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May 4, 2020

Ms. Racheal Jones  
Willow EIS Project Manager  
Attention: Willow SDEIS Comments  
BLM Alaska State Office  
222 West 7<sup>th</sup> Avenue #13  
Anchorage, Alaska 99513

Re: Comments on the Supplement to the Willow Master Development Plan Draft Environmental Impact Statement, Alaska

Dear Ms. Jones:

ConocoPhillips Alaska, Inc. (ConocoPhillips) is the proponent of the Willow Master Development Plan (MDP) and submits this letter to provide comments on the Supplement to the Willow MDP Draft Environmental Impact Statement (SDEIS). ConocoPhillips has worked in Alaska for more than 50 years, spanning high and low economic cycles, and has demonstrated a commitment to safely and responsibly develop Alaska's natural resources. The proposed Willow development, located on federal lands managed by the Bureau of Land Management (BLM) in the National Petroleum Reserve – Alaska (NPR-A), is fully consistent with the federal laws and policies applicable to resource development in the NPR-A.

Over 100 workers in Alaska and in the Lower 48 are already employed in planning and engineering for the Willow project. Willow construction activities could employ as many as 2,000 people at its peak, and once online, the BLM estimates that Willow will provide over \$10 billion in federal, state, and local government revenue streams.<sup>1</sup> The Willow MDP, which provides for phased development of five drill sites, a central processing facility and other infrastructure, will produce oil into the Trans-Alaska Pipeline System (TAPS), helping to keep that vital aspect of Alaska's economy in service for all North Slope oil fields. Willow clearly is one of Alaska's most promising economic development opportunities.

BLM deserves commendation for professionally and methodically managing the Willow MDP environmental review process. BLM has produced documents that strike a healthy balance between detail and readability, solicited public comment in diverse ways, and hosted 16 public meetings to explain the project and receive testimony. In addition to using standard practices for public involvement, BLM employed creative innovations such as making use of radio broadcasts, online video meetings, conference calls, and webinar presentations to ensure broad opportunity for public participation. On the whole, BLM has provided 150 days of public comment opportunity on the Willow project in three phases spanning 2018, 2019, and 2020. As a result of these efforts, the public has been highly engaged.

This additional public comment period on the SDEIS exists because ConocoPhillips has improved the project, largely in response to public comments received, and BLM has decided to take public comment

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<sup>1</sup> BLM, Willow Master Development Plan Draft Environmental Impact Statement, vol.1, p.124, table 3.15.3 (Aug. 2019).

on substantial changes. As a result of the proposed changes, the Willow project will now require less gravel, less water, less air traffic, less marine traffic, and less road traffic. The project also now includes new mitigation measures to facilitate access to caribou and other subsistence resources.

ConocoPhillips' comments are intended to inform BLM's preparation of a final environmental impact statement (EIS). The record should reflect that this process and the project have benefitted from the contributions of BLM, the cooperating agencies, and the participating public.

### **Summary of Comments**

ConocoPhillips' primary comments on the SDEIS are summarized as follows:

1. BLM should recognize in the final EIS that the project changes in the SDEIS are improvements and responses from ConocoPhillips to public comments made during the environmental review process. This is important because the record should accurately reflect the fact that ConocoPhillips modified and improved the project in response to public comments.
2. BLM's decision to publish a supplement and to focus on the three substantial project changes is a practical approach that fully complies with applicable law. Indeed, it is common for project changes to occur during the time between a draft and a final EIS. BLM's approach here properly focuses the SDEIS on only those "substantial changes in the proposed action that are relevant to environmental concerns."<sup>2</sup>
3. BLM should correct and clarify the description of the engineered ice crossing of the Colville River under Option 3. Specifically, BLM should explain that there may be one or more narrow, low-flow channels in which water continues to move under the ice, so the ice crossing is not assumed to be bottom-fast.
4. BLM should revise the subsistence analysis with respect to Option 3 for module delivery to account for seasonality in both ice road use and subsistence activities. Because the ice road will be used only in the winter and subsistence activities in this area are traditionally low, the potential for impacts to subsistence should also be low.
5. BLM should revise the subsistence analysis to provide important context and detail associated with relied-upon scientific studies and to ensure the important limitations of those studies are transparently disclosed. BLM should also revise the subsistence analysis to ensure it is consistent with other NEPA documents as well as internally consistent. Related to these revisions, BLM should eliminate unsubstantiated conclusions about potential for roads to impact caribou migration and hunting success.
6. BLM should correct errors in the discussion and analysis of potential impacts to polar bears. In particular, the current analysis overestimates the potential impacts to polar bears because it overestimates potential impacts to denning and other behaviors.
7. BLM should reconsider and revise the cumulative impacts analysis for the Alaska National Interest Lands Act (ANILCA) Section 810 analysis. As currently written, the analysis improperly focuses on an alternative presented in the draft NPR-A Integrated Activity Plan (IAP), which is a planning

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<sup>2</sup> 40 C.F.R. § 1502.9(c)(1)(i).

document that is still in process, under BLM's control, and has no direct connection to the Willow MDP.

In addition to these issues, which are described in greater detail below, ConocoPhillips submits narrowly focused comments that require little explanation as Attachment A. We have sought to avoid repeating in Attachment A any issue that is addressed in the body of this letter, but we provide some references and additional details in Attachment A to issues that are described in this letter. We have also refrained from repeating comments that we already made on the draft EIS. ConocoPhillips stands by those prior comments and requests that BLM fully address them in the final EIS.

## **1. The Project Changes are Engineering Improvements and Responses to Public Comments**

The SDEIS analyzes three project components added to the Willow MDP after the draft EIS was published in August 2019. One of the three project components is a new option, Option 3, for delivering facility modules to the inland project location after they are unloaded from sealift barges. Options 1 and 2 (described in the draft EIS) each involve construction of a module transfer island in marine waters to facilitate unloading of the sealift barges. ConocoPhillips listened to concerns about the proposed module transfer island at public meetings, in written public comments, and in ConocoPhillips' outreach to Kuukpik Corporation and stakeholders such as whaling captains. The North Slope Borough Mayor, for example, wrote in support of Option 1 yet still expressed concern: "We are concerned that construction of a module transfer island and related ship traffic could impact the migration of bowhead whales and other marine mammal species." The President of Kuukpik Corporation opposed Option 1 and wrote in part: "[W]e strongly urge [ConocoPhillips] and BLM to consider alternatives to the proposed [module transfer island] and to analyze at least some other alternative in the Final EIS."

After receiving stakeholder feedback opposed to the module transfer island, even before public comment periods were completed, ConocoPhillips worked at length on an option for freezing barges into ice and unloading onto shore during winter, but ultimately could not support that approach from an engineering perspective. ConocoPhillips also evaluated the potential option of using Oliktok dock for sealift offload and transporting modules to the project via crossing the Colville River delta or crossing at or near the Alpine Resupply Ice road crossing of the Colville River. However, that option also proved infeasible due to the logistical, environmental, and safety risks presented by those crossing locations. In response to public comments on the draft EIS, ConocoPhillips investigated additional crossing locations further upstream along the Colville River and ultimately determined that a viable river crossing location at Ocean Point does not present the risks associated with the rejected alternatives in the draft EIS. This option squarely addresses the public comments because it would not require construction of a gravel module transfer island.

A second new project component evaluated in the SDEIS is the constructed freshwater reservoir (CFWR). Upon identifying a need for increased water supply, ConocoPhillips introduced the CFWR to ensure water would be available in sufficient amounts without having an adverse impact on fish or wildlife. The CFWR will allow collection and storage of water when it is abundant during spring breakup, reducing the need to access and withdraw water from natural lakes.

The third new project component in the SDEIS is the addition of a river access boat ramp or multiple ramps. This is proposed directly in response to concerns about the potential for roads to adversely impact availability of caribou for subsistence hunting and impede hunters' access to the caribou. At the public

meeting on the draft EIS in Nuiqsut on October 2, 2019, some residents expressed concern about potential effects of roads on access to caribou for subsistence hunting. One person testified: “If there was a boat ramp at Tinmiaqsiugvik, I'd sure as heck be out there looking for caribou to harvest, but there is no boat ramp.”<sup>3</sup> ConocoPhillips recognized opportunity to facilitate caribou hunting away from roads and other infrastructure by providing river access through boat ramps at appropriate, community-supported locations. The proposed boat ramps are an impact mitigation built into the project design, developed in response to agency analysis, public comment, and community concerns.

The final EIS should more clearly reflect how the NEPA process has resulted in these project improvements. The final EIS should also more clearly describe, in narrative form, the benefits of Option 3. All essential information is presented in tables in the SDEIS, but the tables do not qualitatively demonstrate the benefits of Option 3. Option 3 reduces gravel use by about 280,000 cubic yards, reduces freshwater withdrawal from lakes by about 50 million gallons, reduces ground traffic approximately 75 percent, reduces fixed-wing flights from 230 to 70, reduces helicopter flights from 450 to 16, and reduces marine traffic by 190 trips. The aggregate result is a significantly improved project.

## **2. BLM’s Decision to Focus the Supplement on Three Project Changes is Sound**

BLM’s decision to publish a supplement to the draft EIS, to focus the SDEIS on three substantial project changes, and to reserve analysis of minor project refinements to the final EIS is a practical approach that fully complies with applicable law. The NEPA process allows for changes to a proposed project between the draft EIS and the final EIS.<sup>4</sup> However, when there are “substantial changes in the proposed action that are relevant to environmental concerns,” it is appropriate to prepare a supplement to a draft EIS.<sup>5</sup> The SDEIS appropriately addresses the “substantial changes” in the proposed action that are relevant to environmental concerns and comprehensively analyzes the potential environmental impacts associated with those changes (subject to our specific comments in the following sections).<sup>6</sup>

A corollary of the decision to focus on three changes in the SDEIS is the decision to analyze other changes in the final EIS, not in the supplement to the draft. In this vein, BLM has correctly decided not to analyze minor project refinements in the SDEIS. As explained in BLM’s NEPA Handbook, “[s]upplementation is not necessary if you make changes in the proposed action that are not substantial (i.e., the effects of the changed proposed action are still within the range of effects analyzed in the draft or final EIS).”<sup>7</sup> BLM’s

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<sup>3</sup> BLM, “Willow Master Development Plan Public Meeting and Section 810 Hearing” Transcript, Oct. 2, 2019 p.23, lines 38-30.

<sup>4</sup> See, e.g., 40 C.F.R. § 1503.4(a) (acceptable responses to public comments include modifying alternatives, including the proposed action).

<sup>5</sup> 40 C.F.R. § 1502.9(a).

<sup>6</sup> See [BLM NEPA Handbook](#) § 5.3.1 (“‘Substantial changes’ in the proposed action may include changes in the design, location, or timing of a proposed action that are relevant to environmental concerns (i.e., the changes would result in significant effects outside of the range of effects analyzed in the draft for final EIS).”).

