



August 29, 2022

Stephanie Rice, Willow Master Development Plan Project Manager  
Bureau of Land Management, Alaska State Office  
222 West 7th Avenue, Stop #13  
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Submitted electronically via BLM ePlanning Website:  
<https://eplanning.blm.gov/eplanning-ui/project/109410/510>

Re: Comments on the Draft Supplemental Environmental Impact Statement for the  
Willow Master Development Plan, Alaska

Dear Ms. Rice,

The Iñupiat Community of the Arctic Slope (ICAS), North Slope Borough (Borough), and Arctic Slope Regional Corporation (ASRC) submit the following comments regarding the Bureau of Land Management's (BLM) Draft Supplemental Environmental Impact Statement (SEIS) for ConocoPhillips Alaska, Inc.'s (CPAI) Willow Master Development Plan (Willow).<sup>1</sup> We appreciate the opportunity to voice our continued support for this environmentally responsible and economically critical project that will bring significant benefits to the Alaska Native people who call this region home.

We write to highlight the importance of the Willow project to our region and our people, acknowledge specific regional and community-level concerns and how they are addressed by BLM's environmental analysis, and encourage BLM to expeditiously complete its supplemental review so that the project can move forward without further undue delay.

#### I. The North Slope Regional Entities

Our region—the North Slope of Alaska—has a multitude of Alaska Native entities that work together to effectively serve, provide for, and enrich the lives of the Iñupiat we represent, including ICAS, the Borough, and ASRC, each of which serves the interests of the entire North Slope region. While our roles are different, we work closely together to protect and advance the cultural and economic interests of the North Slope Iñupiat.

Established in 1971, ICAS is a federally recognized regional tribal government for the North Slope region and represents over 13,000 Iñupiat tribal members. ICAS's mission

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<sup>1</sup> Notice of Availability of the Draft Supplemental Environmental Impact Statement for the Willow Master Development Plan, Alaska, 87 Fed. Reg. 44,148 (July 25, 2022).

is to exercise its sovereign rights and powers for the benefit of tribal members, to conserve and retain tribal lands and resources including subsistence and environmental issues, to establish and carry out justice systems including social services under Iñupiat tribal law and custom, and to increase the variety and quality of services provided to current tribal members and for our future generations.

The Borough is a home rule government that represents the roughly 10,000 residents in the eight Iñupiat communities of the North Slope region. The Borough's jurisdiction includes the entire National Petroleum Reserve – Alaska (NPR-A) and four of our villages located within it, including Nuiqsut. In 1972, the Iñupiat of the North Slope formed the Borough to ensure that our communities would benefit from oil and gas development on our ancestral homelands. It may be the best example in the United States of a Native American community exercising self-determination on a regional scale through the legal framework of a municipal government. The Borough exercises its powers of taxation, education, and planning and zoning to serve all of the residents of the region. Taxes levied on oil and gas infrastructure have enabled the Borough to invest in public infrastructure and utilities, support education, and provide police, fire, emergency, and other services that are sorely lacking in other parts of rural Alaska.

ASRC was incorporated pursuant to the Alaska Native Claims Settlement Act (ANCSA) of 1971. ASRC is owned by and represents the business interests of our approximately 13,600 Iñupiat shareholders, many of whom reside in the eight communities on the North Slope. ANCSA extinguished aboriginal land title and conveyed nearly five million acres of fee-simple land to ASRC for the cultural and economic benefit of our Iñupiat owners. Mandated by Congress to not only operate as a for-profit corporation but to serve the social and welfare interests of the people it represents, ASRC is committed to providing financial returns to our Iñupiat shareholders in the form of jobs and dividends, and to preserving Iñupiat culture and traditions.

As regional entities, our representation is not limited to only one community. Our responsibility extends to the broader constituency of the North Slope Iñupiat. We work proactively to engage with each individual community and to address the concerns and desires of each, but our broader focus is on serving the North Slope Iñupiat community as a whole.

