



U.S. Department of the Interior  
Bureau of Land Management

## Teshekpuk Lake Special Area Protection Options July 2023



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## **EXECUTIVE SUMMARY**

This report outlines the initial findings and recommendations as directed in Mitigation Measure 27 – Protections for the Teshekpuk Lake Area from the March 12, 2023, Record of Decision for the Bureau of Land Management (BLM) Willow Master Development Plan Supplemental Environmental Impact Statement. Specifically, Mitigation Measure 27 directs the BLM to explore creating a conservation instrument to provide protections for the Teshekpuk Lake Caribou Herd and its key habitat. This report describes the range of potential options and partners to achieve the goal of durable, long-term protection for the herd and for the communities who depend on it for subsistence use.

The BLM recommends creating a conservation right-of-way authorization through the authority of the Naval Petroleum Reserves Production Act and implementing regulations at 43 CFR 2360 that would be shaped in a public process with stakeholders and held by local entities, such as the Nuiqsut trilateral (City of Nuiqsut, Native Village of Nuiqsut, and Kuukpik Corporation). The proposed area would be called the Teshekpuk Lake Conservation Area. The term of the authorization would be set to an indefinite date reflecting termination of the Willow project (e.g., “until BLM deems complete all post-production reclamation activities”). In addition, BLM recommends pursuing Teshekpuk Lake Caribou Herd cooperative management agreements and collaborative partnerships with entities such as the North Slope Borough and the State of Alaska.

We also recommend moving forward with the stakeholder engagement plan to ensure robust and inclusive public involvement throughout the conservation instrument development process and exploration of additional potential collaboration opportunities, including with the North Slope Borough and the National Petroleum Reserve in Alaska (NPR-A) Working Group.

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## **I. INTRODUCTION**

On March 12, 2023, Deputy Secretary of the Interior Tommy Beaudreau signed the Record of Decision (ROD) for the Bureau of Land Management (BLM) Willow Master Development Plan (MDP) Supplemental Environmental Impact Statement (SEIS). Contained within the ROD Appendix A Mitigation Measures is Measure 27: Protections for the Teshekpuk Lake Area (see Exhibit A). This mitigation measure directs BLM to explore creating a bi-lateral or multi-lateral conservation instrument to provide protections for the Teshekpuk Caribou Herd and its key habitat within the National Petroleum Reserve in Alaska (NPR-A) for the duration of the Willow Project's impacts, and to provide a report to the Principal Deputy Assistant Secretary of Land and Minerals Management that addresses: who should hold the instrument; the scope of the lands to be protected; and the types of protections, with a focus on restricting future leasing and/or surface development. Pursuant to the mitigation measure, the report is to also contain a discussion of BLM's findings and recommendations with respect to the conservation instrument, including a proposal for stakeholder engagement and implementation, if approved.

## **II. BACKGROUND**

As western scientists became aware of it, the Teshekpuk Lake region was recognized as a special area that should receive maximum protection, eventually codified in the Naval Petroleum Reserves Production Act of 1976 (NPRPA). Scientific researchers from around the world, as well as environmental groups and many local residents frequently voice concerns about possible future development in this area. The boundaries and special rules for the Teshekpuk Lake Special Area and the Teshekpuk Lake Caribou Habitat Management Area have changed with each version of the NPR-A Integrated Activity Plan, sometimes lessening protections previously adopted. This has generated interest within local communities, including by Kuukpik Corporation (hereafter "Kuukpik"), to implement more durable protections for the area.

Mitigation Measure 27 was developed and included in the Willow MDP ROD in response to a proposed conservation measure recommended by Kuukpik, the Alaska Native Claims Settlement Act (ANCSA) village corporation for Nuiqsut, the community closest to the Willow Project area. Kuukpik's proposed measure called for durable protection of the Teshekpuk Lake Herd and the herd's most important habitat. Kuukpik's proposal included a map of a proposed conservation area sufficiently large enough to protect the herd (Exhibit B), that is part of the key habitat for roughly 61,000 caribou (ADF&G, C. Daggett. Pers. Comm.), an important subsistence resource for communities in NPR-A including Nuiqsut. Approximately  $\frac{3}{4}$  of the proposed conservation area is within the core calving area of the Teshekpuk Caribou Herd (Exhibit C), and the entire area is also vital to the herd through all their critical life phases.

Land within the area also includes overlapping habitats of special importance for many additional species, including threatened and endangered species such as polar bears (24% of all critical habitat and 16% of the potential denning habitat in the NPR-A) and Spectacled and Steller's Eiders. The region provides important nesting, breeding, molting, and staging habitats

for a large variety of migratory waterfowl and shorebirds, many of which are important locally for subsistence. The proposed conservation area falls within the traditional subsistence use areas of Utqiagvik and Nuiqsut (Exhibit D). This area also supports important subsistence resources for the communities of Atqasuk and Anaktuvuk Pass.

Caribou are the most important terrestrial subsistence resource for the North Slope Iñupiat. The mean harvest of caribou by Nuiqsut residents is 508 caribou per year for the period of 1985-2020, with the per capita mean consumption of 149 pounds per person annually. This is second only to bowhead whale in terms of the largest component of the local diet.

Similarly, caribou are also an important subsistence resource for Utqiagvik residents. In the most recent comprehensive survey for wild food harvests in 2014, Utqiagvik residents harvested 4,323 caribou which provided 111 pounds of edible meat per person. During this study year caribou were the most heavily harvested resource (31% of the total estimated harvest), followed closely by bowhead whale (29% of the harvest).

