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Loren J Karro

26239 E Buckshot Dr.

Palmer, AK 99645

907-745-3712

*lorenk@mtaonline.net*

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Stephanie Rice, Project Lead

Alaska State Office

Bureau of Land Management (BLM)

222 West Seventh Avenue – Mailstop 13

Anchorage, Alaska 99513

srice@blm.gov

Re: Comments on the Draft Supplemental EIS for the Proposed Willow Project

Dear Ms Rice,

I appreciate the opportunity to comment on the Willow Project Master Development Plan (Willow) Draft Supplemental Environmental Impact Statement (DSEIS).

I was very disappointed to read the DSEIS as I believe to be woefully inadequate and lacking detail to respond to the Court’s remand decisions (*Case 3:20-cv-00290-SLG and 3:20-cv-00308-SLG, Order re Motions for Summary Judgement, hereby referred to as the Court’s Opinion*). I believe that the project analysis is superficial, just a dressing up of the old analysis, and ignores many important factors. I am also very disappointed that the agency allowed only the minimum allowable comment period of 45 days, despite multiple requests from involved parties for an extension. August in Alaska is a time for subsistence gathering, and the people are busy picking berries, fishing, gathering plants and hunting. Taking the time needed to read up on, consider, and suitably respond to this new DSEIS can negatively affect families and their cultures for the entire winter to come.

I will attempt to discuss what I see as the most blaring inadequacies in the SDEIS, but will of necessity leave the scientific examinations of the climate analysis shortcomings to more knowledgeable parties. I admit to being a long term Alaskan, who has lived and recreated in the Arctic for many years, who heavily relies on subsistence activities to provide a good portion of my year’s food supply, and who lives a life of appreciation in and reliance on our vast natural resources and stunning wild places.

The Court found that BLM’s analyses in the original DEIS was inadequate in four specific areas:

1. It’s analysis of the greenhouse gas emissions and climate change implications was arbitrary and capricious;
2. It acted contrary to law in not seriously considering no-action or limited action alternatives;
3. It acted contrary to law in not considering the statutory directive to give “maximum protection” to the surface values in the Teshekpuk Lake Special Area (TLSA);

The Court also found that the US Fish and Wildlife Service (FWS) finding with respect to polar bear “take” and mitigation measures was not in accordance to law, due to its lack of requisite specificity of mitigation measures, and was therefore arbitrary and capricious.

The DSEIS did not adequately address any of these findings, and for that and many other reasons the Agency should find for the no action alternative.

**CLIMATE CHANGE**

While as I said I will leave the scientific analysis of the DSEIS analysis of the total climate impacts of the Willow project to those with a more scientific background, the DSEIS obviously is lacking in their scientific analysis. It does not properly consider the future climate impacts of the projects Reasonably Foreseeable Future Actions (RFFAS), i.e. as a ‘hub’ for future development such as Greater Willow 1 and Greater Willow 2, although it does recognize that such future expansion is contemplated. [*DSEIS Vol. 1, 3.19.5, & Table 3.19.3*]

According to the Washington Post, ConocoPhillips Alaska Inc. (CPAI) has privately revealed to its investors that is will extract roughly 3 billion barrels of oil from the Willow project fields. This is five times the estimate used in the assessment and evaluation of the Willow development climate impact in the DSEIS.

The DSEIS does not give any suitable analysis of the climatic effects of its fracking activities, much less the effects of fracking on increased seismicity, water contamination, air pollution, wildlife endangerment and public health.

This analysis does not include any analysis of the methane that would be released from permafrost melting caused by the project’s heat output and it’s infrastructure itself, nor does it attempt to analyze what the cumulative effects of the methane gas would be in a melt, release, warm, further melt cycle.

The Arctic has long been understood to be warming at a rate over twice that of the rest of the world, and very recent calculations show that that may actually be greatly understated, with a factor of 4 times the global rate now being used. Any increased greenhouse gas (GHG) emissions from and into this area will therefore have a much greater effect on the local environments, with increased temperatures causing more tundra thawing, pack ice melting and permafrost loss. These changes are part of a cyclical relationship, and have catastrophic effects such as increased coastal erosion which severely impacts coastal communities, warming of surface waters, changes in wildlife activity and movements, more intense storms and increased wildland fire dangers.