## II. Willow Will Support Community Needs, and BLM Has Addressed Community Concerns

As regional entities entrusted to promote the well-being of our Iñupiat constituencies, we take seriously our role in protecting our ancestral homelands and traditional way of life. We would not support a project that compromises our values, our communities, or our land. For many reasons, Willow is emblematic of the type of environmentally responsible development that we support. If BLM is committed to Alaska Native self-determination and the meaningful involvement of our people in federal decisions tied to our ancestral lands, it will listen to the elected regional Alaska Native leadership. After years of public meetings and analysis, today we speak in unified support of Willow.

We are, however, frustrated. We are continually forced to fight false narratives and mischaracterizations invented by outside organizations regarding Willow's environmental impacts and BLM's review of those impacts. Contrary to the assertions of certain groups, Willow is a well-designed, well-analyzed project that has been subject to numerous years-long environmental reviews and public comment periods under NEPA and other environmental statutes. BLM, the U.S. Fish and Wildlife Service, and the U.S. Army Corps of Engineers all conducted rigorous environmental reviews to ensure that Willow will be implemented in an environmentally responsible manner that appropriately protects North Slope resources. Additionally, because Willow is located within the NPR-A, the broader project area has been subject to additional environmental reviews associated with the planning and development of several NPR-A Integrated Activity Plans.

Our communities have had significant involvement in Willow's review and design. This is particularly true of the Borough, which served as a cooperating agency in the development of the EIS for Willow. CPAI has participated in more than 100 meetings with representatives of our North Slope regional entities, local communities (particularly Nuiqsut), and Alaska Native co-management organizations to discuss the Willow project, engage on issues of concern, and explore potential design alternatives and modifications to address potential impacts and community priorities. The current development plan for Willow's footprint incorporates local knowledge and input, and it was specifically designed to minimize adverse effects on the natural resources of the NPR-A and to protect the Iñupiat way of life, including subsistence. As we have repeatedly expressed in comments submitted to the BLM and to Department of the Interior leadership, we are satisfied that the development of Willow and the mitigation measures adopted by the Department will protect the land, water, and wildlife resources of the North Slope, as well as our communities' health and wellbeing. We are united in our continuing support for the Willow project.

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 Borough alone. This figure is particularly meaningful considering that oil and gas property taxes annually account for more than 95% of the Borough's tax revenues, which enable the Borough to invest in critical public infrastructure and utilities and other services across all of its communities, including Nuiqsut. Services provided by the Borough include all educational, health care, utility infrastructure, police, and emergency services in all communities. Running water, reliable power, schools, modern medical facilities—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—particularly Nuiqsut—will benefit from Willow's mandated contributions to the NPR-A Impact Grant Program. Nuiqsut's residents have expressed a desire to see more support for community facilities and youth services. Willow is projected to add over \$2.5 billion to the Program, and those funds will be available for community priorities. These revenues will translate into increased social services. In the past, Nuiqsut was awarded nearly \$6.5 million in NPR-A Impact Mitigation

Grants to support general government services, youth center operations and maintenance, a boat ramp, and community center maintenance. This significant new funding—all from Willow—will allow Nuiqsut to continue to seek funds for projects driven by local needs that will provide long-term quality of life improvements to members of the community.

Importantly, Willow offers additional opportunities to alleviate some of the inherent hardships of living in remote Arctic communities. For example, oil and gas exploration and development requires construction of roads and other local infrastructure. Nuiqsut's residents have identified road connectivity as a high priority because roads lower the cost of living—including the cost of goods and services—and provide greater access for subsistence activities. Project support facilities for Willow would include several road pullouts with subsistence access ramps, as well as boat ramps for subsistence use, which will provide Nuiqsut with enhanced year-round access for subsistence activities. CPAI also is open to allowing the seasonal Community Winter Access Trail (CWAT), which provides overland tundra access for community supply purposes, to use the gravel roads that CPAI constructs for Willow, which would reduce CWAT costs, improve safety, and eliminate the need for a separate snow trail on the tundra for that segment. In addition, road access to and within the Willow project area would reduce the volume of aircraft traffic in the area, which is a priority for Nuiqsut residents. Construction of gravel roads also will enable Nuiqsut to benefit from gravel cells opened by industry. This is a high priority for Nuiqsut. Access to gravel for community development would be cost prohibitive for Nuiqsut without industry involvement. If possible, we would encourage BLM to ensure that gravel is made available to the community if CPAI has any excess reserves within any active gravel cells.