<sup>7</sup> See [BLM NEPA Handbook](#) § 5.3.2; see also CEQ’s Forty Most-Asked NEPA Questions, No. 29.b, where supplementation is not required if project change is a “minor variation of one of the alternatives discussed in the draft EIS” and “qualitatively within the spectrum of alternatives that were discussed in the draft [EIS].”

approach is also consistent with well-established case law holding that “an agency need not supplement an EIS every time new information comes to light after the EIS is finalized.”<sup>8</sup>

ConocoPhillips also supports BLM’s approach to minor project refinements that do not trigger the supplementation standard. These refinements, described in Section 1.2 of the SDEIS,<sup>9</sup> do not introduce new environmental impacts. BLM’s decision to focus analysis in the SDEIS on substantive changes to the project and to fully analyze all changes, including minor project refinements, in the final EIS, provides opportunity for meaningful public input while avoiding redundancy. This is consistent with the well-established NEPA policy that “[s]upplementing is used to meet the purposes of the NEPA as efficiently as possible, avoiding redundancy in the process” because agencies should “focus on issues that truly matter rather than amassing unnecessary detail.”<sup>10</sup>

### **3. BLM Should Correct and Clarify the Description of the Option 3 Ice Crossing**

As described in Comment 1 of this letter, ConocoPhillips originally proposed construction of a gravel module transport island at Atigaru Point to support movement of sealift modules for the project. Based on discussions with and feedback from local stakeholders, ConocoPhillips reevaluated onshore transportation options. As described in draft EIS Appendix D, options to transport modules across the Alpine Resupply Ice Road or across a combination of sea and tundra ice roads were all eliminated due to reasons including weight limits on the Alpine Resupply Ice Road crossing at the Colville River and increasing variability of conditions on a sea ice crossing at the mouth of the river. During the process of reevaluating onshore transportation options, ConocoPhillips identified the Ocean Point crossing due to its likelihood to naturally ground ice during winter and the absence of overwintering fish, as confirmed by Alaska Department of Fish and Game.

In the SDEIS’s analysis of potential impacts to water resources from the Ocean Point ice crossing associated with Module Delivery Option 3 (Section 3.8.2.2), BLM describes the crossing as a “bottom-fast ice bridge” and presents an assessment that is premised on incomplete information and therefore overestimates potential impacts to river flow. As described below, the engineered ice crossing is *not* expected to be fully grounded, and it will be monitored and maintained to allow any potential flow to occur under ice. Any overflow will be managed at the surface. The following important clarifications should be incorporated into the final EIS’s assessment of potential impacts associated with Option 3.

The crossing will not be a “bottom-fast ice bridge” of the type described in Section 3.8.2.2. A more appropriate description is found in Section 2.3.3 (page 6): “At the crossing location, an engineered ice

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<sup>8</sup> *Marsh v. Oregon Nat. Res. Council*, 490 U.S. 360, 373 (1989); see also, e.g., *Warm Springs Dam Task Force v. Gribble*, 621 F.2d 1017, 1023--24 (9th Cir. 1980) (although “a federal agency has a continuing duty to gather and evaluate new information relevant to the environmental impact of its actions. . . [t]his does not mean . . . that supplementation is required whenever new information becomes available”); *California ex rel. Imperial Cty. Air Pollution Control Dist. v. U.S. Dep’t of the Interior*, 767 F.3d 781, 795–96 (9th Cir. 2014) (supplementation unnecessary when changes fell within the range of alternatives considered in the EIS).

<sup>9</sup> The refinements are also described in greater detail on pages 2-12 to 2-17 on the Environmental Evaluation Document, Chapter 2, Revision 3, submitted by ConocoPhillips on November 8, 2019, and posted on the BLM’s ePlanning website on January 8, 2020.

<sup>10</sup> [BLM NEPA Handbook](#) § 5.3; see [Secretary of the Interior Order No. 3355](#), “Streamlining NEPA Review.” (“[T]he purpose of NEPA’s requirements is not the generation of paperwork, but the adoption of sound decisions based on an informed understanding of environmental consequences.”).

bridge would be constructed to provide sufficient load-carrying capacity to support the weight of the sealift modules and the SPMTs.” In the same section, the use of the term “grounded ice” is footnoted and the footnote describes the nature of the engineered ice bridge. This footnote provides a mostly correct description, but should be revised to remove reference to “pockets of free water” and clarify that there may be one or more low-flow channels present near the bed, carrying the winter discharge beneath the ice. These small channels are narrower than the length of the self-propelled module transporter.

The engineered ice bridge will be built up to required specifications to support module moves approximately 24 hours prior to crossing, then allowed to rest prior to moving a module across, allowing for potential water movement under ice. After a module crosses, the ice crossing will be built up to required specifications approximately 24 hours before the next module crosses the bridge.

Although the SDEIS correctly notes the Ocean Point ice crossing would be needed for five weeks, transport of module loads will be spaced out over that time, providing time for ice bridge settling and maintenance. Instrumentation will be installed within the Colville River at Ocean Point to monitor water levels near real-time for the entirety of the Willow ice road season. Overflow potential will be mitigated, monitored, and actively managed with pumps and/or surface pipes across the ice bridge if needed.

On page 21 of the SDEIS, BLM states, “if the flows are higher than expected and fully grounding the ice bridge is not practical or it is determined to be a fish passage concern, submerged steel culverts could be installed at a deeper location along the crossing.” The use of submerged culverts is not a practicable solution for ice roads as they would freeze and fill with ice and cause potential damage during removal. Accordingly, the statement on page 21 should be eliminated.

Finally, the SDEIS states, in Section 3.8.2.2, that “[i]t is unknown to what extent the construction of ice bridges is currently exacerbating ice jam flooding conditions.” Ice jams and flooding occur naturally in the Colville River delta, and annual break-up monitoring for over 20 years shows that slotting the annual Alpine Resupply Colville River Ice Bridge has negligible effects regarding ice jams and flooding downstream within the Colville River delta. The final EIS should reflect this known information.

#### **4. The Subsistence Analysis of Option 3 Should be Revised to Distinguish Between Seasonal Impacts of Single-Season Ice Roads and Long-Term Gravel Roads**

The subsistence use analysis for Option 3 inflates the potential impacts to subsistence uses because it generally fails to account for the seasonal aspect of ice roads versus long-term gravel roads. This is an important aspect of the project that needs to be incorporated throughout the subsistence use analysis because many elements of that analysis will have lower impacts from seasonal use of ice roads than from year-round road use. Below, we provide some key examples to highlight why it is important for BLM revise Section 3.16.2.2 to present an assessment of impacts based on short-term seasonal use of ice roads rather than long-term use of gravel roads.

On SDEIS page 55, BLM states that “Nuiqsut residents use the area surrounding the ice road crossing for overland and riverine hunting of caribou, overland hunting of wolf and wolverine, hunting of goose (primarily where the ice road crosses the Colville River), riverine moose hunting, and fishing.” Similar language is found on SDEIS pages 51, 52, and 57, as well as in other sections of the analysis. These statements and others convey a sense that a significant amount of subsistence activity may overlap with construction and use of ice roads and ice bridges. However, the only traditional winter subsistence

activities that occur in this area are wolf and wolverine hunting. Burbot ice fishing is very localized near Nuiqsut, and only a minor amount of caribou hunting occurs in winter.

Next, the SDEIS states at page 57 that “[t]he Option 3 analysis area accounts for between 6% and 12% of the total caribou harvest during individual study years, compared to between 4% and 11% under Option 1.” These percentages and those included in SDEIS Tables 3.16.8 and 3.16.9 seem to be based on an entire year of subsistence use and harvests, which does not properly represent the potential impacts caused by just two years of seasonal ice road use planned in the area for Option 3. In fact, caribou hunting during winter months only amounts to between 0% to 5% (January-April) of the total caribou harvest in Nuiqsut.<sup>11</sup> This indicates that winter activities (such as construction and use of the ice road and engineered ice crossing) have the lowest potential impact on caribou hunting.

BLM also states on page 57 of the SDEIS that “[c]onstruction of the ice road under Option 3 would result in the community of Nuiqsut being completely encircled to the north, west, south, and east by gravel or ice roads.” This fails to account for the fact that the ice road would be in place for only a few months at a time, and for only two seasons. It also fails to account for the fact that the North Slope Borough (NSB) hauls fuel on a winter trail in this area, and that the Community Winter Access Trails (CWAT) is in place in this area, and that other industry users sometimes cross the river in this area in the winter. The two seasons during which the Willow project will utilize an ice road in the Ocean Point area where snow trails previously have existed will not introduce a new type of use and will not result in encirclement of Nuiqsut.

Additionally, BLM characterizes impacts to waterfowl hunting (resource availability) from Option 3 as “moderate” based on a presumed likelihood of reduced availability during two spring hunting seasons. See SDEIS Appendix B, Table B.18 (page 47). However, this assessment does not correlate with waterfowl biology as most geese do not arrive on the Arctic Coastal Plain until early to mid-May (that is, after ice road season is ended). In studies from U.S. Geological Survey (USGS) that tracked five greater white-fronted geese (captured at Pt. Lonely) from 2013 to 2017, the earliest arrival dates from the three years of data were May 12 and 13. Ice road season is weather dependent and all activities are typically complete by mid-April to allow time for clean-up and closure of ice sites prior to closure of winter tundra travel, which is typically at the end of April. Accordingly, implementation of Option 3 will result in no impacts to waterfowl hunting and the impact rank should be “low”.

Finally, the subsistence analysis assumes harvester access on the module haul ice road would be the same as the gravel heavy-haul ice roads (for example, in SDEIS Table B.18) due to high traffic levels. The traffic levels on the module haul ice road would be much lower than the gravel heavy-haul ice roads, and access for Nuiqsut residents would be similar to other Alpine and exploration ice roads. As noted on Page 10, “ConocoPhillips would work with the NSB and local residents to ensure access is provided and conflicts are avoided... Access would be coordinated in a manner similar to current CPAI practices for the annual Alpine Resupply Ice Road.”

All of the examples above show why the distinction between short-term use of seasonal ice roads and long-term use of gravel roads results in material differences in the magnitude of presumed impacts. The subsistence analysis throughout the SDEIS should be revised to reflect this significant distinction.

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<sup>11</sup> SRBA 2019.

## **5. The Analysis of Potential Impacts to Caribou Draws Unsubstantiated Conclusions**

ConocoPhillips restates its request that BLM carefully consider our comments on the subsistence impacts analysis in the draft EIS and make appropriate changes in the final EIS. The subsistence impacts analysis in the SDEIS presents concerns similar to those we raised in comments on the draft EIS, and we incorporate those general concerns here by reference. On the whole, the analysis lacks technical support, fails to acknowledge limits of some scientific studies, and contradicts BLM's analysis of caribou impacts in another section of the SDEIS. Below, and in Attachment A, we provide some examples of where clarifications and improvements are needed to present a more accurate assessment.

Page 15 of SDEIS Appendix C, contains the following statement: "[c]aribou responses to roads seem to vary from year to year based on the context in which roads are encountered, thus while project roads may not deflect caribou during all seasons or years, in some years, substantial deflections or delays could take place. Based on available data, it is not possible to predict the exact frequency or intensity at which deflections would take place." BLM provides no technical information to support the assertion that "substantial deflections or delays could take place." Without any such support, this statement is speculative and should be removed.