### **III. GEOGRAPHIC AREA**

The initial geographic area recommended by BLM Alaska for the proposed Teshekpuk Lake Conservation Area is the area described by Kuukpik in their letters to Secretary Haaland on August 29, 2022, and February 23, 2023, during the SEIS process. The geographic area they describe meets the criteria suggested as basic requirements for this mitigation measure including to provide long-term protection of this important caribou habitat and subsistence harvest area by “protecting the surface area of Teshekpuk Lake, a buffer along all shores of the lake, and the K-10 Caribou Movement Corridors/K-16 Deferral Areas (under Alternative E in the 2020 National Petroleum Reserve in Alaska Integrated Activity Plan Final Environmental Impact Statement) ... with a focus on restricting future leasing or surface development in those areas.”

The proposed conservation area is approximately one million acres. It encompasses the core area around Teshekpuk Lake in the northeastern portion of the 3.65-million-acre Teshekpuk Lake Special Area, which was designated in 1977.

Most of the proposed conservation area, approximately 993,000 acres, is currently closed to oil and gas leasing with the remaining 7,000 acres open to oil and gas leasing. The proposed conservation area also contains approximately 885,000 acres currently closed to new oil and gas infrastructure and approximately 115,000 acres open to new oil and gas infrastructure. The two active leases that were held by ConocoPhillips Alaska, Inc. (CPAI) in the proposed conservation area were relinquished on March 17, 2023. Those leases totaled 7,036 acres and were two of the 13 leases they relinquished in the Beartooth Unit, totaling approximately 68,085 acres.

Given that the focus is on the Teshekpuk Caribou Herd and its habitat, as well as the protection of important subsistence harvest areas for local residents for the duration of the project, the final area should be such that future conditions as a result of changing herd dynamics can be

accounted for. The different important caribou habitats and subsistence use areas are shown in the exhibits and will factor into the discussions about the final geographic area that should be considered for protection.

#### IV. AUTHORITIES & INSTRUMENTS

BLM Alaska reviewed existing authorities, including the Federal Land Policy and Management Act of 1976 (FLPMA) and implementing regulations at 43 CFR 2800 and 2900; and NPRPA and implementing regulations at 43 CFR 2360. Our general conclusion is that the NPRPA authority is the most appropriate for a proposed conservation instrument, speaking not only to the Secretary's specific authority in this geographic area but also the mechanism of a right-of-way (ROW) to achieve the Secretary's responsibilities under the NPRPA.

The statutory authority for a conservation instrument could come independently from either the NPRPA or FLPMA. The authority under the NPRPA is found in 42 USC § 6502:

Subject to valid existing rights, all lands within the exterior boundaries of such reserve are hereby reserved and withdrawn from all forms of entry and disposition under the public land laws, including the mining and mineral leasing laws, and all other Acts; but the Secretary is authorized to ... (2) make such dispositions of mineral materials and **grant such rights-of-way, licenses, and permits as may be necessary to carry out his responsibilities under this Act...**(emphasis added).

The Secretary has responsibilities for the “protection of environmental, fish and wildlife, and historical or scenic values” under 42 USC § 6503(b) and to ensure that “any exploration within the ... Teshekpuk Lake areas ... shall be conducted in a manner which will assure the maximum protection of such surface” under 42 USC § 6504(a). Further, the Secretary is required to “include or provide for such conditions, restrictions, and prohibitions as the Secretary deems necessary or appropriate to mitigate reasonably foreseeable and significantly adverse effects on the surface resources of the National Petroleum Reserve in Alaska.” (42 USC § 6506a(b)). Using this authority, the recommended instrument is a right-of-way (ROW). We think a conservation ROW could be written to legally preclude the BLM from offering any tracts for lease, or from authorizing oil and gas exploration activities or infrastructure, subject to valid existing rights.

While a similar authority for a conservation instrument exists under FLPMA, we think the NPRPA authority provides greater flexibility under the respective regulatory provisions currently in place. FLPMA vests the Secretary with authority to “regulate . . . the use and occupancy, and development of the public lands” through “easements, permits, leases, licenses, published rules, or other instruments as the Secretary deems appropriate.” 43 USC § 1732(b). Although we believe this provision provides adequate authority for a conservation authorization, there is greater flexibility under the NPRPA because regulations that implement this provision of FLPMA require the BLM to charge fair market value.

As a part of this initial study, we considered the various authorizations that are typically used under BLM's existing authorities, including permits, leases, ROW and easements. We determined a permit would provide an inadequate term (typically 2 years) and an easement would provide an excessive term (typically in perpetuity), both seeming to be out of scale with the expected impacts from the Willow project.

When choosing between a lease or a ROW, there are usually significant differences in the cost and time it takes to process, with leases generally taking longer and costing more than ROWs. Leases are more commonly used when there is going to be a business or major capital investment by the applicant. Leases are also more commonly used when there is a need to exclude other users from the area. Although we thought either instrument could work, since the NPRPA suggested the use of a ROW, that is what we are recommending.

We also considered Memorandums of Understanding (MOU) and/or Cooperative Agreements without necessarily having a corresponding authorization. There is ample authority for this under the NPRPA and FLPMA. Co-stewardship and collaborative partnerships are discussed further in section VII of this report. MOUs are generally thought to be less durable than an authorization. The typical term of an MOU is 5 years and structured in a way that makes it fairly simple to terminate by either party. The North Slope Borough feels creating a stand-alone co-management plan could achieve the parallel goal of allowing the holder more flexibility and avoid getting locked into a long-term decision.

## **V. HOLDERS**

BLM Alaska could issue a conservation ROW and/or enter into an MOU with one or more entities in the vicinity of the Willow Project. Such an instrument could be jointly held by Kuukpik, the Native Village of Nuiqsut and the City of Nuiqsut (referred to as the Nuiqsut trilateral) or any one of them individually or another entity or group of entities. Such a ROW could be granted without a formal application and could be developed through coordination and consultation with Kuukpik and/or other potential entities who would hold the instrument to enforce the terms.