Willow will also bring additional jobs to Nuiqsut and communities across the North Slope. Economic opportunity in our communities is limited due to extreme remoteness of location and lack of a diverse economic base. Notably, more than one-third of jobs held by North Slope residents are supported by the oil and gas industry. Within our region, and for each of our communities, providing and expanding local employment opportunities is essential to keeping our young people at home, developing a modern workforce, and supporting and growing local businesses.

We exist in a world of dual realities—our Iñupiat culture and communities depend on a healthy ecosystem and subsistence resources, as well as infrastructure and resource development as the foundation of our regional economy. We take the potential impact of resource development activities on our region very seriously. After careful consideration and given our experience with prior projects, we know that these activities can be tailored and authorized in a manner that protects our subsistence culture, provides benefits in the form of technological advancements and scientific research, and supports our community needs. Residents of Nuiqsut have emphasized the importance of protecting the environment and public health, including air and water quality. BLM has responded by addressing these issues in a detailed manner in the Draft SEIS. BLM can ensure that information demonstrating environmental safety and compliance is conveyed to the community, specifically real-time posting of air quality data if and as practicable.

Our region and our communities have thrived with the support of resource development. As our constituents in Nuiqsut have expressed in meetings with BLM, we do not want to go backwards economically. Yes, we want to know that our environment is being protected. But we also want our economy to stay strong and we want to be sure our residents continue to have meaningful employment opportunities. We are confident after many years of design, community engagement, and environmental review that Willow can proceed in a manner that will protect the traditional use lands of the village of Nuiqsut and surrounding areas and that Nuiqsut and other North Slope communities alike will share in significant benefits from this project.

### III. The Draft SEIS Appropriately Responds to and Resolves the Court's Concerns

Despite mischaracterizations by outside groups, Willow is not a new project requiring copious new environmental analyses. BLM undertook this latest SEIS effort to address limited deficiencies in Willow's initial environmental review that Judge Gleason specifically identified.<sup>2</sup> Accordingly, BLM appropriately focused its efforts in this Draft SEIS on addressing those discrete issues. We thank BLM for providing clear notations in the Draft SEIS, which allowed for efficient review of the newly added information and analysis.

#### A. *Revised Alternatives Analysis*

In her Opinion, Judge Gleason found that BLM acted contrary to law by (1) developing its prior alternatives analysis based on the view that CPAI had the right to extract all possible oil and gas from its leases; and (2) failing to consider giving "maximum protection" to surface values in the Teshekpuk Lake Special Area. To explicitly address and respond to the court's concerns on remand, BLM developed three new screening criteria (in addition to those carried forward from the previous EIS) to guide the development of any new alternative components. As part of this process, BLM explains that 19 new alternative components were considered and evaluated, and that three of these components were carried forward and combined into a new action alternative (Alternative E) for purposes of review in the Draft SEIS.<sup>3</sup> BLM's approach satisfies its obligations on remand and appropriately provides a reasonable range of alternatives for review.

#### B. *Revised Analysis of Greenhouse Gas Emissions*

In her Opinion, Judge Gleason found that BLM improperly excluded foreign greenhouse gas emissions from the analysis of alternatives in the EIS. Responding to this concern, BLM has made significant revisions in the Draft SEIS to expand the analysis of climate change-related effects, including an analysis of foreign greenhouse gas emissions and the social cost of greenhouse gases.<sup>4</sup> In particular, BLM provides a thorough discussion of the assumptions, data, and methodology it used to estimate the changes in foreign

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<sup>2</sup> *Sovereign Iñupiat for a Living Arctic v. Bureau of Land Management*, No. 3:20-cv-00290-SLG (D. Alaska Aug. 18, 2021) ("Opinion").