The DSEIS does not address the cumulative effects of climate changes or the need to transition away from fossil fuels. This is contrary to the Administration’s National Climate Goals, to decrease carbon emissions by more than 50% by 2030, and to reach net zero emissions by 2050. Instead, the Project promises to provide another 30 years of oil and gas extraction, at a time when we are attempting to move away from our reliance on fossil fuels. The DSEIS claims that the oil produced by the Willow project would lower oil prices [*DSEIS Vol. 1 3.2.2.3 pg 40*] without any substantiation of that claim. To the contrary, oil from the North Slope has been among the highest cost to drill, transport and refine. As actual oil extraction and refinement is probably 10 years away, it would do nothing to alleviate the present high oil costs.

In light of the exaggerated effects of climate change in arctic regions, and in light of the National Climate Goals and international climate agreements, the Willow project should not be built and Option A, No Action, should be the preferred option.

**NO ACTION ALTERNATIVE CONSIDERATION**

In the original DEIS, BLM claimed that they must allow some form of development, “BLM does not have the authority to select this alternative because CPAI’s leases are valid and provide the right to develop the oil and gas resources therein”. [*DSEIS Vol. 1 pg 50*] The Court found that this was not the case, and that “to the extent that BLM developed its alternative analysis based on the view that ConocoPhillips has the right to extract all possible oil and gas on its leases, the agency acted contrary to law…”. [*Court’s Opinion*] In the DSEIS, BLM still seemed to defer to the desires of CPAI, stating that “among other things, the No Action alternative is included in the analysis for baseline comparison”, [*SDEIS Vol 1, 2.4.1 pg 8*] and they actually give no weight to or serious consideration of this Alternative A. Such consideration is mandated under both NEPA and the Council on Environmental Quality (CEO) [*42 USC Sec. 4332(2); CFR Sec 1502.14(d)*]

The BLM poses a very limited choice of alternatives, with only a modicum of difference between them. They seem to be ruled by what will be economically viable for CPAI,

Instead of posing serious alternatives such as a roadless development or operating totally outside of TLSA and CRSA altogether.

In fact, consideration of any alternative except for Alternative A, the No Action Alternative, is contrary to the urgency of our present climate and biodiversity crisis.

**TESHUKPUK LAKE SPECIAL SERVICE AREA CONSIDERATIONS**

The TLSA is one of the Arctic’s most productive wetlands. It is the site of literally hundreds of thousands of migrating birds, including at least 5 species considered threatened under the Endangered Species Act, and has the highest shorebird density in the circumpolar arctic. It is also a major feeding area and insect relief habitat, as well as the primary calving grounds, for the Teshukpuk Caribou Herd. It is designated as Critical Habitat for polar bears, a threatened species, and its fresh waters are home to many fish species.

Although SA boundaries were eliminated or minimized in the 2020 IAP/EIS, protection for the area was reinstated back to the 2013 IAP in April of this year. However in the original EIS, BLM was found to have acted contrary to law when it “failed to consider the statutory directive that “maximum protection” be given to surface values within the TLSA”. [*Court’s Opinion*] In answer, they included one more choice, Alternative E, which calls for only 3 pads with a fourth deferred, and is claimed to reduce the surface impacts ( and impacts to the yellow loon) in the TLSA in response to the Court’s Decision. However, there are still no action alternatives that eliminate infrastructure and gravel in the TLSA. “Under all action alternatives, drill site BT2 (including the BT2 North location for Alternative E) and its associated roads and pipelines, would be located within the TLSA.” [*DSEIS vol. 1, 2.5.11 pg 22*] Other infrastructure will also be located in the TLSA under each alternative. [*DSEIS App D.1 Sec. 4.3-4.6*] This lack of a no TLSA alternative seems to be in reaction to BLM’s belief that such an alternative would not allow CPAI access to enough of the resources for it to be economically viable to develop its lease. BLM still appears to defer to CPAI, when in reality their economic viability is not BLM’s problem, nor should it be at the crux of their decisions.