The Nuiqsut trilateral has formed a non-profit, the Nuiqsut Community Development Foundation, to administer the final compensatory mitigation payment from the Greater Mooses Tooth 1 development. This group, or one like it, could be enlisted to represent the trilateral in this transaction.

Nuiqsut is the community that is most impacted when it comes to oil and gas development in the NPR-A. Issuing an authorization to one or a consortium of the entities that make up the Nuiqsut trilateral would achieve the goal of being responsive to the comments that came in during the SEIS process and connect the mitigation most directly to the impacted residents.

It is also possible that one of the regional entities, such as the North Slope Borough (NSB), the Iñupiat Community of the Arctic Slope (ICAS) or a regional consortium could be formed to be the holder of the instrument. There are no criteria for a ROW holder other than they must be a US citizen or corporation. However, specialized local knowledge as well as having the resources and capability to meet the requirements of the authorization may also be considerations.

## **VI. PROTECTIONS**

The objective of the Teshekpuk Lake Conservation Area would be to permanently protect the most important habitat areas for the maternal and migrating caribou of the Teshekpuk Caribou Herd, including Teshekpuk Lake, a buffer around the lake, and the migration corridors to the east and northwest. As called for in Measure 27, the minimum criteria in terms of protection would be a restriction of future leasing and/or surface development. By closing a significantly large portion of the Teshekpuk Caribou Herd's habitat to oil and gas leasing and development, the herd is less likely to experience habitat fragmentation, loss of habitat, and impacts of noise or other impediments to their natural behavior, making them more predictable for local residents who depend on them.

Although the caribou would still experience natural threats from predation, fluctuations in available forage, disease, physical hazards and weather, they would not need to expend additional energy avoiding infrastructure or using sub-optimal habitat. The hope would be that they are able to make it to their calving grounds with a good body condition and enough fitness to give birth and care for their young in optimal locations and at optimal times, to increase the chance of survival for the calves and potentially, incrementally, increase the overall population of the herd.

Critical habitat areas for this herd vary by season and typically encompass over a million acres, just for the high-density calving areas. The location of the habitat and accessibility during the proper time in their life cycle is critical.

Most of the proposed conservation area is already closed to oil and gas leasing and to new oil and gas infrastructure. The goal would be to have those protections apply beyond the reach of future changes to the IAP, and to remain in place for as long as the Teshekpuk Caribou Herd and other significant resources in the area are adversely impacted by the Willow Project (i.e., for at least the life of the Project and its reclamation period). Depending on the final geographic area there may be areas that are not currently closed to one or both of those activities under the existing IAP. Any such areas could be targeted for additional protections, or to match the protections of adjacent areas.



43 CFR 2361.1 lays out a process for recommending special areas in the NPRPA and provides examples of protections that might apply in such areas:

Maximum protection measures shall be taken on all actions within the Utukok River Uplands, Colville River, and Teshekpuk Lake special areas, and any other special areas identified by the Secretary as having significant subsistence, recreational, fish and wildlife, or historical or scenic value.

\* \* \*

Maximum protection may include, but is not limited to, requirements for:

- (1) Rescheduling activities and use of alternative routes,
- (2) types of vehicles and loadings,
- (3) limiting types of aircraft in combination with minimum flight altitudes and distances from identified places, and
- (4) special fuel handling procedures.”

More consultation is needed with the holder and stakeholder groups to determine if these or any additional protections would be needed for the conservation area.

## **VII. CO-STEWARDSHIP AND COLLABORATION OPPORTUNITIES**

One benefit unique to a conservation instrument is it provides local community entities greater ability to directly influence the pace, scale and location of future leasing activities and/or surface development impacting an important subsistence resource. In addition, the Nuiqsut trilateral is interested in working with BLM and other resource and land managers on what they referred to as a Caribou Commission. While details have not been fully developed, we believe this may be the beginning of a co-stewardship group focusing on the Teshekpuk Caribou Herd.

We are reviewing examples of the cooperative management plans referenced by Kuukpik, including those involving the Beluga Whale Committee Co-Management Plan, the Alaska Eskimo Whaling Commission Cooperative Agreement, the Constitution of the Alaska Nannut Co-Management Council, and the Western Arctic Caribou Herd Cooperative Management Plan.

Because the management of caribou and the various factors that influence their populations are complex and multi-jurisdictional, any cooperative agreements will need to include representation of all the communities that harvest from the Teshekpuk Caribou Herd, as well as state, federal and borough regulatory agencies. Other regional landowners, such as ASRC and the regional tribal representative, ICAS, would likely want to participate as well as the North Slope Borough.

A potential venue for soliciting broader dialogue on co-stewardship and cooperative management opportunities, is the NPR-A Working Group, an intergovernmental, tribal and ANCSA advisory group set up by Secretary Salazar in the GMT-1 ROD to advise BLM on management of the NPR-A.

## **VIII. PRIOR EXISTING RIGHTS**

Within the proposed conservation area, there are 17 Native Allotments; 13 registered subsistence camps; 35 historic Iñupiaq sites mostly from the late 19th to mid-20th century; and 14 archaeological sites containing stone tools or other pre-Euro-American artifacts that could be anywhere from a couple hundred to 10,000 years old.

There are seven legacy oil and gas wells in this area, five of which have been remediated and two Defense Early Warning Line stations, one of which has been remediated. There are 22 active authorizations, including several ROWs, such as the Community Winter Access Trail (commonly referred to as the CWAT); leases, such as the CIRI lease at Pt. Lonely; and other long-term research permits. Should any existing oil and gas leases fall within any potential expansion of the area under consideration, those rights would likewise be retained.

We recommend BLM issue any such instrument “subject to valid existing rights” to avoid diminishing the rights afforded to existing leaseholders. Currently, there are no longer any valid oil and gas leases in the proposed conservation area.