<sup>3</sup> See Draft SEIS at 7-8 & Appendix D.1.

<sup>4</sup> *Id.* at 34-51.

greenhouse gas emissions under the various action alternatives.<sup>5</sup> BLM's approach satisfies its obligations on remand and addresses the issues raised by plaintiffs in the preceding litigation.

Again, we appreciate that BLM focused its revisions in the Draft SEIS on addressing the discrete issues identified by Judge Gleason and resisted calls from outside interest groups to go beyond the directed scope of review on remand.

#### IV. We Support Alternative E as the Preferred Alternative

While we have supported CPAI's proposal for the Willow project (Alternative B), we believe that Alternative E addresses many of the identified concerns regarding the project and represents a good path forward for the Willow development. Alternative E would reduce the number of drill sites (from five to four) and defer the approval of one of the remaining sites. By eliminating one drill site and moving the location of two others, Alternative E would, in part, reduce the overall length of infield pipelines, gravel roads, and ice roads; reduce freshwater uses; eliminate the need to construct a new mud plant; avoid certain yellow-billed loon nesting areas; and reduce the amount of surface infrastructure within the Teshekpuk Lake Special Area. By reducing gravel road length and shrinking the overall project footprint by 55 acres, Alternative E addresses several concerns raised by residents of Nuiqsut. Compared to the other action alternatives, Alternative E would result in the least direct loss of subsistence use areas and would reduce the potential for disturbance of important subsistence species (such as caribou and polar bear). We appreciate BLM's commitment to addressing community concerns and priorities, and we will support a decision by BLM to move forward with Alternative E.

#### V. Conclusion

We, the elected regional Alaska Native leadership, thank BLM for the opportunity to once again voice our strong, unified support of Willow. As BLM heard during its recent public meetings, most of our residents are overwhelmingly supportive of approving the project. While several residents of Nuiqsut shared concerns about how the project is implemented, many of those individuals also acknowledged the importance of development properly mitigated and many residents expressed outright support for the project. We are pleased that BLM appropriately focused this Draft SEIS on the issues identified for further assessment by Judge Gleason and specific community priorities and resisted outside lobbying to expand the environmental review and delay Willow to the point of economic infeasibility. The national narrative on Willow, which is driven by certain special interest groups, ignores the perspective of those living in the North Slope region and, if acted on, would result in a grave disservice to the people who actually call this region home.

Every time Willow is delayed, we see yet another deferral of the project's economic, infrastructure, and employment benefits to our eight North Slope communities and our residents. Oil and gas development is the primary economic generator for our region,

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<sup>5</sup> *Id.* at Appendix E.2A.

and this industry remains critical to our economic survival. All actions that unreasonably prohibit, restrict, or delay responsible oil and gas development in our region significantly impact our ability to provide critical services and economic opportunities to our people.

We thank BLM for its diligent efforts to move this project forward, and we encourage BLM to expeditiously issue a final SEIS so this project that is of such great significance to the people of the North Slope can proceed without further undue delay.

Sincerely,


IÑUPIAT COMMUNITY OF THE ARCTIC SLOPE



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Morrie Lemen  
Executive Director

NORTH SLOPE BOROUGH



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Harry K. Brower, Jr.  
Mayor

ARCTIC SLOPE REGIONAL CORPORATION



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Rex A. Rock, Sr.  
President and CEO  
Arctic Slope Regional Corporation

cc: U.S. Senator Lisa Murkowski, Alaska  
U.S. Senator Dan Sullivan, Alaska  
The Honorable Deb Haaland, U.S. Secretary of the Interior  
Tracy Stone-Manning, Director of Bureau of Land Management  
Bryan Newland, Assistant Secretary of the Interior for Indian Affairs

Tommy Beaudreau, U.S. Deputy Secretary of the Interior  
Nada Culver, Deputy Director for Policy and Programs  
Steve Cohn, Alaska Director  
Raina Thiele, Senior Advisor for Alaska Affairs and Strategic Priorities  
PaaWee Rivera, Senior Advisor and Director of Tribal Affairs