BLM should ensure that all scientific papers are presented with appropriate context and accuracy. For example, the SDEIS, in Appendix C, relies upon the Wilson, Parrett et al. 2016 paper, but presents an incomplete assessment that skews the analysis. In that study, only 15 percent of the total sample of collared animals were within 15 kilometers of the road during their collared time period (32 of 216 caribou). Eight of the animals were considered "slow crossers" that may have been affected by the road, although it cannot be said with much certainty what caused them to cross when they did. This "slow crossing" occurred in just one year of the study. None of these eight animals were from the Teshekpuk Caribou Herd (TCH), which is the herd within the proposed project area. The actions of these eight animals (out of 216 tagged animals) from a different herd in a single year does not support a broad conclusion that migratory patterns or hunting success may be adversely affected by Willow roads.

It is also important that scientific papers are addressed in a manner that is consistent with other NEPA analyses. For example, BLM's discussion of the Wilson, Parrett et al. 2016 paper in the SDEIS is inconsistent with the discussion of the paper in the GMT2 SEIS (Volume 1, page 352). There, BLM explains that 60% of the collared caribou in the study crossed the road without perceptible change. Members of the TCH were unaffected by the road in the study, and the authors of the study postulate that the reason is because the TCH has a greater exposure to industrial development. BLM cautions in the GMT2 SEIS that the application of this study's result is context dependent; however, that cautionary statement is not present in the Willow MDP SDEIS. BLM should provide similar transparency in the Willow MDP EIS, and conclusions should reflect similar caution.

BLM cites the Johnson et al. (2019) study in Section 3.19 of the SDEIS to support the statement that "CAH [Central Arctic Herd] caribou density was lower in 12%, 15%, and 17% of important habitat during the calving, post-calving, and mosquito season respectively as a result of partial avoidance of areas near infrastructure." However, this study included Prudhoe Bay, which lacks facility design and science-based engineering that allow free caribou passage. At Prudhoe Bay, pipelines were built low to the ground and roads and pipelines are not separated, which can restrict caribou movement. The Johnson et al. (2019) study should not be used to determine potential future impacts on caribou at Willow because proven



mitigation measures – namely, pipeline heights and road and pad separation – will be used to facilitate caribou movement with little or no impediment.

Finally, BLM should ensure that its impact assessments are internally consistent. For example, BLM discusses the likelihood of air traffic impacting subsistence hunting in SDEIS Appendix C on page 16 and states that air traffic would “likely affect hunting activities.” However, this discussion is inconsistent with other statements in the draft EIS, such as BLM’s statements on page 105 of that document that (i) “caribou can become habituated to aircraft and as a result exert minimal additional energy in response to aircraft (Webster and Young 1997)” and (ii) magnitude of air traffic would be greatest during calving and Willow is not in medium- or high-density calving areas. Again, recognition of appropriate context and detail shows that certain statements that may seem innocuous—such as the statement that aircraft would “likely affect hunting activities”—should be corrected to ensure consistency with the available science, other NEPA analyses, and the draft EIS.

BLM discusses likelihood of air traffic impacting subsistence hunting in SDEIS Appendix C on page 16 and states that air traffic would “likely affect hunting activities.” However, this discussion does not support BLM’s other statements. For example, BLM states in the draft EIS on page 105, that “caribou can become habituated to aircraft and as a result exert minimal additional energy in response to aircraft (Webster and Young 1997).” Additionally, BLM notes that magnitude of air traffic would be greatest during calving (page 105 of the draft EIS), but also notes that Willow is not in medium- or high-density calving areas. Accordingly, BLM’s statement that aircraft would “likely affect hunting activities” should be corrected to align with BLM’s other statements on the topic and with the best available information.

## **6. The Analysis of Marine Mammals Mischaracterizes Polar Bear Habitat and Overstates the Potential for Impacts**

SDEIS Section 3.13 “Marine Mammals” contains some new discussion relevant to polar bears that requires revision in the final EIS. The SDEIS mistakenly assesses potential impacts to polar bear foraging habitat. For example, BLM states on page 46 of the SDEIS that 26.2 acres of foraging habitat for polar bears would be lost due to the CFWR and other new features described in the SDEIS, and that polar bear habitat will be altered from vegetation compaction due to ice infrastructure and habitat alteration from water withdrawal in connection with the CFWR.. Polar bears primarily forage on sea ice, with their primary diet consisting of ice seals<sup>12</sup> The CFWR is 22 miles at the closest point to the Beaufort Sea coast, the proposed Fish Creek boat ramp location is 14 miles from the coast, Judy Creek boat ramp location is 20 miles from the coast, and the proposed Tinmiaqsiugvik Bridge boat ramp location is 5.5 miles from the coast. It is implausible to expect polar bears to hunt seals this far inland or depend on uncompacted vegetation or freshwater lakes.

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<sup>12</sup> See Final Rule, Determination of Threatened Status of Polar Bear (*Ursus Maritimus*) Throughout Its Range, 73 Fed. Reg. 28,212, 28,213 (polar bears feed “principally [on] ringed seals (*Phoca hispida*), and, to a lesser extent, [on] bearded seals (*Erignathus barbatus*) . . . and occasionally take much larger animals such as walrus (*Odobenus rosmarus*), narwhal (*Monodon monoceros*), and belugas”), 28,261-62 (describing primary foraging sea ice habitat to access ringed seals) (May 15, 2008); see also Polar Bear (*Ursus maritimus*), 5-Year Review: Summary and Evaluation (USFWS 2017) at 7 (“[N]ew studies . . . confirm previous findings . . . that the relevance of terrestrial foods, such as avian eggs, to the long-term welfare of polar bears is limited by their patch availability and relatively low nutritional content.”)

On page 46 of the SDEIS, BLM states, "using the disturbance buffer of one mile commonly used by USFWS for identified polar bear dens, 9,469.8 acres would potentially be disturbed from the CFWR and the boat ramps." This statement incorrectly applies a 1-mile buffer without identifying a known polar bear den or considering what areas consist of proper polar bear denning habitat. Potential denning habitat requires certain topographical features, and the mapped denning habitat within one mile of both the CFWR and the boat ramps reveals there are only 260.4 acres.<sup>13</sup> Moreover, since the boat ramps would be used in the summer when polar bears are not denning, there would be no disturbance of any denning bears because denning occurs in the autumn and early winter.<sup>14</sup>

On page 47, in the context of discussing Option 3 for Module Delivery, the SDEIS states:

Ice infrastructure would cover 666.66 acres total (333.3 acres each in 2025 and 2027) which could alter polar bear foraging habitat during winter construction. Ice infrastructure would cross mapped potential terrestrial denning habitat for polar bears. Specifically, the crossing of the Colville River at Ocean Point is located in polar bear potential denning habitat.

BLM must provide some additional context and analysis here. When the U.S. Fish and Wildlife Service, (USFWS) designated polar bear critical denning habitat, it conservatively designated an extremely large area in which almost all polar bear denning occurs, using wide swaths in order to capture any areas that may become important denning habitat as a result of future climatic and environmental changes. That area contains all "necessary topographic, macrohabitat, and microhabitat features [for polar bear denning] that are essential for the conservation of polar bears in the United States." *Id.* at 76,122. The Ocean Point ice crossing is nearly 23 miles from the coast and nearly 17 miles away from any designated critical habitat. See SDEIS, Figure 3.13.2. Moreover, there have been no identified polar bear dens within many miles of the Ocean Point crossing. Accordingly, although the Ocean Point crossing is *theoretically* within an area where polar bears *could* den, the best available scientific information demonstrates that it is outside of the area where almost all polar bears *actually* den and the likelihood of any dens or denning females being disturbed in that area is negligible.

In sum, BLM must revise the SDEIS's assessments of potential impacts on polar bear foraging and denning habitat to align with the best available scientific information. In addition to the comments above, we have provided additional specific comments on the polar bear analysis in Attachment A.

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<sup>13</sup> See Final Rule, Designation of Critical Habitat for the Polar Bear (*Ursus maritimus*) in the United States, 75 Fed. Reg. 76,086, 76,119-20 (Dec. 7, 2010) (detailing specific requirements for polar bear denning habitat); see also Polar Bear (*Ursus maritimus*), 5-Year Review: Summary and Evaluation (USFWS 2017) at 14 ("The key characteristic of all denning habitat is a topographic feature that catches snow on its leeward side in the autumn and early winter as successful denning requires accumulation of sufficient snow for den construction and maintenance."); *id.* ("In Alaska, most polar bear dens occur relatively near the coast along the coastal bluffs and riverbanks of the mainland, on barrier islands, or on the drifting pack ice.").

<sup>14</sup> See 75 Fed. Reg. at 76,090; Polar Bear (*Ursus maritimus*), 5-Year Review: Summary and Evaluation (USFWS 2017) at 14.

## 7. BLM Should Reconsider and Revise the Cumulative Case Analysis in Appendix C

The ANILCA Section 810 analysis in Appendix C, Section B.8 should be reconsidered and revised for the final EIS because it incorrectly implies that the Willow MDP would significantly restrict subsistence uses in communities far removed from the project location. Specifically, ConocoPhillips is concerned by the finding that “[r]eductions in the abundance of caribou described above for the cumulative case and selection of the 2019 Draft NPR-A IAP EIS Alternative D may significantly restrict subsistence uses for the communities of Nuiqsut, Utqiagvik, Atqasuk, Wainwright, and Anaktuvuk Pass.” SDEIS Appendix C, page 52. Notably, BLM did *not* reach a similar conclusion in the ANILCA Section 810 analysis contained in the draft EIS, and there is no information regarding the Willow project modifications canvassed in the SDEIS (i.e., the CFWR, subsistence access boat ramps, or Option 3 for module delivery) that significantly restricts subsistence uses in these communities. To the contrary, BLM’s analysis recognizes the boat ramps are likely to increase access to desirable areas for subsistence activities. (See SDEIS Appendix C, page 19). Additionally, BLM states that Option 3 for module delivery “would reduce direct impacts to Nuiqsut and Utqiagvik coastal and marine subsistence uses.” (See Appendix C, page 42). Yet, BLM counterintuitively concludes in the SDEIS ANILCA Section 810 analysis that, in the “cumulative case,”<sup>15</sup> significant restrictions on subsistence uses may occur for the communities of Atqasuk, Wainwright, and Anaktuvuk Pass, in addition to Nuiqsut and Utqiagvik. (See Appendix C, page 52).

BLM’s rationale for this new conclusion is not based on the potential effects of the Willow project, for which no direct or indirect subsistence impacts on the communities of Atqasuk, Wainwright, or Anaktuvuk Pass are identified. Instead, BLM concludes that there may be potential restrictions on subsistence uses in these three communities based on the *possibility* that BLM might in the future approve a revision to the NPR-A IAP, which could in turn lead to increased leasing which could lead to development that could displace the TCH caribous that are harvested by subsistence users in these communities.

BLM’s new approach artificially amplifies the cumulative case analysis for the Willow MDP. The assumption that an unmodified Alternative D will be selected for the IAP revision effectively assumes the “worst case scenario” for impacts to subsistence uses and unnecessarily conflates the Willow MDP analysis with that of the NPR-A IAP, which has its own distinct NEPA process and ANILCA Section 810 analysis. For these reasons, as described further below, BLM should reconsider and revise its cumulative case portion of the ANILCA Section 810 analysis.