On the off chance that new leases are issued in the area before the conservation instrument is fully executed, the Solicitor’s Office advises BLM to consider a clause in the instrument specifying that its enforceable provisions will only apply to areas currently under lease if those leases expire or are relinquished, canceled, or rescinded. However, if the leases within the instrument area remain valid, we do not think the conservation instrument could effectively/defensibly be used to eliminate any rights held by the lessee as a part of their lease. That might involve reasonable access across off-lease areas, subject to laws, stipulations, terms and conditions. Again, BLM recently accepted from CPAI its relinquishment of the two valid leases they held in the area that is currently being proposed for this conservation area.

## **IX. DURATION**

Measure 27 emphasizes the desire of many stakeholders to have the protections for this area be “long-term and durable” and “more than just restrictions in the Integrated Activity Plan.” To address this, we are suggesting the term of an NPRPA ROW to be set to an indefinite date reflecting termination of the Willow project (e.g., “until BLM deems complete all post-production reclamation activities”).

## **X. NEPA**

Depending on the specific area and the nature of the protections, the BLM might be able to rely on previously completed NEPA analyses to support its issuance of conservation instruments.

There is existing NEPA analysis from the 2020 NPR-A IAP that analyzes fully closing this area to oil and gas leasing and infrastructure. It is possible that no additional NEPA would be

necessary to implement a conservation ROW and that BLM would not need to amend the IAP. However, it may be advisable to prepare an environmental assessment to aid in developing the stipulations for the area and especially for any rules that would differ from the IAP (e.g., disallowing oil and gas infrastructure in areas that would otherwise be open), with additional opportunities for public engagement.

## **XI. STAKEHOLDER ENGAGEMENT PLAN**

A stakeholder engagement plan has been developed to assist the BLM in creating a final conservation right-of-way held by the Nuiqsut trilateral, that is supported by the myriad stakeholders in the NPR-A, including the regional trilateral consisting of the NSB, ICAS, and the Arctic Slope Regional Corporation (ASRC); other communities on the north slope with interests in the Teshekpuk Lake area; researchers and conservation groups; and CPAI and other development-oriented stakeholders (Exhibit E). We believe there are many common interests in this area and promising indicators of support for this concept. To ensure robust and long-lasting support for the final instrument and conservation area, the plan outlines a thorough public and tribal participation process, with multiple avenues for input through listening sessions, public comment periods, and formal government-to-government consultation opportunities. The stakeholder engagement plan can be found in Exhibit E.

## **XII. INITIAL OUTREACH**

After the issuance of the Willow ROD, BLM was contacted and met with several entities regarding the Mitigation Measure 27. These included: Kuukpik Corp., the Audubon Society, the North Slope Borough and the City of Nuiqsut. Overall, conversations on the concept and intent of the mitigation measure and proposed conservation instrument have been well received. There are several entities that have expressed interest in exploring opportunities for co-stewardship or collaborative partnerships of areas within the NPR-A for the purpose of providing protections for the Teshekpuk Caribou Herd and its habitat areas. A summary of these discussions can be found in Exhibit F.

There are some topics, such as who specifically would apply for/be the holder of the conservation ROW, where the BLM recommends further discussions and consensus building within the region.

## **XIII. NEXT STEPS & IMPLEMENTATION**

Pending ASLM review of this report and direction to proceed, BLM proposes to continue moving forward with the stakeholder engagement plan. Outreach would be designed to discuss the options contained within this report and further opportunities for developing consensus on key aspects, such as the geographic extent of the conservation area and protective measures.

Specifically, BLM requests concurrence from ASLM regarding formal engagement with stakeholders in Nuiqsut and the region on potential for issuance of a conservation right-of-way, and the duration of this instrument (proposed 30 years) to coincide with the duration of impact from the Willow development. BLM would continue to engage with the Solicitor on NEPA sufficiency and explore opportunities for co-stewardship and collaborative partnerships as outlined in the engagement plan and in response to comments from the North Slope Borough, Kuukpik Corporation, and other stakeholders. In addition, BLM would engage in the required consultation with a wider range of Tribes and Alaska Native corporations.

With concurrence from ASLM, BLM would implement activities in the stakeholder engagement plan, including working with potential rights-holders and stakeholders to refine the geographic extent for the area; developing the analysis and engaging the public at large; identifying and resolving issues; developing protective measures; developing a co-stewardship and collaborative partnership plan; and offering a conservation ROW with associated terms and condition.

## **EXHIBIT A – Mitigation Measure 27: Protections for Teshekpuk Lake Area**

Objective: Permanently protect the most important habitat areas for the maternal and migrating caribou of the Teshekpuk Caribou Herd, including Teshekpuk Lake, a buffer around the lake, and the migration corridors to the east and northwest.

Requirement/Standard: BLM will develop compensatory mitigation that provides durable, long-term protection for the Teshekpuk Caribou Herd to fully offset impacts of the project on that Herd, to include protecting the surface area of Teshekpuk Lake, a buffer along all shores of the lake, and the K-10 Caribou Movement Corridors/K-16 Deferral Areas (under Alternative E in the 2020 National Petroleum Reserve in Alaska Integrated Activity Plan Final Environmental Impact Statement) using existing statutory, management or administrative authorities, with a focus on restricting future leasing or surface development in those areas.