In addition, all present alternatives have either 1 mile of gravel road (alt. B,C, &E) or 1 mile of pipeline (alt. D) in the Colville River Special Area (CRSA). The CRSA, the largest and most productive Northern Alaska river delta, and has unique bluff and riparian habitats. Thus none of the action alternatives presented properly allow for giving “maximum protection” to surface values within two SAs, and the only acceptable alternative presented would be the No Action Alternative.

**POLAR BEAR CONSIDERATION**

The Court’s Opinion found that the original DEIS was inadequate in many measures related to polar bears. The Incidental Take Statement (ITS) must specify reasonable and prudent mitigation measures, and set forth terms and conditions that must be complied with. The court said that the hazing of a bear constitutes incidental take, and that the FWS has determined that up to 2 bears may be hazed during the life of the project, thus setting an incidental take. However the FWS has stated that “they cannot authorize take of polar bears under the ESA at this time because such take has not yet been authorized under the MMPA…” [*Court Opinion*] Therefore their allowance of two hazed bears is invalid, and the BLM’s reliance on that biological opinion is unlawful.

In the DSEIS, CPAI states that “Consultation with USFWS and NMFS will be reinitiated as part of developing this Supplemental EIS to address Project changes, including mitigation measures and updates to the range of alternatives.” [*DSEIS 1.10.1 pg 5*] This leaves a lot up in the air as to what the mitigations measures for each alternative might be.

The SDEIS describes a variety of issues with denning bears but appears to believe that all of these issues can be circumvented by not having infrastructure (excepting gravel roads) within 1 mile of known dens. The noise impact area in the DSEIS was decreased in size in the text, (not in the maps) from the original DEIS with no explanation of why. Many things can disturb denning bears, including construction noise, blasting, gravel and ice road construction and use, and ground and air transport actions. The possible effects and remediation of these disturbances are not adequately addressed. Also worrisome is that the alternatives propose a 10 acre multi season ice pad for a 100 person man camp and another 10 multi season ice pad for support facilities and an emergency camp, both within terrestrial denning critical habitat areas. [*DSEIS vol. 1, 3.13.2.7.3 pg 233*]

 Additionally, looking at the Cumulative Effects to Marine Mammals section, [*SDEIS vol. 1, 3.19.10 pg 333*], no new language has been added and their analysis of the cumulative effects of the Willow Project on the Southern Beaufort Sea (SBS) bears is woefully missing.

**OTHER CONCERNS WITH THE SDEIS**

**Reclamation**

There is very little detail in the reclamation sections. The DSEIS does state that infrastructure (roads) may be left in place or removed, without any further delineation. [*DSEIS vol. 1, 2.5.9 pg 21*] It also says that present gravel mine sites will be shaped then left to become lakes over a period of up to 10 years. [*DSEIS vol. 1, 2.5.6.2 pg. 19*] This does not fall under the definition of reclamation, which should mean to bring the area back to as close to its original, natural state as is possible. Leaving behind any non-natural infrastructure or mines/roads will mean that the wild nature of this area will be gone forever. In reality, nationally there are hundreds of abandoned commercial oil and gas wells that have been left behind, which if they are hopefully eventually to be dismantled and cleaned up, will be done at taxpayer expense.

**Health Effects**

The people of Nuiqsut are already experiencing detrimental health effects since the construction of the oil fields to its East (the Alpine field). The former village health aid reported a significant increase in breathing problems and asthma. Many residents evacuated the area during a recent gas leak at another Conoco field. Conoco’s incident report also mentioned the existence of ‘permafrost thaw bulbs’ which were caused by heat from the well itself. The refreezing of these bulbs can create cracks or fractures, which will release more methane into the air. The residents have been very concerned about the lack of transparency from Conoco. These conditions have resulted in increased societal stress and threaten the residents’ mental health.

The DSEIS states that “The Project would increase air and noise emissions and human activity in Nuiqsut’s subsistence use area. This could increase stress in some Nuiqsut residents and lead to or exacerbate mental health issues such as anxiety and depression. Reduced subsistence harvester access or subsistence resource availability would adversely affect community health by reducing the availability of subsistence foods and increasing dependence on store bought foods, increasing food insecurity. The effects on public health in Nuiqsut may be highly adverse and disproportionately borne by the Nuiqsut population.” [*DSEIS vol, 1, 3.17.3.3.3*] These concerns are real and serious ones in a population already at risk.