As a threshold matter, ConocoPhillips questions whether a planning document revision alternative that has not been selected or even identified as a preferred alternative can be deemed “reasonably foreseeable” consistent with standard NEPA practices. When considering the cumulative effects of a project for purposes of NEPA analysis, the Ninth Circuit defines “reasonably foreseeable future actions” as including only proposed actions.<sup>16</sup> The Draft NPR-A IAP EIS evaluates four different project alternatives, a “no-action” alternative and three alternatives with various levels of development in the NPR-A. BLM is

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<sup>15</sup> According to BLM Alaska’s policy guidance, “[i]t should be noted that the cumulative effects analysis is not, in and of itself, a proposed action. The purpose of the cumulative effects analysis is to determine the effects of the proposed action and alternatives together with other past, present, and reasonably foreseeable future actions.” Instructions and Policy for Compliance with Section 810 the Alaska National Interest Lands Conservation Act (ANILCA), <https://www.blm.gov/policy/im-ak-2011-008> at 7 (Jan. 14, 2010).

<sup>16</sup> See *Lands Council v. Powell*, (9th Cir. 2005); *Chilkat Indian Vill. of Klukwan v. Bureau of Land Mgmt.*, 399 F. Supp. 3d 888, 920 (D. Alaska 2019).

still in the process of responding to public comments on the draft NPR-A IAP EIS and will publish a final EIS during summer of 2020.

Accordingly, at this point, Alternative D is not approved by BLM nor identified as a preferred alternative. Yet, without explanation, BLM proceeds to analyze the potential additional cumulative impacts under Alternative D only in the new ANILCA Section 810 analysis, noting that “[w]hile selection of Alternatives A, B, and C of the 2019 Draft NRP-A IAP/EIS would contribute to the cumulative effects of the project in similar ways, selection of Alternative D would likely result in greater cumulative impacts on subsistence.” See Appendix C, page 50. This issue is likely to become moot because BLM is expected to publish a final IAP EIS before the final Willow EIS. Accordingly, it is imperative that BLM’s analysis in the final ANILCA Section 810 analysis for the Willow project be modified to reflect the *actual* NPR-A IAP Selected Alternative.

Separate from the foreseeability issue, ConocoPhillips submits that the approach taken by BLM on cumulative impacts does not reflect a measured, balanced analysis of the Willow MDP. Of the four alternatives considered in the NPR-A IAP draft EIS, Alternative D would make available the greatest amount of land for oil and gas leasing and infrastructure development. See NPR-A IAP EIS Appendix E, page 19. By assuming BLM will adopt an unmodified Alternative D as the result of the NPR-A IAP revision process, BLM has effectively assumed a “worst case scenario,” for restrictions to subsistence uses, which courts have expressly disapproved for purposes of NEPA analysis.<sup>17</sup> Although BLM preliminarily finds that Alternative D would make approximately 75 percent of the calving range of the TCH available for oil and gas leasing and development, Alternatives A, B, and C are not expected to cause large-scale changes in the abundance of caribou. See Appendix C, page 53; NPR-A IAP EIS Appendix E, page 19, 33. ConocoPhillips submitted comments supportive of a *modified* version of Alternative D that would protect against impacts on caribou and other subsistence resources. Rather than presuming the most impactful Alternative will be selected during the IAP process, a more logical approach would assume a middle of the road alternative (such as Alternative C) to avoid making both “best-case” and “worst-case” assumptions. If BLM had taken a more measured approach to the cumulative case analysis, it is doubtful the agency would have found the NPR-A IAP poses significant restrictions to subsistence uses for the communities of Atquasuk, Wainwright, and Anaktuvuk Pass. In any case, the BLM should be clear that such an analysis relates almost entirely to the IAP, not to the Willow MDP.

In sum, BLM’s approach to the ANILCA Section 810 cumulative case analysis for the project inappropriately conflates the subsistence impacts of the Willow MDP with those of the NPR-A IAP. Even if unintentional, the attribution of potential subsistence effects from IAP revisions to the Willow project may cause confusion and unnecessary apprehension in communities that will not be directly or indirectly impacted by the Willow MDP. Indeed, the BLM’s revision to the NPR-A IAP is undergoing a distinct NEPA process with an independent ANILCA Section 810 analysis. See NPR-A IAP EIS Appendix E. Accordingly, the subsistence impacts of IAP revisions are more appropriately considered as part of that independent environmental review process.

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<sup>17</sup> See *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 354–56 (1989) (finding that NEPA does not require a “worst-case” analysis); see also *Defenders of Wildlife v. Bureau of Ocean Energy Mgmt.*, 684 F.3d 1242, 1250 (11th Cir. 2012).

Ms. Racheal Jones

May 4, 2020

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## Conclusion

BLM has published a thoughtful and comprehensive Supplement to the draft EIS for the Willow MDP that appropriately focuses on three substantial project updates. With attention to the issues described in this letter (and the attachment), ConocoPhillips' comments on the draft EIS and other public comments, BLM is well-positioned to publish a thorough final EIS and, subsequently, a record of decision. We encourage BLM to ensure those documents reflect the extra efforts that have been made in this NEPA process to ensure robust public participation, and the success of those efforts. We also encourage BLM to describe in narrative form how the process has resulted in an improved project that has responded to community concerns. ConocoPhillips looks forward to completion of this environmental review process, and to the future construction of one of the most promising economic development opportunities in Alaska.

Sincerely,

A handwritten signature in blue ink, appearing to read "Connor Dunn", with a long horizontal flourish extending to the right.

Connor Dunn  
Willow Asset Manager



Attachment A  
ConocoPhillips Alaska Comments on the Willow Master Development Plan SDEIS

Comment priority coding is as follows:

- 1 - Critical issue requiring discussion/resolution
- 2 - Substantive comment (including issues pertaining to Agency policy or precedent setting conclusions)
- 3 - Factual or substantive issue (regarding legal principles or regulatory error that should be corrected prior to publication)
- 4 - Editorial comment (suggestions to improve readability of the document, typographical error, etc.)

**Attachment A - ConocoPhillips Alaska Comments on the Willow Master Development Plan SDEIS**

No.	Section No.	Resource	Section Title	General Comment (Y/N)	Document Page No.	Figure or Table No.	Priority	Comment
1.	All	-	-	Y	0	-	2	The term "Colville River Crossing" will convey a sense of permanence to many readers. ConocoPhillips recommends BLM use the term "Colville River Ice Crossing" or "engineered ice bridge" throughout the document to more accurately reflect the seasonal, <u>non-permanent nature of the crossing.</u>
2.	2.2.1	Alternatives	Constructed Freshwater Reservoir	N	4		4	"The CFWR would be excavated during winter (16.3 total acres)..." Totaling the acreage shown in Table 2.2.1 shows that CFWR excavation is a total of 16.4 AC, not 16.3.
3.	2.2.2	Alternatives	Boat Ramps for Subsistence Users	N	5		4	"[Boat ramps] would likely be constructed the same time as the adjacent gravel road." ConocoPhillips has refined the timing of boat ramp construction. The Tinjmiaqsuigvik ramp would be constructed during the first year of construction. The boat ramps at Judy Creek and Fish Creek would be constructed within 2 years of constructing the BT1 and BT4 access roads, respectively, after site visits and input from local stakeholders.
4.	2.3.5	Access	Table 2.3.2	N	8	2.3.2	3	Note "C" and "B" in Table 2.3.2 should be switched to match contents of the table (i.e. contents of note C is in regards to summer traffic but is called out on the Winter Traffic columns in the table).
5.	2.3.7	Gravel Requirements	Table 2.3.4	N	9	2.3.4	2	Confirm and clarify that gravel volumes for Oliktok Dock upgrades are included in Table 2.3.4.
6.	2.3.6	Alternatives	Water Use	N	9	2.3.3	4	In Table 2.3.3, under Camp Supply- Freshwater, the value for 2026 (Summer) should be changed from 0 to 0.3 and the total for all years should be changed from 6.1 to 6.4.
7.	2.3.9	Alternatives	Summary Overview of Option 3	N	10	2.3.5	4	ConocoPhillips recommends adding a note to clarify that length of the proposed ice road from DS2P to GMT2 is 40.1 miles, and it will be constructed during two seasons.
8.	3.1	Affected Environment and Environmental Consequences	Introduction	N	12		1	The SDEIS states that the NPR-A Integrated Activity Plan (IAP) lease stipulations (LSs) or best management practices (BMPs) would apply to all three new Project components. Because the IAP does not apply to the portions of Option 3 located outside of the NPR-A, ConocoPhillips recommends adding clarification that the IAP LSs and BMPs would apply to project changes located within BLM-managed lands of the NPR-A.
9.	3.4.2.1.1	Soils, Permafrost and Gravel	Thawing and Thermokarsting	N	13		2	Paragraph 3 discusses impacts to permafrost based on change in hydrology and snow accumulation from the 7-foot berm around the perimeter of the CWFR but fails to address that the intent and engineered purpose of the berm is to protect the thermal stability at the perimeter of the CWFR. The purpose of the berm should be included in the description.

Attachment A  
ConocoPhillips Alaska Comments on the Willow Master Development Plan SDEIS

No.	Section No.	Resource	Section Title	General Comment (Y/N)	Document Page No.	Figure or Table No.	Priority	Comment
10.	3.9.2.2.2	Wetlands and Vegetation	Module Delivery Option 3: Colville River Crossing	Y	13		2	Here and throughout the document, the analysis describes "Approximately 666.6 acres of vegetation damage could occur from ice infrastructure for Option 3." This statement is misleading. ConocoPhillips proposes approximately 333.3 acres of impact due to ice roads and pads. That impact would occur in two separate years, but likely within the same footprint (i.e., the same 333.3 acres would be impacted). This should be clarified. Also, as is noted in Section 3.13.2.2, "The altered habitat from the construction of single season ice roads and pads would recover almost immediately after the winter season is complete and the ice melts." Similar text should be clarified in Table 3.9.6, Table 3.10.1, Table 3.11.6, Section 3.12.2.2, Table 3.12.6, Table 3.13.2, and Table 3.13.3.
11.	3.4.2.1.1	Soils, Permafrost, and Gravel Resources	Thawing and Thermokarsting	N	13		3	This section was copied from the DEIS discussing the gravel mining operations (Section 3.4.2.3.1, Thawing and Thermokarsting): "Excavation activities would reduce the amount of available thawed soil as excavation encroaches on frozen materials (BLM 2018, pg. 250). As the rate of excavation slows or ends, the taliks and water bearing zones would be re-established as the CFWR fills with water." These two sentences are not correct as the construction of the CFWR is stated as being done in the winter when there will be very little unfrozen soil (primarily in the thaw bulb of Lake M0015, which likely only extends into the area of the CFWR Channel Connection immediately adjacent to M0015). The CFWR would be filled the following spring during breakup and a new thaw bulb would begin to develop beneath the CFWR and connection channel, joining with the thaw bulb of Lake M0015. We recommend that this text be corrected.
12.	3.8.2.1.1	Water Resources	Gravel infrastructure	Y	13		3	<p>The impacts to water resources from gravel infrastructure, including the boat ramps, presented in the DEIS and the SDEIS are generally described as: 1) increase the depth and duration of water impoundment, 2) increase thermokarsting, 3) cause a change in flow direction, 4) cause channel instability or a change in alignment, 5) result in erosion of the tundra or a stream channel, or 6) result in deposition of sediment on the tundra or in a stream channel.</p> <p>Effects 2 through 6 are <u>possible</u> as compared to undeveloped conditions but they are dependent on the depth and duration of water impoundment (Effect 1). For example, an increase in duration (and depth) of water impoundment against a roadway or on the upstream side of a culvert for a month following the spring runoff event would be much more likely to result in thermokarsting, erosion, or channel changes than an impoundment occurring over a few days each year (or even every other year).</p> <p>ConocoPhillips recommends that the FEIS clearly describe the <u>likelihood</u> of effects 2 through 6.</p>