Potential Benefits and Residual/ Unavoidable Impacts: To off-set identified impacts in the Greater Mooses Tooth1 (GMT1) Project, including major impacts to subsistence uses that cannot be fully mitigated by avoidance and minimization, the 2015 GMT1 ROD required CPAI to provide \$8 million to BLM to establish a compensatory mitigation fund, including the development and implementation of a landscape-level Regional Mitigation Strategy (RMS) for the Northeastern NPR-A region. Additionally, Supplemental Best Management Practice 1 -- *Establishment of Compensatory Mitigation Fund and Regional Mitigation Strategy* directed the BLM to prepare the RMS to serve as a roadmap for mitigating impacts from GMT1 and future projects enabled or assisted by the existence of GMT1. The BLM finalized the RMS in August of 2018. While specific to the GMT1 project and not intended to establish a precedent for future projects in the NPR-A or any particular methodology for Willow Master Development Plan Record of Decision Supplemental Environmental Impact Statement March 2023 Appendix A Mitigation Measures Page 31 compensatory mitigation, the RMS was intended to serve as a mitigation roadmap for future projects, like the Willow Project, that are enabled or assisted by the existence of GMT1. RMS Table 1, “Potential Mitigation Projects and Project Locations”, Mitigation Objective 3 “Sustain and enhance the functionality of the ecological system,” (emphasis in original), describes a potential mitigation project to “Establish conservation easements and voluntary limits on use and occupancy of existing leases” in the potential project location of, among others, the Teshekpuk Lake Special Area and vicinity.

In its February 23, 2023, letter to Secretary Haaland regarding its comments on the Final Supplemental EIS, Kuukpik Corporation noted that:

Because Willow will affect the Teshekpuk Lake Caribou Herd (TLCH) more than any other subsistence resource, Kuukpik strongly supports BLM’s proposal to “develop compensatory mitigation that provides durable, long-term protection for the Teshekpuk Lake Caribou Herd to fully offset impacts of the Project on that Herd....” Successfully implementing this mitigation measure will virtually eliminate the risk of further development in the most important caribou habitat areas—areas that will become even more important after Willow is constructed.

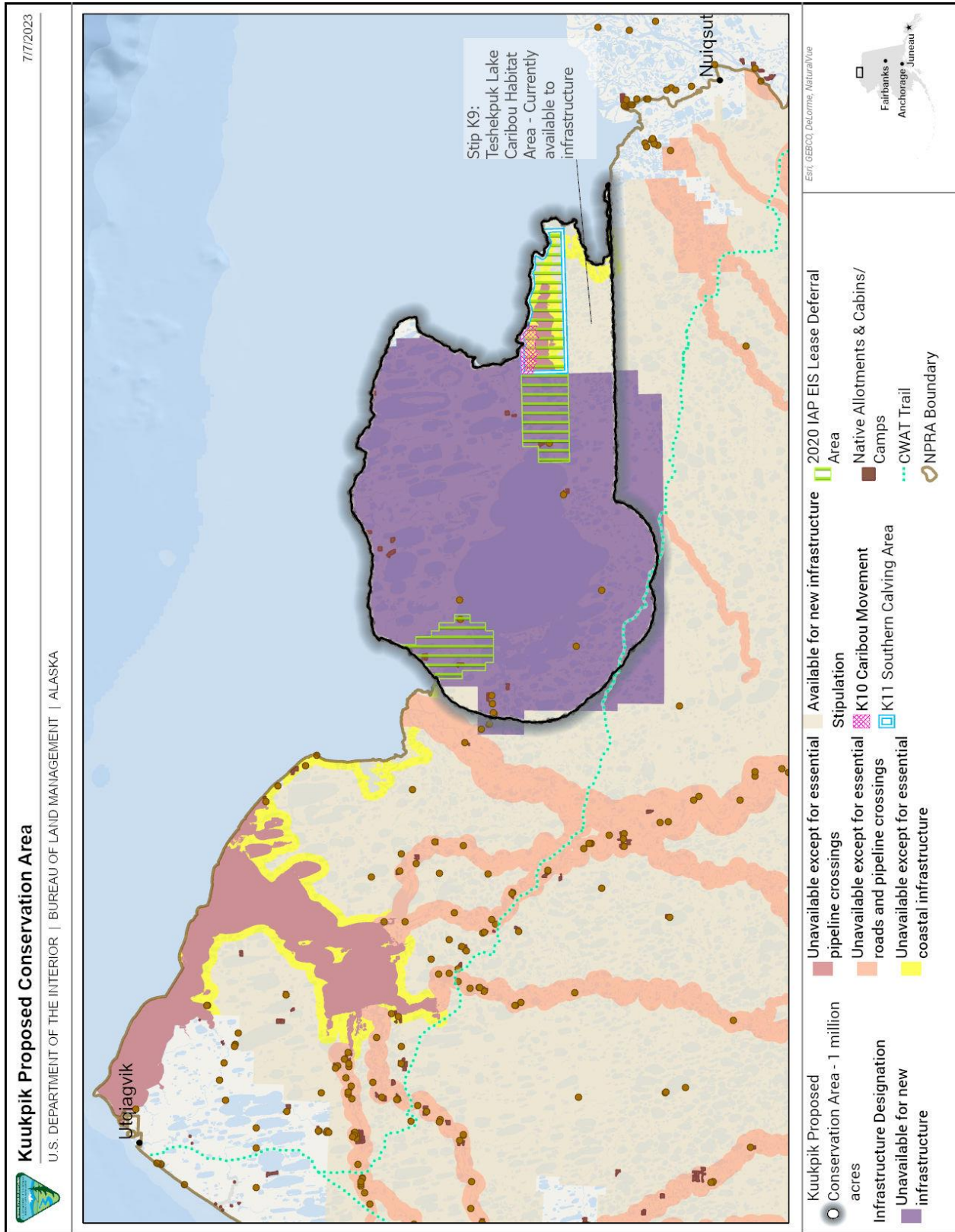
Kuukpik Corporation made two follow-on recommendations. One, that the Department clarify that the “durable and long-term protection” would be more than restrictions included in an NPR-A Integrated Activity Plan, and two, that the buffer for the area to be protected be clarified to have support by conservation and subsistence minded stakeholders that a sufficiently large area will be protected and development-oriented stakeholders that the restrictions are justified and not excessive.

