climate goals by using its authority to suspend activity on leases and reconsider its approach to evaluating the Willow Plan.

We are also concerned by the harmful impacts that the Willow Plan would have on the unique ecological and subsistence values in the Reserve. Home to many of our nation's Arctic treasures, including two large caribou herds, globally significant migratory bird populations, threatened polar bears, extraordinary complexes of lakes, ponds, rivers, floodplains, wetlands, and upland areas, and sensitive coastal resources, the Reserve is a critical region for mitigating the global biodiversity crisis. These values are central to the subsistence livelihood of local Indigenous communities and our nation's conservation heritage. There are multiple Special Areas designated in the Reserve that seek to protect these values and resources.

The Bureau of Land Management (BLM) should be maintaining the most robust possible protections for Special Areas within the Reserve. Instead, the Willow Plan encroaches into the Teshekpuk Lake Special Area, which has been protected for decades because of its ecological values. The Teshekpuk Lake Special Area provides vital nesting habitat for hundreds of thousands of migratory birds from around the globe. It is also the primary calving ground and a critical foraging and insect-relief area for the Teshekpuk Lake Caribou Herd. The project would additionally encroach into the Colville River Special Area, which provides important nesting habitat for raptors and other birds and is an area of subsistence activities for communities. All these resources support numerous communities in the region. Any disruption that jeopardizes the ecosystem's health puts all its inhabitants at risk.

As BLM supplements its analysis for the Willow Plan, it must thoroughly review the project's significant adverse effects and consider less harmful alternatives. Where the Trump Administration ignored local communities and failed to adequately address the risks to the health and safety of people, land, water, and wildlife, the Biden Administration must do better by creating a new standard that prioritizes meaningful tribal consultation, environmental justice, and a just and equitable transition away from a fossil fuel-dependent economy. The Department of the Interior should not limit any review solely to deficiencies identified by the Courts but should thoroughly reevaluate the project as a whole. While recent steps to restore the 2013 Integrated Activity Plan are a positive step in this direction, more action in the year ahead is necessary to align the management of the Reserve with our climate and biodiversity goals. Now is the time for the Department of the Interior and the Administration to set out a new management direction for the Reserve that provides durable protections, benefits the region's fragile biodiversity, and acts as a tool as a part of the solution to the climate crisis instead of part of the problem.

We thank you for holding this comment period so that the public may weigh in on the impacts of this Plan on the region's environment and the global climate. We look forward to working with you towards our shared goals for the Arctic, our federal public lands, and the climate.

Sincerely,



Alan Lowenthal
Chair, Subcommittee on Energy and Mineral
Resources, House Natural Resources
Committee



Raúl M. Grijalva
Chair, House Natural Resources Committee



Jared Huffman
Chair, Subcommittee on Water, Oceans, and
Wildlife, House Natural Resources
Committee



Katie Porter
Chair, Subcommittee on Oversight and
Investigations, House Natural Resources
Committee



Earl Blumenauer
Chair, Subcommittee on Trade, House Ways
and Means Committee



Rashida Tlaib
Vice Chair, Subcommittee on the
Environment, House Committee on
Oversight and Reform



Betty McCollum
Chair of the Defense Subcommittee and
Vice Chair of the Interior-Environment
Subcommittee, House Appropriations
Committee



Jan Schakowsky
Senior Chief Deputy Whip and
Chairwoman, Consumer Protection and
Commerce Subcommittee, House Energy
and Commerce Committee

CC: Tracy Stone-Manning, Director, Bureau of Land Management
Nada Culver, Deputy Director, Policy and Programs, Bureau of Land Management
Stephanie Rice, Project Manager, Alaska State Office, Bureau of Land Management