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ConocoPhillips Alaska Comments on the Willow Master Development Plan SDEIS

No.	Section No.	Resource	Section Title	General Comment (Y/N)	Document Page No.	Figure or Table No.	Priority	Comment
13.	3.6.2.2	Noise	Module Delivery Option 3: Colville River Crossing	N	14		1	"Option 3 would produce similar types and levels of noise as Option 1 (described in the DEIS) except the noise would be farther away from Nuiqsut (Figure 3.6.1) and no impact pile driving, pile removal, or gravel mining would be required." This statement is inaccurate and requires further detail. Although related noise would not be noticeable in Nuiqsut, the gravel and ice roads that are part of Option 3 would be closer to Nuiqsut, and it should be mentioned that the air and ground traffic would be much less under Option 3 and for fewer years. Furthermore, it is not accurate to state that no gravel mining would be required for Option 3 because gravel from an existing gravel mine outside the NPR-A would be used to upgrade Oliktok Dock and modify Kuparuk Road.
14.	3.6.2.1	Noise	Alternatives B, C, and D	N	14		2	Because ambient sound levels are 35 dBA, noise from the nearest boat ramp would not be audible in Nuiqsut (31 dBA is below ambient). Please revise the fourth sentence in this section accordingly.
15.	3.7.2.1	Visual Resources	Alternatives B, C, and D	N	15		2	Please clarify the statement "though the boat ramp(s) would be visible by river users in the immediately adjacent areas." Based on discussion in later sections, specifically Section 3.16.2.1.3, Harvester Access, existing use of the affected portions of Fish and Judy Creeks is extremely limited ("The boat ramps on Judy (Iqalliqpik) Creek, and Fish (Uvlutuq) Creek are located in areas that are not commonly accessed by boat, according to available subsistence use area data (SRB&A 2010b, 2019)"). Following boat ramp installation, river users are more likely to use those portions of Fish and Judy Creeks as a direct result of the boat ramps.
16.	3.8.1.1	Water Resources	Rivers	N	16	3.8.1	3	The spring breakup monitoring record is currently 28 consecutive seasons of stage and discharge data near Nuiqsut/Monument 1 per the 2019 MBI breakup report.  Median spring peak discharge value refers to Umiat.  Water quality record now includes additional sampling at Ocean Point in February 2020 (MBI)  This table lacks a row for Winter Monitoring Record, i.e. collected at Ocean Point in December 2019 and February 2020 (MBI)
17.	3.8.1.1	Water Resources	Rivers	N	18	3.8.3	3	December 31, 2019 - average floating ice thickness is 2.7 ft; average water under ice is 1.5 ft (max is 2.3 ft); average velocity is 0.15 ft/s (max is 0.25 ft/s)
18.	3.8.1.1	Water Resources	Rivers	N	18	3.8.3	3	This table lacks a row for data collected February 25, 2020 (MBI)
19.	3.8.1.1	Water Resources	Rivers	N	18	3.8.3	4	Units for salinity is ppt, and that should be stated.
20.	3.8.2.1.1	Water Resources	Gravel Infrastructure	N	19		3	The SDEIS states that the CFWR would require 10.9 acres of gravel infrastructure. ConocoPhillips estimates 7.4 acres of gravel fill associated with the CFWR, which includes a 3.9-acre perimeter berm and 3.5 acres for the gravel access road and pad.

Attachment A  
ConocoPhillips Alaska Comments on the Willow Master Development Plan SDEIS

No.	Section No.	Resource	Section Title	General Comment (Y/N)	Document Page No.	Figure or Table No.	Priority	Comment
21.	3.8.2.1.2	Water Resources	In-Water Structures (Water Intakes, Boat Ramps)	N	19		3	The DEIS reported that the Ublutuoch River has a discharge near zero for November through April (DEIS Appendix E.8, Table E.8.9). Based on that information, it would be unlikely for removal of the insulating snow cover to supercool the water immediately around the construction site, leading to the formation of slush throughout the entire water column due to lack of discharge and moving water. Supercooling and slush formation cannot occur without open surface conditions and <u>flowing</u> water with sub-freezing air temperatures.
22.	3.8.2.1.3	Water Resources	Water Withdrawal	N	19		4	BLM should include a value or range for the "estimated annual recharge volume of the basin" for comparison to the volume of the CFWR.
23.	3.8.2.2	Water Resources	Module Delivery Option 3: Colville River Crossing	N	20		2	Paragraph 4 - "The lowest range of winter flows recorded at Umiat are 1.8 to 2.7 cfs (Table 3.8.2)..." It is unclear where values originate; Table 3.8.2 provides flows lower than the range described.
24.	3.8.2.2	Water Resources	Module Delivery Option 3: Colville River Crossing	N	20		2	Paragraph 4 - "Between January and March, the next lowest flow months, the mean monthly flow at Umiat varied from 24.0 to 3.1 cfs." Should be 24.0 and 3.9 cfs according to table.
25.	3.8.2.1.5	Water Resources	Watercraft in Rivers	Y	20		2	In this section and throughout the document, the analysis correctly discloses potential indirect impacts related to construction of up to three boat ramps in the Project Area. However, it would be appropriate to clarify for the reader that impacts related to an increase in watercraft and hunting (specifically potential for increased spills and increased mortality of wildlife) are an indirect result of ConocoPhillips' proposal and that ConocoPhillips does not have direct control, ownership, or management of these activities and impacts.
26.	3.8.2.2	Water Resources	Module Delivery Option 3: Colville River Crossing	N	20		3	Paragraph 3 - Update to include winter flow data collected 2109-2020 in Colville River at Ocean Point (MBI 2020).
27.	3.8.2.2	Water Resources	Module Delivery Option 3: Colville River Crossing	N	20	2.3.1	3	The information in these sentences is not physically correct: "Additionally, building an ice road across the portion of the channel that is dry could cause the riverbed to freeze deeper than it would have. A deeper freeze could cause water that is flowing in the riverbed to be forced to the surface at locations outside the channel(s) that would have confined the surface water flow had the ice road not been constructed." Building the ice road across the portion of the channel that is dry (in Figure 2.3.1 this is the 1300-foot gravel bar and banks where the ramps would be constructed) would actually provide some insulation, which would in turn reduce the freeze down into the bed and help maintain flow within the bed. As ice covers thicken (either naturally or through creation of an ice crossing), the rate of freeze into the riverbed decreases as the distance for heat from the underlying water or riverbed to travel to the atmosphere increases. So as the ice road is thickened, the heat transfer from the water to the atmosphere is slowed, also slowing any freeze down into the riverbed. As a result, water that is flowing in the riverbed would be less likely to be forced to the surface.

Attachment A  
ConocoPhillips Alaska Comments on the Willow Master Development Plan SDEIS

No.	Section No.	Resource	Section Title	General Comment (Y/N)	Document Page No.	Figure or Table No.	Priority	Comment
28.	3.8.2.2	Water Resources	Module Delivery Option 3: Colville River Crossing	N	21		3	ConocoPhillips recommends deleting or clarifying the statement: "Even if the ice road and bridge is slotted, the added ice may cause ice jam flooding within the CRD or other locations along the river to be worse than it would have been." As is noted elsewhere in the document, the ice roads and ice bridges in the Ocean Point area are part of the existing affected environment. It is unclear whether this statement references a change in conditions relative to existing conditions, which include regular use of ice roads in this area, or a hypothetical scenario with no ice roads in the area.
29.	3.9.1	Wetlands and Vegetation	Affected Environment	N	25		3	Please clarify that designation of BLM sensitive species is not relevant to non-BLM lands (i.e. State of Alaska-owned lands in Kuparuk, etc.)
30.	3.9.2.2.2	Wetlands and Vegetation	Direct Vegetation Damage	N	27	3.9.6	3	Section 3.9.2.2.2 and Table 3.9.6 state that 666.6 acres of vegetation would be damaged due to constructing ice roads and pads to facilitate Option 3. The actual acres of ice that will be constructed is 333.3 acres that would be constructed 2 times. BLM should revise this section and table to indicate the actual acreage is 333.3, but constructed twice. It is incorrect and misleading to count this as 666.6 acres.
31.	3.10.1	Fish	Affected Environment	N	28		2	"Ocean Point is also believed to be the approximate upstream extent of saltwater influence from the CRD." This sentence needs a citation and is inconsistent with the next paragraph and Section 3.8.1.2, which states "Ocean Point on the Colville River is upstream of the saltwater intrusion influence, which can reach at least 30 miles upstream from Harrison Bay in the winter (Arnborg, Walker et al. 1962)."
32.	3.9.3.	Vegetation	Additional Suggested Best Management Practices or Mitigation	N	28		2	"Provide wash stations to clean and inspect vehicles before allowed west of the Colville River; clean tires and wheel wells so they are free from soils, seeds, and plant parts." ConocoPhillips already has an approved invasive species plan for the NPRA that will be followed for Willow, and complies with the existing 2013 NPRA IAP BMP M-2. Hence this additional BMP is redundant and unnecessary.