Recognizing the importance of this matter, the BLM is directed to take action to further this mitigation measure.

The BLM shall explore creating a bi-lateral or multi-lateral conservation instrument to provide protections for the Herd and its key habitat for the duration of the Project’s impacts. Within 120 days, the BLM should provide a report to the Principal Deputy Assistant Secretary of Lands and Minerals Management that addresses the following: who would hold the instrument; the scope of the lands to be protected; and the types of protections, with a focus on restricting future leasing and/or surface development. The report should contain a discussion of BLM’s findings and recommendations with respect to this conservation instrument, including a proposal for stakeholder engagement and implementation, if approved.

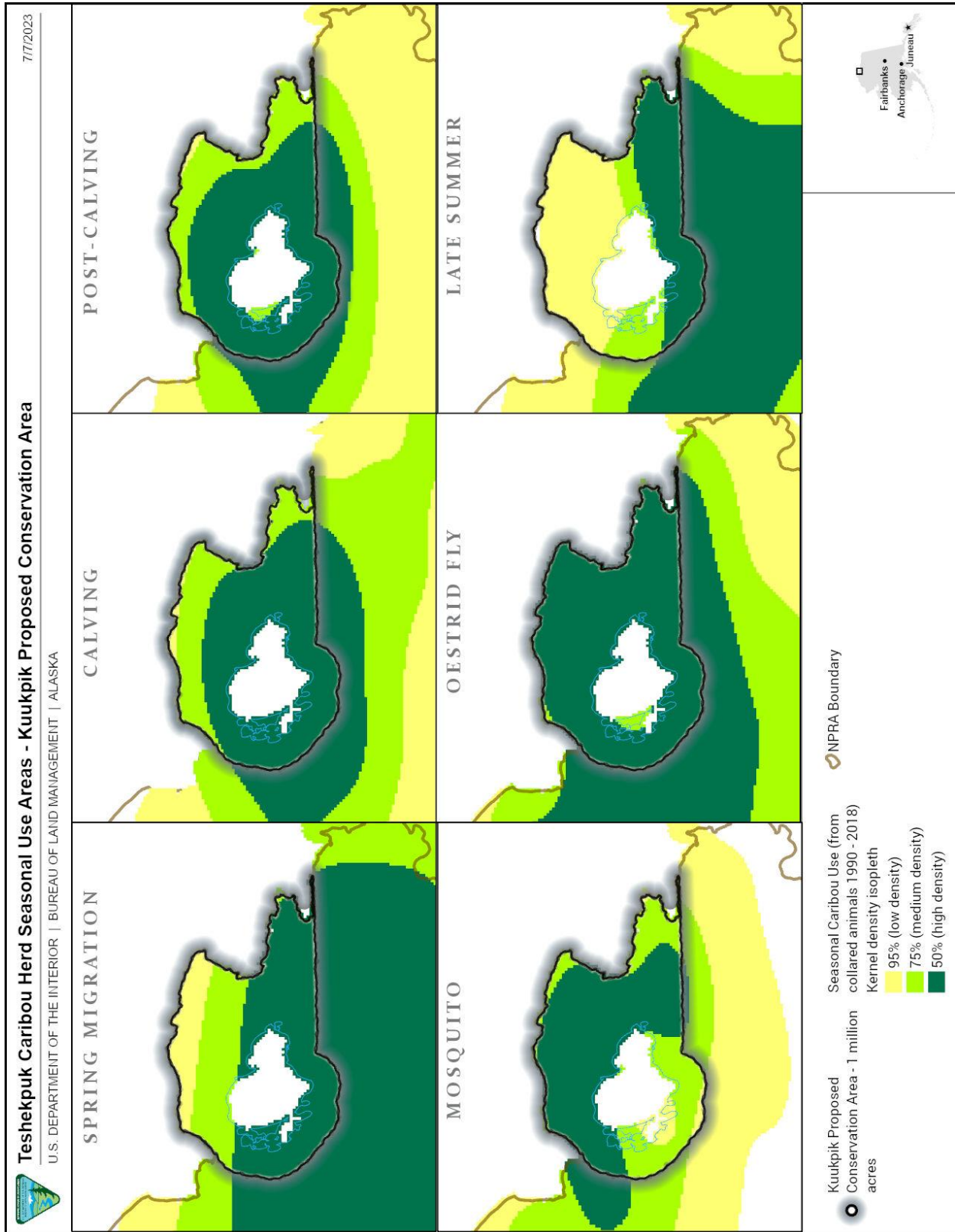
One benefit unique to a conservation instrument is to provide local community entities greater ability to directly influence the pace, scale and location of future leasing activities and/or surface development impacting an important subsistence resource.