The potential health concerns from fracking with the Willow Project are also of great concern. A recent Smithsonian Magazine article discussed a study published by Environmental Health Perspective that showed a greatly increased risk of Acute Lymphocytic Leukemia (ALL) in children and infants who live near fracking wells. Children near the wells were twice as likely to develop ALL as in the general child population, and babies born to pregnant women living near the wells had nearly 3 times the incidence of ALL. [*Smithsonian Magazine, “Children Living Near Fracking Sites Have an Increased Risk for Leukemia, Study Says” by Will Sullivan, August 25, 2022*]

These serious adverse health issues should not be understated and cannot be ignored. For these reasons alone, the No Action alternative is the only one that will safeguard the nearby residents, most of whose ancestors have lived in the area for thousands of years. Allowing the Willow Project to proceed would be contrary to the social and environmental justice goals of the Biden Administration.

**Subsistence Effects**

The Preliminary 810 Analysis states that the project “may SIGNIFICANTLY restrict” subsistence uses for Nuiqsut people and those of other North Slope villages, because of possible changes to the caribou migration and the caribou and marine mammals distribution patterns. The DSEIS repeats these concerns, stating that “Thus, the direct and indirect impacts on caribou availability within the area west of Nuiqsut could have substantial impacts to subsistence users.” [*DSEIS vol. 1 3.16.2.3.2.1*] It further states that fish availability could be affected. It is obvious that infrastructure and road construction and use might limit availability of other subsistence resources such as berries, greens (stinkweed), ptarmigan, ducks, geese, marine mammals, etc., as well as limit the access to these resources.

The analysis was done primarily considering the effects on one village, Nuiqsut, and one other, Utiagvik. This is incomplete, as many other villages rely on resources such as caribou and birds that migrate to and through the Project area. Therefore, decreased numbers of these animals and birds, or changes to their migration and calving patterns, would affect many other subsistence reliant villages. Additionally, many villages have a long tradition of sharing their harvests with friends and relatives in other areas of the state.

The effect on subsistence use, harvest and patterns is a significant problem that has not been adequately addressed and should not be ignored, and will only be sufficiently mitigated by choosing the No Action Alternative.

 **CONCLUSIONS**

I have not even begun to examine the insufficiencies of the DSEIS related to many other areas: environmental effects on water quality, air quality, flora, and bird and mammal habitats; environmental and social justice problems; noise impacts from construction and from barge activities that effect marine mammals; and other issues.

I would like to stress that a great disservice is done by not allowing a sufficient time for comments. The minimum 45 day comment period is hardly adequate, especially during the summer months when people are busy with seasonal occupations such as commercial fishing or tourist activities, and with their subsistence activities, to provide food security throughout the coming year. Nuiqsut City Mayor Rosemary Ahtuangaruak said “We’re preparing to get our hunting done as the caribou migration comes through, it should be coming through in this area soon. …You asked us for our subsistence timelne, we share them with you, and then you ram the Environmental Impact Statement down our throats in the heart of this time.”

In addition, BLM’s meager rewrite to the original DEIS, which did not even adequately cover the issues remanded by the Court’s Opinion, much less expand on the known deficiencies of the original document or the changes to the Project since then, is unacceptable. The DSEIS action alternatives are unacceptably very narrow in scope. In fact, it appears that the DSEIS was aligned to the desires and economic needs of CPAI, limiting consideration of any aspects that adversely affect the economic viability of the Willow Project. It did not appear to be a true analysis by a neutral third party regulator who should have the good of the land, resources and Alaskan people foremost in mind.

For the reasons laid out in these comments, the only alternative that should seriously be considered is the No Action Alternative. This project is an environmental time bomb, is contrary to and undermines the Biden Administration’s stated climate goals, is fraught with environmental and social injustice concerns, and would be responsible for a major increase in climate change problems in a fragile arctic, such as thawing permafrost, villages having to relocate due to eroding shorelines, food and infrastructure insecurity, wildlife habitat problems, stronger storms and increasing wildland fire activity.

Sincerely,

Loren J Karro