Attachment A  
ConocoPhillips Alaska Comments on the Willow Master Development Plan SDEIS

No.	Section No.	Resource	Section Title	General Comment (Y/N)	Document Page No.	Figure or Table No.	Priority	Comment
33.	3.10.3	Fish	Additional Suggested Best Management Practices or Mitigation	N	32		1	"Collect baseline data regarding winter fish presence along the Colville River near Ocean Point throughout winters every year until the grounded ice bridge crossing is no longer required for the Project." Documenting winter fish presence for multiple winters isn't necessary and ConocoPhillips requests removal of this proposed BMP/mitigation. BLM's own analysis in Section 3.10.2.2 indicates "fish are not anticipated to be present at Ocean Point during winter because the river ice can be naturally grounded and little flow exists." ConocoPhillips specifically investigated this option due to the possibility that this area grounds out naturally in some winters. In the winters where we propose the heavy haul, this crossing will be grounded and will just mimic natural conditions. The species that use this river are well-documented, and BLM even states in Section 3.10.1 "targeted fish species are not common further upstream to Ocean Point. Studies of seasonal movements of radio-tagged broad whitefish (Morris 2000, 2003) found that fish that moved in the Colville River in fall or winter did not move upstream from Ocean Point and most wintered in a side channel of the Colville River at Ocean Point or downstream in reaches around the confluence with the Itkillik River. It is likely that burbot are not moving through Ocean Point during winter though they are the most likely species to do so when the opportunity is there (i.e. flows are sufficient). Most species aside from burbot are not feeding in the winter and tend to be fairly sedentary once they have reached overwintering locations." BLM again suggests that flow through the winter in this area is not an annual occurrence, and BLM also states that most fish aren't moving or feeding much, plus aren't even likely to be in the area.
34.	3.11.2.1	Birds	Alternatives B, C, and D	N	34		2	ConocoPhillips recommends adding the information that the boat ramps at Ublutuoch River and Judy Creek would be located within the BMP E-11 yellow-billed loon nest site and nest lake setbacks.
35.	3.11.2.2	Birds	Module Delivery Option 3: Colville River Crossing	N	37		3	In the first sentence of the fifth paragraph, remove text in parentheses because road upgrades are not limited to the 2 miles between Oliktok Dock and the staging pad.
36.	3.11.2.2	Birds	Module Delivery Option 3: Colville River Crossing	N	38		1	ConocoPhillips recommends text be added to the last paragraph to disclose that birds are unlikely to collide with vehicles in the winter. Additionally, Option 3 should be compared to and put in context of the other alternatives, which would include significantly more air, ground, and marine traffic.
37.	3.12.1	Terrestrial Mammals	2nd paragraph - Affected Environment	N	40		3	BLM incorrectly describes the area east of the Colville as "The area east of the Colville River to Oliktok Point contains the Kuparuk oilfield as well as the Mustang, Nuna, and Oooguruk developments." In 2019, ConocoPhillips purchased the Nuna 1 pad from Caelus Energy. The Nuna pad is now referred to as DS-2T and is simply another drill site in the Kuparuk River Unit. There are no plans to further develop the other drill sites or similar within this area as previously proposed by Caelus. Therefore, describing this area as including the "Nuna Development" is misleading.

Attachment A  
ConocoPhillips Alaska Comments on the Willow Master Development Plan SDEIS

No.	Section No.	Resource	Section Title	General Comment (Y/N)	Document Page No.	Figure or Table No.	Priority	Comment
38.	3.12.2.1.1	Terrestrial Mammals	Habitat Loss and Alteration	N	42	3.12.3, 3.12.4	3	ConocoPhillips recommends either resolving the discrepancies or clarifying why there are discrepancies between the total values shown in Tables 3.12.3 and 3.12.4 (and in text) and those shown in the Bird section, Tables 3.11.2 and 3.11.3, and Wetlands section, Tables 3.9.3 and 3.9.4. Most notably, the acreage of habitat affected by dust shadow from the CFWR is reported as considerably higher (84.7 acres) than is reported for wetlands (33.6 acres).
39.	3.12.2.1.2	Terrestrial Mammals	Disturbance and Displacement	N	43		2	The value of 10,052.6 acres of disturbance from new infrastructure does not appear to take into account that much of the area 2.5 miles from the new infrastructure was already accounted for in the disturbance area presented in the DEIS for adjacent roads and pads. The CFWR and boat ramps are proposed immediately adjacent to previously proposed infrastructure, so most disturbance impacts from these features would be negligible compared to those from the roads and pads. In addition, only the construction of the CFWR could disturb caribou; following construction, the CFWR would act like a lake with human activity only at the access road and pad. ConocoPhillips recommends further clarification and discussion of these topics within this section.
40.	3.13.2.2	Marine Mammals	Module Delivery Option 3: Colville River Crossing	N	47		1	Contrary to the statement in the third paragraph, potential terrestrial denning habitat is mapped for much of the Kuparuk and Oliktok area (Durner et al. 2001; publicly available from: <a href="http://pubs.aina.ucalgary.ca/arctic/Arctic54-2-115.pdf">http://pubs.aina.ucalgary.ca/arctic/Arctic54-2-115.pdf</a> ). The GIS data is available for public download from this webpage: <a href="https://www.usgs.gov/centers/asc/science/polar-bear-maternal-denning?qt-science_center_objects=4#qt-science_center_objects">https://www.usgs.gov/centers/asc/science/polar-bear-maternal-denning?qt-science_center_objects=4#qt-science_center_objects</a> To be consistent with mapping available in the NPR-A, an area can be quantified by assuming an average width of potential terrestrial denning habitat of 6.4 meters (Durner et al. 2001).
41.	3.13.2.2	Marine Mammals	Module Delivery Option 3: Colville River Crossing	N	47		3	Please delete the sentence "Multi-season ice pads could take longer to recover depending on the degree of soil saturation as detailed in the Draft EIS Section 3.9, Wetlands and Vegetation." No multi-season ice pads are proposed as part of Option 3.
42.	3.13.2.2	Marine Mammals	Module Delivery Option 3: Colville River Crossing	N	48	3.13.2	1	The estimated distance to 120 dB rms underwater threshold for marine mammals during barge activity is incorrect. Note that the values reported for screening are 1/10th that of barges and there is no apparent reason for that difference. The footnotes describe a transmission loss of 15 log(R), which is commonly used when no empirical data is available. However, Greene et al. (2008) reported a transmission loss of 26.4 log (R) at Oliktok Point. NMFS, in their Biological Opinion for the Nanushuk Project, estimated that noise from vessel traffic would decline to 120 dB rms at 225 meters (738 ft). Note also, that if a range of source values are estimated, then a range of distances should also be provided.

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43.	3.13.2.2	Marine Mammals	Module Delivery Option 3: Colville River Crossing	N	48	3.13.2	3	The sound source levels reported for screening should be revisited. The reference provided in the DEIS, Marine Mammal Technical Appendix, was Blackwell and Greene (2003); however, this study did not include screening and was conducted in Cook Inlet. A more appropriate reference, and one that has been used recently by NMFS on projects near Oliktok Point, is Greene et al. (2008). Greene, C.R., S.B. Blackwell, M.W. McLennan, and KGF. 2008. <i>Sounds and vibrations in the frozen Beaufort Sea during gravel island construction</i> . The Journal of the Acoustical Society of America 123:687-695.
44.	3.13.2.2	Module Delivery Option 3: Colville River Crossing	Table 3.13.2	N	48	3.13.2		SDEIS, Table 3.13.2: The last row of this table suggests that the barge and support vessel traffic associated with Option 3 may, for “all marine mammals,” cause “[t]emporary disturbance or displacement from underwater noise and human activity” or “[i]njury or mortality from vessel strikes.” However, the draft EIS states, correctly, that “[i]mpacts to marine mammals as a result of injury or mortality from vessel collision is not expected.” See DEIS § 3.13.2.3.3. Additionally, the draft EIS at Appendix E.13, Table E.13.6, suggests potential “disturbance or displacement from noise and human activity” related to barge traffic associated with the Module Delivery Options, but correctly lists no “injury or mortality from vessel strikes.” The draft EIS also states that seals may be temporarily disturbed by construction activities related to Module Delivery Option 1 and that vessel traffic would otherwise have a “limited effect” on marine mammals because “marine mammals typically avoid vessels in known high-vessel areas,” “sound levels of vessels are well below the injury thresholds for marine mammals,” and, for bowhead and beluga whales, “their migration corridor is generally in depths greater than 60 feet and all vessel traffic would occur in shallower water.” See id. § 3.13.2.6.1. These analyses should equally apply to Option 3, for which barge and support vessel traffic potential effects would be within the scope of the effects considered in the draft EIS. The Final EIS should provide a clear and consistent explanation about the potential effects (or lack thereof) of barge and support vessel traffic on marine mammals across Options 1, 2, and 3
45.	3.13.2.2	Marine Mammals	Effects to Marine Mammals from Module Delivery Option 3 (Colville River Crossing)	N	48	3.13.2	1	BLM suggests impact to polar bears from "habitat alteration from water withdrawal" for ice road infrastructure. See SDEIS, Table 3.13.2. Polar bears are not dependent upon frozen (or thawed) freshwater lakes (See generally 75 Fed. Reg. 76,086; 73 Fed. Reg. 28,212). This statement should therefore be eliminated or, alternatively, supported with a specific explanation – based on established available science – for how water withdrawal will have an effect on polar bear habitat.
46.	3.13.2.2	Marine Mammals	Effects to Marine Mammals from Module Delivery Option 3 (Colville River Crossing)	N	48	3.13.2	1	BLM suggests that polar bear injury or mortality may occur from vehicle strikes. See SDEIS, Table 3.13.2. ConocoPhillips is unaware of polar bear injury or mortality due to vehicle interactions in the oil fields. The SDEIS must be based on the best available scientific information, not speculation. This suggestion should therefore be removed from the SDEIS.

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47.	3.13.2.2	Marine Mammals	Effects to Marine Mammals from Module Delivery Option 3 (Colville River Crossing)	N	49	3.13.3	1	BLM incorrectly applies the USFWS 1 mile buffer in this table. The 1-mile buffer is not a disturbance zone for all polar bears, but rather it's applied to denning polar bears. So the calculation of over 53,000 acres of disturbance due to ice roads and the existing gravel roads is grossly inflated and misinterpreted calculation. Rather, only the identified potential terrestrial denning habitat acreage within 1 mile of the associated ice and gravel infrastructure should be used, though arguably den identification surveys will be conducted, plus additional mitigations such as training that will greatly reduce the impact on any denning bear should a bear choose to den within one mile of the Option 3 route, which is highly unlikely given historical den locations and overall polar bear denning density for this area. Plus, the potential impact is only seasonal. There is only 260.4 acres of potential denning habitat within 1 mile of the CRWR and all of the proposed boat ramp. The Kuparuk gravel route and ice road route to Willow only contains 527 acres of potential denning habitat. The 1 mile buffer absolutely cannot be applied to assuming disturbance to non-denning polar bears.
48.	3.13.2.2	Marine Mammals	Effects to Marine Mammals from Module Delivery Option 3 (Colville River Crossing)	N	49	3.13.3	1	BLM misapplies the USFWS 1-mile buffer in Table 3.13.3 on page 49. The 1-mile buffer is not a disturbance zone for all polar bears, but rather a management measure that is applied specifically to known, denning polar bears. The calculation of over 53,000 acres of disturbance due to a 1-mile buffer around ice roads and the existing gravel roads is a misapplication of the one-mile buffer mitigation. Only the identified potential terrestrial denning habitat acreage within one mile of the associated ice and gravel infrastructure should be considered, although even that would result in a highly conservative figure. Den identification surveys and additional mitigations such as training to recognize denning habitat and signs of active denning will greatly reduce potential impact on denning polar bears within one mile of the proposed Option 3 route. However, denning is unlikely to occur given history of minimal reported den locations and overall low polar bear denning density for this area. Furthermore, the potential impact is seasonal, as polar bears den only during winter. As stated previously, based on the specific topographical features preferred for denning, there is approximately 260.4 acres of potential denning habitat within one mile of the CFWR and the proposed boat ramps, and the Kuparuk gravel route and ice road route contain approximately 527 acres of potential denning habitat. ConocoPhillips asserts there is no basis for applying a one-mile buffer to assume disturbance to non-denning polar bears
49.	3.14.2	Land Ownership and Use	Environmental Consequences	N	50		1	The EIS states that the boat ramp at the Ublutuoch (Tiḡmiaqsiuḡvik) River would cross the standard disturbance setback of 1 mile around recorded yellow-billed loon nest sites. The boat ramp at the Ublutuoch (Tiḡmiaqsiuḡvik) River is located on Kuukḡik-owned lands while the nest in question is located on BLM-managed lands. BLM does not administer or enforce loon nest buffers on private lands. This language should be revised to avoid implying that that boat ramp is subject to a loon buffer.