# EXHIBIT B – Map of Kuukpik Proposed Conservation Area



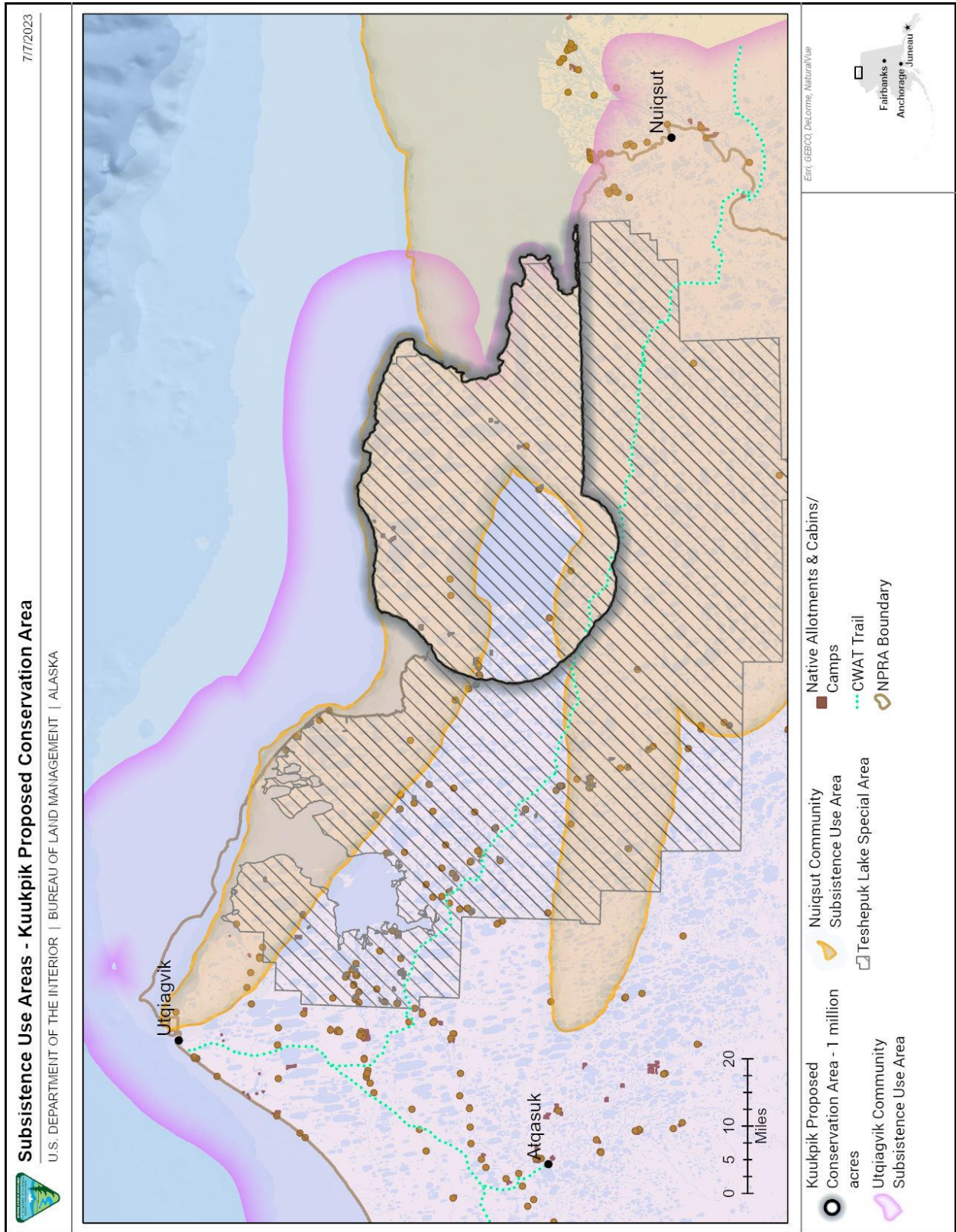


# EXHIBIT C – Teshekpuk Caribou Herd Use Areas





# EXHIBIT D – Subsistence Use Areas



## **EXHIBIT E – Stakeholder Engagement Plan**

### **Introduction:**

The Willow Record of Decision includes a specific Mitigation Measure (Measure 27) requiring the BLM to explore creating a conservation instrument to provide durable, long-term habitat protections for the Teshekpuk Caribou Herd to fully offset impacts of the Willow Project.

### **Engagement Goals:**

- To work with local governments, organizations, tribes, and stakeholders to finalize the geographic boundaries and to identify the best organization to apply for the instrument.
- Provide convenient, meaningful, and timely opportunities to inform local stakeholders and encourage their involvement in brainstorming habitat protection ideas for the Teshekpuk Caribou Herd.
- Support and cultivate stakeholder involvement to build mutual goals and grassroots development of habitat protection for the Teshekpuk Caribou Herd.
- Provide regular and robust consultation opportunities for federally recognized tribes and Alaska Native corporations for the proposed Teshekpuk Lake Conservation Area

### **Engagement Outline:**

#### ***Tribal and ANC Consultation***

Engaging in a meaningful consultation process, providing consultation early and often, and respecting the significance of Alaska Native ties to their traditional homelands is imperative. The BLM will reach out to tribes and Alaska Native Corporations within the NPR-A and those entities who utilize the Teshekpuk caribou herd and calving area for subsistence to provide for open dialogue on this co-stewardship opportunity. In addition to formal invitations for consultation, the BLM will provide regular updates to tribes and tribal entities through social media, e-newsletters or reporting out at council meetings or by request.

#### ***Community Listening Sessions***

To help paint the full picture of the scope and scale of the conservation instrument, and to ensure that the eventual product is durable and long-lasting, it is important to hear directly from local perspectives. To that end, the BLM proposes holding an initial tour of listening sessions in Nuiqsut and Utqiagvik to provide those communities with direct ties to Teshekpuk Lake the opportunity to share their thoughts, ideas and concerns.

#### ***NEPA Process***

Once the BLM receives a formal application for a possible instrument, we will implement our standard NEPA public involvement process including associated public meetings, responding to public comments and posting of meeting schedules and documents on the BLM National NEPA Register.

**Key Messages:**

- Based on local feedback, BLM Alaska is working with area stakeholders on a possible conservation instrument that would provide durable, long-term habitat protections for the Teshekpuk Caribou Herd.
- The BLM wants to hear from local area stakeholders and subsistence users of the Teshekpuk Caribou Herd on how to best protect the herd's habitat and possible co-stewardship or conservation easement options.
- This process provides an excellent opportunity for grassroots co-stewardship with subsistence users and local leaders for key habitat and resource protections.
- This instrument will help provide a clear roadmap for mitigating future development impacts within the NPR-A, by providing clarity, transparency, and upfront understanding on future leasing and/or surface development restrictions.

**Potential Stakeholders:**

The target audience includes residents of northeastern NPR-A and those who utilize the Teshekpuk Caribou Herd, including tribal, ANCs, and city, borough, and state governments. These include, but are not limited to:

***Tribes or ANC Entities***

- Federally Recognized Tribes and ANCs with subsistence ties to the Teshekpuk Lake Area:
  - Utqiagvik / Ukpeagvik Iñupiat Corporation
  - Nuiqsut / Kuukpiik Corporation
  - Anaktuvuk Pass/Nunamiut Corp
  - Atqasuk / Atkqasuk Corporation
  - Wainwright / Olgoonik Corporation, Inc.
  - Pt. Hope/Tikigaq
  - Pt. Lay/Cully Crp.
  - Kaktovik/Kaktovik Inupiat Corporation
- Iñupiat Community of the Arctic Slope (Regional Trilateral)
- Arctic Slope Regional Corporation (Regional Trilateral)

***State Agencies***

- Alaska Department of Fish and Game
- Alaska Department of Natural Resources

***Borough and Local Government***

- North Slope Borough (Wildlife Dept) (Regional Trilateral)
- City of Utqiagvik
- City of Nuiqsut
- City of Atqasuk
- City of Anaktuvuk Pass

- City of Wainwright
- City of Pt. Hope
- City of Kaktovik

### ***Elected Officials***

Provide periodic updates to elected official offices either during our monthly calls or via email newsletters. The BLM will be available for presentations and discussions with any officials who may have interest in the project.

- Senator Lisa Murkowski (R-AK)
- Senator Dan Sullivan (R-AK)
- Representative Mary Sattler Peltola (D-AK-1)
- State Government
  - Governor Dunleavy
  - Senator Donny Olson
  - Representative Josiah Patkotak

### ***Advisory Councils & Working Groups***

In addition to community and public outreach, the BLM will be available for presentations and discussions with local advisory councils and working groups which may have interest in the project. This includes but is not limited to:

- NPR-A Working Group
- North Slope Subsistence Regional Advisory Council – meets twice a year, fall and winter.
- BLM Alaska Resource Advisory Council - usually meets once a year

### ***Industry & Interest Groups***

Various industry and interest groups that have interest in the Teshekpuk Caribou Herd and Teshekpuk Lake. Including ConocoPhillips-Alaska Inc. and the Audubon Society.

### **General Outreach**

Throughout the engagement process, meeting and listening session announcements should be advertised through a variety of methods including social media, print media and public service announcements.

- Forward links of social media posts to local community contacts for potential amplification.
- Print media outlets
  - Fairbanks Daily News-Miner
  - Anchorage Daily News
  - Petroleum News Alaska
  - Arctic Sounder
  - Nome Nugget
  - Alaska Journal of Commerce
- Local radio stations - KBRW

## **EXHIBIT F – Initial Outreach Overview**

**April 24, 2023:** the Alaska Chapter of the Audubon Society contacted BLM regarding Mitigation Measure 27. They mentioned their recent efforts reaching out to Kuukpik to coordinate the views of the two organizations if possible. They also mentioned their view that the financing of such a “conservation instrument” is, in their view, critical. We explained that we are still reaching out to stakeholders, but if they want to weigh in with their views, they are welcome to write us a letter.

**May 4, 2023:** BLM was invited to attend a Nuiqsut Trilateral Committee meeting to discuss this mitigation measure with community leadership. BLM and Kuukpik gave a joint presentation to the trilateral committee that was well received with good discussion afterwards. They proceeded to pass a unanimous resolution to work together with BLM to further consideration of a conservation area around Teshekpuk Lake to protect it from future development and to preserve some of the most important caribou habitat and subsistence harvesting areas near the community of Nuiqsut.

**May 5, 2023:** BLM received an email from the NSB Attorney, Andrew VanderJack, following his meeting on April 20, 2023, in Washington DC, with Mayor Brower and Asst. Secretary Daniel-Davis and Dep. Director Nada Culver where they discussed this matter. They asked that we reach out to set up a meeting with the NSB Mayor Brower and several of his directors.

**June 30, 2023:** BLM Alaska met with NSB members where they expressed interest in exploring opportunities for co-governance or co-management of areas within the NPR-A for the purpose of providing protections for the Teshekpuk Caribou Herd and its habitat areas. The Borough requested this approach as an alternative to—not in addition to—any approach involving a right-of-way or similar mechanism.

To fulfill this requirement, the Borough and BLM (and potentially other entities such as the Arctic Slope Regional Corporation, Iñupiat Community of the Arctic Slope, Kuukpik Corporation, etc.) could execute a cooperative agreement providing for the collaborative management and protection of the Teshekpuk Caribou Herd and its habitat.

The NSB expressed concern that a right-of-way may not provide the requisite flexibility to local entities to influence future activities in the NPR-A. They also emphasized their experienced wildlife department with regional expertise related to the caribou and other resources in the area.

The NSB suggested a co-management agreement rather than a conveyance of rights might be an effective approach to achieving the goal of conservation durability for the resources of Teshekpuk Lake. The NSB also encouraged BLM to utilize the NPR-A Working Group as a method for broader consultation and outreach.

**June 21, 2023:** BLM received a letter from the City of Nuiqsut asking us to grant an extension to comment before submitting our report. They wanted an extension until at least until after their July 10, 2023, City Council meeting where they are planning to discuss and develop their position. We explained that this report is preliminary and asking permission to move forward with additional discussion. Their primary concern is they have not had enough time to consider options, especially the geographic area to be protected and made it clear that, because of this, they did not sign a recent letter that Kuukpik drafted. We agreed to summarize their position.