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No.	Section No.	Resource	Section Title	General Comment (Y/N)	Document Page No.	Figure or Table No.	Priority	Comment
50.	3.14.2	Land Ownership and Use	Environmental Consequences	N	50		3	Please clarify that the boat ramps are located within and/or adjacent to waterbodies and setback areas for which waivers are already being requested for the Project. The ramp at the Tiġmiasiqsiuġvik River is located on Kuukpik-owned land and a waiver is not required as BLM does not administer or enforce BMPs on private lands.
51.	3.14.2	Land Ownership and Use	Environmental Consequences	N	50		4	Please revise "each boat ramp would add a 3.7-acre gravel footprint to the Project" to: "each boat ramp varies in size and layout and, combined, would add 5.9 acres of gravel footprint."
52.	3.14.2.1	Module Delivery Option 3: Colville River Crossing	Last Paragraph on page	N	50		3	Add in Mine Site F to the list of existing operational Kuparuk mines. The NSB/Oil Search opened a new area at this location this winter.
53.	3.14.2	Land Ownership - Environmental Consequences	First paragraph in section	N	50		3	The first sentence says, "The three components will increase the overall acres to be developed and may potentially change rezoning requirements." The three components in DSEIS are not expected to change the NSB rezoning requirements.
54.	3.14.3	Module Delivery Option 3: Colville River Crossing	First Paragraph on page	N	51		1	ConocoPhillips recommends that the proposed mitigation measure to develop a coordination plan with other stakeholders include residents of Nuiqsut not just CWAT.
55.	3.16.1.1.1	Overview of Subsistence Resources - Nuiqsut	Last Paragraph (page 51) and First Paragraph on page (52)	N	51		2	In describing the subsistence uses in Nuiqsut, BLM states, "In addition, seal and eider hunting occur offshore near the module delivery options. Residents of Nuiqsut commonly harvest fish (particularly broad whitefish) downstream from the Project in Fish (Uvlutuuq) Creek; in addition, residents conduct much of their fishing for broad whitefish, Arctic cisco, Arctic greyling, and burbot downstream from the direct effects area where it crosses the Colville River. Resident commonly hunt for moose along the Colville River, including at Ocean Point." This paragraph should clearly state the that module transfer ice road is seasonal, which minimizes impact to most subsistence activities, with the except of wolf/wolverine and burbot fishing which only occur in the winter and this route/crossing is historically impacted most winter seasons, most recently with NSB CWAT activity and fuel hauling.
56.	3.16.1.1.2	Overview of Subsistence Resources - Utqiagvik	Second Paragraph on Page	N	53		2	Similar to comment above regarding Nuiqsut, the BLM states that "Moose are hunted by some Utqiagvik residents where the direct effects area crosses the Colville River near Ocean Point. " BLM does recognize some of the seasonality of subsistence hunting in this paragraph but does not address the winter ice road activity minimizes impacts to most subsistence hunting activities.
57.	3.16.2.1.3	Harvester Access	Last Paragraph on page	N	54		2	The paragraph discusses boat access along the Colville River where module transport road is proposed. There will be no boat in river when ice road is constructed or used.
58.	3.16.2.2	Other Subsistence and Sociocultural Impacts	module delivery option 3 - Colville River Crossing	N	55		2	The description of subsistence activities in this paragraph also fails to break down seasonal use in Ocean Point area vs. winter ice road season



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59.	3.16.2.2	Subsistence		N	57		1	In the first paragraph, BLM states: "The Option 3 analysis area accounts for between 6% and 12% of the total caribou harvest during individual study years, compared to between 4% and 11% under Option 1." This analysis is specifically referring to the heavy haul module ice road, but it is unclear if the 6 -12% harvest is the value for only the months of January through April, because those are the months of the active ice road season. BLM is not specific in this instance, and should clarify when the 6-12% harvest occurs in this area. If, in fact, it doesn't occur during the months that the ice road would be present, then ConocoPhillips believes this is an inaccurate statement.
60.	3.16.2.2	Subsistence and Sociocultural Systems	Module Delivery Option 3: Colville River Crossing	N	57		2	BLM makes the statement, "Construction of the ice road under Option 3 would result in the community of Nuiqsut being complete encircled to the north, west, south, and east by gravel or ice roads." As described in preceding sections (see Section 3.14.2.1), the proposed ice road route is already a route used seasonally by the NSB CWAT and fuel haul projects as well as other industry. This is seasonal only and is making use of an already used ice road corridor. ConocoPhillips recommends deleting this statement because this activity around Nuiqsut is historically common each winter.
61.	3.19		Cumulative Effects	N	58		2	3.19.2 Past, Present, and Reasonably Foreseeable Future Actions. BLM states that RFFAs considered in the cumulative impacts analysis were updated to include the area near Option 3 (Colville River Crossing). This update added OCS exploration and development, Placer, Kuparuk Operational Projects, Alpine Infrastructure Upgrades, Oliktok Road Upgrades, K-Pad expansion, Miscellaneous Mine Site Expansions, and CWAT as RFFAs. The SDEIS appropriately addresses how the inclusion of the CFWR, boat ramp(s), and use of Option 3 would/would not change the cumulative impacts analyzed in the Draft EIS for different resources; however, ConocoPhillips recognizes that the modifications made to the list of RFFAs, which are listed in Table 3.19.1, will require BLM to revise the overall cumulative impacts analysis that was presented in the Willow Draft EIS for all alternatives and module delivery options. The following comments are directed at informing BLM's revisions of the cumulative impacts section (3.19) to improve the overall analysis presented in the Final EIS.

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62.	3.19.2	Cumulative Effects	Past, Present, and Reasonably Foreseeable Future Actions	N	58	3.19.1	1	The cumulative impacts analysis in the SDEIS should be updated to focus BLM's analysis on Reasonably Foreseeable Future Action (RFFA) that appreciably add to or synergistically interact with other past, present, or (actual) RFFAs. The updated analysis should account for recent information; and consider existing analyses of potential impacts for other projects. CPAI further recommends that BLM specifically disclose uncertainty associated with planning documents, such as the NPR-A IAP EIS, and provide a range of potential conclusions that reflects both positive and negative potential effects of activities that are allowable, but not otherwise authorized, under those plans. In order to update this analysis, BLM must: (1) update Table 3.19.1 to remove those projects that cannot be considered RFFAs, (2) substantively revise the cumulative impacts analysis, and (3) substantively revise Appendix C, Part B.8, to reflect a cumulative case that is consistent with Section 3.19. Deleting in-text references to invalid RFFAs but failing to re-analyze cumulative impacts and the cumulative case in the ANILCA Section 810 Analysis based on these changes, would not constitute the necessary substantive revisions.
63.	3.19		Cumulative Effects	N	59	3.19.1	2	Table 3.19.1 Reasonably Foreseeable Future Actions That May Interact with the Project. First row. The description for the Outer Continental Shelf (OCS) Leasing Program states that "revisions to leasing plan for Chukchi and Beaufort Seas could open more areas to leasing. Under 43 USC 1331-1656b, a new plan is under development." There are both administrative and legal barriers to future OCS oil and gas leasing in the Chukchi and Beaufort Seas. As of April 25, 2019, Department of Interior Secretary Bernhardt directed the Bureau of Ocean and Energy Management to suspend development of a programmatic agreement for the 2019-2014 OCS Oil and Gas Leasing Program (national); that EIS is no longer in progress. The subordinate area-specific EIS for the 2019 Beaufort Sea Oil and Gas Lease Sale has also been suspended, as a result of the national program deferment. This is in addition to the closure of 119 million acres of OCS lands to future oil and gas leasing enacted during President Obama's administration under the Antiquities Act on Dec. 20, 2016; and Federal District Judge Sharon Gleason's ruling that the closures cannot be overturned by President Trump's subsequent April 28, 2017, issuance of the "America-First Offshore Energy Strategy," which attempted to rescind the closure. By all reasonable measures, additional oil and gas activities in the Beaufort and Chukchi Sea areas are unlikely to occur at this time and therefore should be removed from the list of RFFAs. BLM will need to revise the assumptions regarding impacts to marine mammals and subsistence activities that served as the basis for the Draft EIS' cumulative impacts analysis and Appendix C: ANILCA Section 810 Preliminary Analysis for the cumulative case. ConocoPhillips anticipates that this modification will alter BLM's conclusions regarding the availability of marine mammals for the North Slope communities.

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64.	3.19.2	Cumulative Effects	Past, Present, and Reasonably Foreseeable Future Actions	N	59	3.19.1		The final EIS should include an updated table of reasonably foreseeable future actions. The 2020 Plan of Development for the Colville River Unit (submitted in March) notes that a preliminary engineering and design study for CD8, a potential new gravel drillsite, will be progressed in 2020.
65.	3.19		Cumulative Effects	N	59	3.19.1	2	Table 3.19.1 Reasonably Foreseeable Future Actions That May Interact with the Project. BLM defines a reasonably foreseeable future action (RFFAs) as "a project for which there is an existing proposal, a project currently in the NEPA process, or a project to which a commitment of resources (such as funding) has been made." (Willow SDEIS, Table 3.19.1). This definition notably fails to address how such projects relate to the proposed Willow development and/or resources potentially affected by Willow, which has led to the inclusion of proposed projects that meet the RFFA definition but do not in fact appreciably add or synergistically interact with Willow's potential impacts. In order to address this, BLM should: (1) update Table 3.19.1 to remove projects that can no longer be considered RFFAs, (2) substantively revise the cumulative impacts analysis, and (3) substantively revise Appendix C, Part B.8, to reflect a cumulative case that is consistent with Section 3.19 after revisions.
66.	3.19		Cumulative Effects	N	60	3.19.1	2	Table 3.19.1 Reasonably Foreseeable Future Actions that may Interact with the Project. Fourth and fifth rows. In 2019, the State of Alaska withdrew funding support for the proposed Alaska Stand Alone Pipeline (ASAP) in favor of pursuing the Alaska Liquefied Natural Gas line project (Alaska LNG). The two projects are redundant and have always been presented as either/or proposals; there is no circumstance in which both projects would be constructed. BLM should remove ASAP from the list of RFFAs. The Federal Energy Regulatory Commission (FERC) prepared the Alaska LNG EIS and analyzed potential impacts of the proposed action on resources that are addressed in BLM's cumulative impacts analysis. Because BLM fails to reference the proposed Alaska LNG Project anywhere else in Section 3.19, it is unclear how the agency has incorporated FERC's analysis and conclusions, if at all. If BLM did not consider the relatively minor portion of the proposed Alaska LNG Project that would be located on the North Slope in its cumulative impacts analysis, it should also be removed from Table 3.19.1.
67.	3.19		Cumulative Effects	N	60	3.19.1	2	Table 3.19.1 Reasonably Foreseeable Future Actions that may Interact with the Project. Sixth, ninth, and eleventh rows. BLM currently describes includes three programmatic documents that do not meet the definition of an RFFA and should be evaluated separately from the listed series of proposed projects. A planning tool should not be treated the same as a project proposal.

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68.	3.19		Cumulative Effects	N	60	3.19.1	3	Table 3.19.1 Reasonably Foreseeable Future Actions that may Interact with the Project. Sixth row. BLM should correct this entry to be consistent with the agency's own nomenclature, which currently describes the "[o]il and gas leading program for the Arctic National Wildlife Refuge in Area 1002" as the <b>Arctic National Wildlife Refuge</b> Oil and Gas Leasing Program. Per Section 20001 of the 2017 Tax Cuts and Jobs Act (Public Law 115-97, Dec. 22, 2017), BLM prepared an EIS for the <b>Coastal Plain</b> Oil and Gas Leasing Program. Oil and gas leasing is not allowed in the majority of the Arctic Refuge.
69.	3.19.3.5	Cumulative Effects	Cumulative Impacts to Environmental Justice	N	65		1	<p>The Draft EIS (DEIS) and Supplemental Draft EIS (SDEIS) document potential for direct and indirect impacts to Nuiqsut and Utqiagvik. The Draft EIS states that "indirect subsistence and sociocultural impacts of the Project could extend to other North Slope communities such as Atqasuk and Anaktuvuk Pass if the Project results in large-scale changes in the abundance or availability of subsistence resources such as caribou that are used by those communities. (p.125)" The DEIS does not document large-scale changes in abundance or availability of subsistence resources. The analysis in the SDEIS does not alter the conclusions described in the DEIS, i.e., the addition of the boat ramps, CFWR, and Option 3 would not result in "large-scale changes in the abundance or availability of subsistence resources."</p> <p>ConocoPhillips recommends clearly separating discussion of cumulative effects on Nuiqsut and Utqiagvik, for which the DEIS and SDEIS document direct and/or indirect effects from the Willow Project, from discussion of cumulative effects on Anaktuvuk Pass, Atqasuk, Point Lay, and Wainwright. BLM has not identified direct or indirect impacts on Anaktuvuk Pass, Atqasuk, Point Lay, and Wainwright from the Willow Project; ConocoPhillips recommends clarifying that changes to the potential cumulative effects on these communities appear to be the result of the NPR-A IAP revision.</p>
70.	4.0	Spill Risk Assessment	Spill Risk Assessment	N	66		1	Please revise this section to reflect that spill risk would be reduced under Option 3 as a result of much lower volumes of air, ground, and vessel traffic; fewer miles of ice road; and one less winter construction season.
71.	4.2	Spill Risk Assessment	Option 3: Colville River Crossing	N	66		3	ConocoPhillips recommends including here that the crossing of the Colville would only occur during two winter seasons, thereby further reducing risk.
72.	5.0	Mitigation			67		1	This paragraph should include wording on Page 10 and Page 51 proposed mitigation measure on coordinating access on the module haul ice road with NSB CWAT and local residents.
73.	Appendix A	Land Ownership and Use		N	A-37	3.14.1	3	Native allotments are hard to see in this figure. The Native Allotment at Ocean Point is not visible on figure.

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74.	Appendix B	Subsistence	1.2 .1 Subsistence Overview - Nuiqsut (Last paragraph in section)	N	B-2		3	The last paragraph in this section should also reference that due to Alpine Development, Nuiqsut has seasonal access to the Dalton Highway in order to travel to Anchorage and Fairbanks for supplies, including subsistence resources like boats, snow machines, four-wheelers, trucks, ammunition, etc. This is unique on the North Slope and provides a significant cost reduction for all supplies and materials.
75.	Appendix B	Subsistence	Comparison of Impacts to Subsistence Uses for Nuiqsut	N	B-47	B.18	2	<p>In the third row of the table, (Resource Availability), for Option 3: Colville River Crossing, impacts to waterfowl are considered "moderate" with likelihood of reduced availability during two spring hunting seasons. Ice road season is weather dependent and all activities are typically complete by mid-April so that clean-up and closure can occur prior to closure of winter tundra travel which is usually towards the end of April. While the Table B.7 on page 19 of Appendix B shows low use for waterfowl in April this does not correlate with the waterfowl biology as most geese do not arrive on the Arctic Coastal Plain until early to mid-May (AFTER ICE ROAD SEASON). Based upon the raw data from USGS that tracked five greater white-fronted from 2013-2017 that were captured at Pt Lonely, the earliest arrival dates from the three years of data were May 12 and 13.</p> <p>Additionally, biologists studying greater-white fronted goose productivity for ConocoPhillips pre- and post-construction of the CD5 noted in 2017 that the mean incubation start date for geese was June 7. Therefore, it's highly unlikely that any goose-related subsistence activity is occurring in the Ocean Point area in April, and therefore BLM should revise statements referring to this accordingly. Additionally, the ice road will not be traveled, maintained or otherwise used come May when subsistence activities for goose hunting and eggging may be occurring, therefore there is no impact from the ice road expected to this subsistence activity.</p>
76.	Appendix B	Subsistence	Comparison of Impacts to Subsistence Uses for Nuiqsut	N	B-47	B.18	1	In row 4 (Harvester Access) under Alternative B, BLM states: "High likelihood of impacts during construction phase due to lack of ice road access on gravel haul and module transport ice roads...due to high traffic levels. " And in Option 3 in same row: "Moderate likelihood of impacts during construction phase due to lack of ice road access on module transport ice roads." The module ice road will not have the same level of traffic as the gravel haul ice roads and on page 10 of the DSEIS it notes: "ConocoPhillips would work with the NSB and local residents to ensure access is provided and conflicts are avoided.... Access would be coordinated in a manner similar to the current CPA practices for the annual Alpine Resupply Ice Road. " This is also stipulated on page 51. Because traffic will be low and access will be provided, the impacts should be low.

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77.	Appendix C	ANILCA 810 Analysis	2.a Subsistence Resource Availability	N	C-15		2	Second to last paragraph. BLM states that since the caribou responses to roads seem to vary from year to year it is not possible to predict the exact frequency or intensity at which deflections would take place: "However, it is reasonable to conclude that resource availability would be affected as a result of the road and subsistence hunters may experience decreased overall hunting success during certain years as result." If it is not possible to predict, then BLM cannot reasonably conclude roads cause an affect on resource availability for subsistence hunters. ConocoPhillips requests BLM delete the quoted statement.
78.	Appendix C	ANILCA 810 Analysis	2.a Subsistence Resource Availability	N	C-16		3	Top paragraph. BLM states that "while road use, in terms of the percentage of active harvesters, has increased somewhat since road construction began." In more specific numbers, road use has increased from 33% in 2015 to 43% in 2017 which only captures 3 months of use of the GMT1 road in that year. Indications are that this number has continued to increase and draft data from 2018 shows 62% of harvesters report using the roads. Also, the use of trucks has increased from 0-2% of the travel method to caribou use areas before the construction of CD5 and the Spur Road to 8-14% after.
79.	Appendix C	ANILCA 810 Analysis	2.a Subsistence Resource Availability	N	C-17		3	Third paragraph. The reference to SRB&A 2017b needs to be reviewed, there is no reference to this report in the reference section.
80.	Appendix C	ANILCA 810 Analysis	2.a Subsistence Resource Availability	N	C-18		2	First paragraph under displacement of other resources. This paragraph is another example of BLM references waterfowl hunting "peaks during months of April and May" and construction including blasting which would displace waterfowl. Geese do not typically arrive on the North Slope until May, well after completion of ice road and blasting. See prior comment in No. 81 about arrival of geese in reference to Appendix B, Table B.18 (page 47).
81.	Appendix C	ANILCA 810 Analysis	2.a Subsistence Resource Availability	N	C-18		3	Second paragraph under displacement of other resources. BLM added, "While construction activities, noise and infrastructure (e.g., ice roads) may temporarily block or displace fish upstream or downstream.." It should be noted that ADF&G closely reviews all ice road crossings of fish bearing streams and requires mitigation to ensure this does not happen.
82.	Appendix C	ANILCA 810 Analysis	2.a Access to Subsistence Resources	N	C-18		3	Last paragraph on page. BLM states, "The presence of infrastructure and human activity, and associated safety considerations, would reduce the area in which residents can hunt by up to 2.5 miles, depending on the firearm being used (Willow MDP Draft EIS Section 3.16)." This statement is incorrect. As documented in the Nuiqsut Caribou Subsistence Monitoring Project Year 10 (SRBA 2019), in Table 43, as new infrastructure has been constructed, the amount of caribou harvested within 2.5 miles of infrastructure has increased to 106 or 34% in 2017 from 32 (8%) in Year 1, which indicates that access has improved and that caribou are still available within 2.5 miles.  BLM lumps gravel haul ice roads with module transport ice roads in regards to resident access and use of ice roads for hunting. Access on the Module Haul would be more comparable to the Alpine Re-Supply Ice Road with only occasional closure for impassable loads.

Attachment A  
ConocoPhillips Alaska Comments on the Willow Master Development Plan SDEIS

No.	Section No.	Resource	Section Title	General Comment (Y/N)	Document Page No.	Figure or Table No.	Priority	Comment
83.	Appendix C	ANILCA 810 Analysis	2.a Access to Subsistence Resources	N	C-20		2	First paragraph on page. BLM states: "Recently collected data from Nuiqsut households indicate that the percentage of households using roads decreases somewhat with distance from the community, or in areas with high concentrations of drill sites." See comment from our original DEIS letter. "The BLM's analysis, however, fails to account for the fact that to get to farther roads (such as the GMT1 road), Nuiqsut residents much travel on the nearby roads (the Spur Road), so the Spur Road necessarily has the highest use. If harvesters get a caribou off the Spur Road, they have no need to travel further. All this table really indicates is that successful harvests are occurring close to the community via the Spur Road. Having more road available, such as the Willow Road, will only open up more opportunity to more convenient access to caribou, especially caribou that happen to be farther away from Nuiqsut."
84.	Appendix C	ANILCA 810 Analysis	7.a Module Deliver Option 3		C-41		2	Last paragraph on page. BLM notes that for Nuiqsut the ice road in Option 3, would "result in the community of Nuiqsut being completely encircled to the north, west, south and east by gravel or ice roads for 2 seasons." It should also be noted that this route chosen for Option 3 is essentially the same seasonal route already commonly used every winter by NSB for CWAT and fuel hauls and/or industry Rolligon routes for exploration, therefore, the impacts would occur in an area with already existing activity.
85.	Appendix C	ANILCA 810 Analysis	7.a Module Deliver Option 3		C-42		3	First paragraph on page. BLM makes reference to geese hunting in April. This is another example of BLM reference to waterfowl impacts during times of the year when waterfowl typically are not present. Geese do not typically arrive on the North Slope until May. See prior comment in No. 81 about arrival of geese in reference to Appendix B, Table B.18 (page 47).