

How the Regional Mitigation Strategy will be Used *Northeastern National Petroleum Reserve in Alaska*

This paper describes how BLM will use the Northeastern National Petroleum Reserve in Alaska (NPR-A) Regional Mitigation Strategy (RMS) to determine how much and what type of mitigation is required to compensate for unavoidable adverse impacts resulting from future oil and gas development in the northeastern region. The RMS provides a timely, orderly, and accountable process for identifying and implementing mitigation actions to compensate for these unavoidable adverse impacts.

Regional Mitigation Strategy Contents

The RMS includes the following contents; these items are depicted in the bottom half of the attached diagram:

1. Description of the reasonably foreseeable oil and gas development scenario (RFDS) for the region
2. Description of unavoidable adverse impacts that are likely to occur as a result of the RFDS and how the condition and trend of resources will be affected
3. Criteria for identifying unavoidable adverse impacts that warrant compensatory mitigation
4. Description of the unavoidable adverse impacts that warrant compensatory mitigation, and those that may warrant compensatory mitigation depending on where they occur and/or the nature of the development
5. Regional-level goals for compensatory mitigation
6. Potential mitigation actions (and places they could be implemented) that could contribute to achievement of the regional mitigation goals
7. Criteria that will be used to screen and rank mitigation actions that have been nominated to compensate for the unavoidable impacts of specific development projects
8. Guidelines for calculating a compensatory mitigation fee for specific development projects
9. A regional-level monitoring plan
10. Guidelines for how compensatory mitigation funds should be managed

Using the Regional Mitigation Strategy

The BLM will use the RMS to guide the process of identifying, implementing, and monitoring compensatory mitigation actions designed to offset the unavoidable adverse impacts of oil and gas development in the northeastern NPR-A. It will support both the National Environmental Policy Act (NEPA) process (outlined in the upper left box in the attached diagram) and the process of identifying compensatory mitigation actions designed to offset project specific-impacts (shown in the upper right box in the attached diagram).

Application for Permit to Drill

The permitting process is triggered by an application for permit to drill (APD), or other similar development authorization request.

National Environmental Policy Act

Receipt of a complete APD triggers a NEPA process to assess and document the impacts of the proposed action. The impact assessment includes, but is not limited to:

- Identification of the affected resources for several alternatives. Often, alternatives are formulated by altering the location and or size of the footprint of the project, both of which address the first level of the mitigation hierarchy¹ – to avoid adverse impacts if possible.
- An assessment of how resources would be affected under each alternative – specifically, how the baseline conditions and trends would be altered by the alternative over its lifetime. The projected baseline for each impacted resource incorporates the effects of external forces, such as climate change.
- An assessment of cumulative impacts, based on a reasonably foreseeable future development scenario.

The RMS will aid in the NEPA process by pre-identifying:

- Unavoidable impacts that will occur with oil and gas development in the region.
- Unavoidable impacts that could occur with oil and gas development. This will facilitate identification of additional unavoidable impacts that will occur with the specific development project.
- Baseline conditions and trends of resources that will be impacted by oil and gas development in the region.
- Baseline conditions and trends for resources that could be impacted by oil and gas development in the region.
- The effect of oil and gas development on the baseline conditions and trends of resources that will be impacted by oil and gas development in the region.
- Reasonably foreseeable future oil and gas development scenario (RFDS) that can contribute to the assessment of cumulative impacts.

Decision-making

Once the NEPA assessment is final, a decision will be issued. The decision will state whether the project is approved, approved with conditions, or denied. For projects that are approved, the decision often includes conditions or stipulations. These stipulations often reflect implementation of the mitigation hierarchy, requiring best management practices and/or design features intended to avoid and minimize impacts. The decision can also specify unavoidable adverse impacts that warrant compensatory mitigation and specify the means to achieve compensation, such as through a compensatory mitigation fee. Generally, the decision does not specify the nature and location of the compensatory mitigation actions. Therefore, as was the case with the Greater Mooses Tooth 1 project

¹ The BLM will implement the mitigation hierarchy process when identifying, analyzing, and requiring mitigation, as appropriate, to address reasonably foreseeable impacts to resources. First, the BLM will seek to avoid impacts (e.g., by altering project design, location, or timing, or declining to authorize the project); then the BLM will seek to minimize, rectify, and reduce or eliminate impacts over time (e.g., through project modifications, permit conditions, interim and final reclamation, etc.); and, generally, only then will BLM seek to compensate for some or all of the remaining impacts (i.e., unavoidable adverse impacts). Some impacts and unavoidable adverse impacts may be acceptable and would not require mitigation.

(GMT1), the determination of what to do to compensate for the unavoidable impacts will be identified in a separate compensatory mitigation plan after issuance of the decision.

The RMS would support the decision-making process (development of the decision) by providing or identifying:

- Criteria for identifying unavoidable impacts that warrant compensatory mitigation.
- Unavoidable impacts of oil and gas development that warrant compensatory mitigation.
- Guidelines for calculating a compensatory mitigation fee.

Project-specific Compensatory Mitigation

The RMS will aid the post-decision compensatory mitigation implementation process in several ways:

- The guidelines for how a mitigation fund should be managed will facilitate the process of depositing, allocating, and accounting for compensatory mitigation funds.
- The list of potential mitigation actions and places they could be implemented will seed the public process for developing a list of location-specific potential mitigation actions that address the impacts specific to the development project.
- The screening and ranking criteria will guide the development of a list of possible compensatory mitigation actions ranked according to the greatest potential to efficiently and effectively mitigate the unavoidable impacts of greatest concern.
- The guidelines for developing a monitoring and adaptive management plan specific to compensatory mitigation will guide the development and accelerate the process of a plan for monitoring the success of the compensatory actions in achieving their desired outcomes, and adapting as needed to optimize success during implementation.

It should be noted that the screened and ranked list of potential mitigation actions specific to a development project is a recommendation presented to the BLM State Director for his or her consideration in selecting the mitigation action(s) that will be funded with the compensatory mitigation fees collected for the project.

Conclusion

Having the RMS in place lays the groundwork for project-specific mitigation plans to be developed and executed quickly under the umbrella of a landscape-level strategy that takes into account the potential cumulative impacts of development and the long-term trends in the human and natural environments.

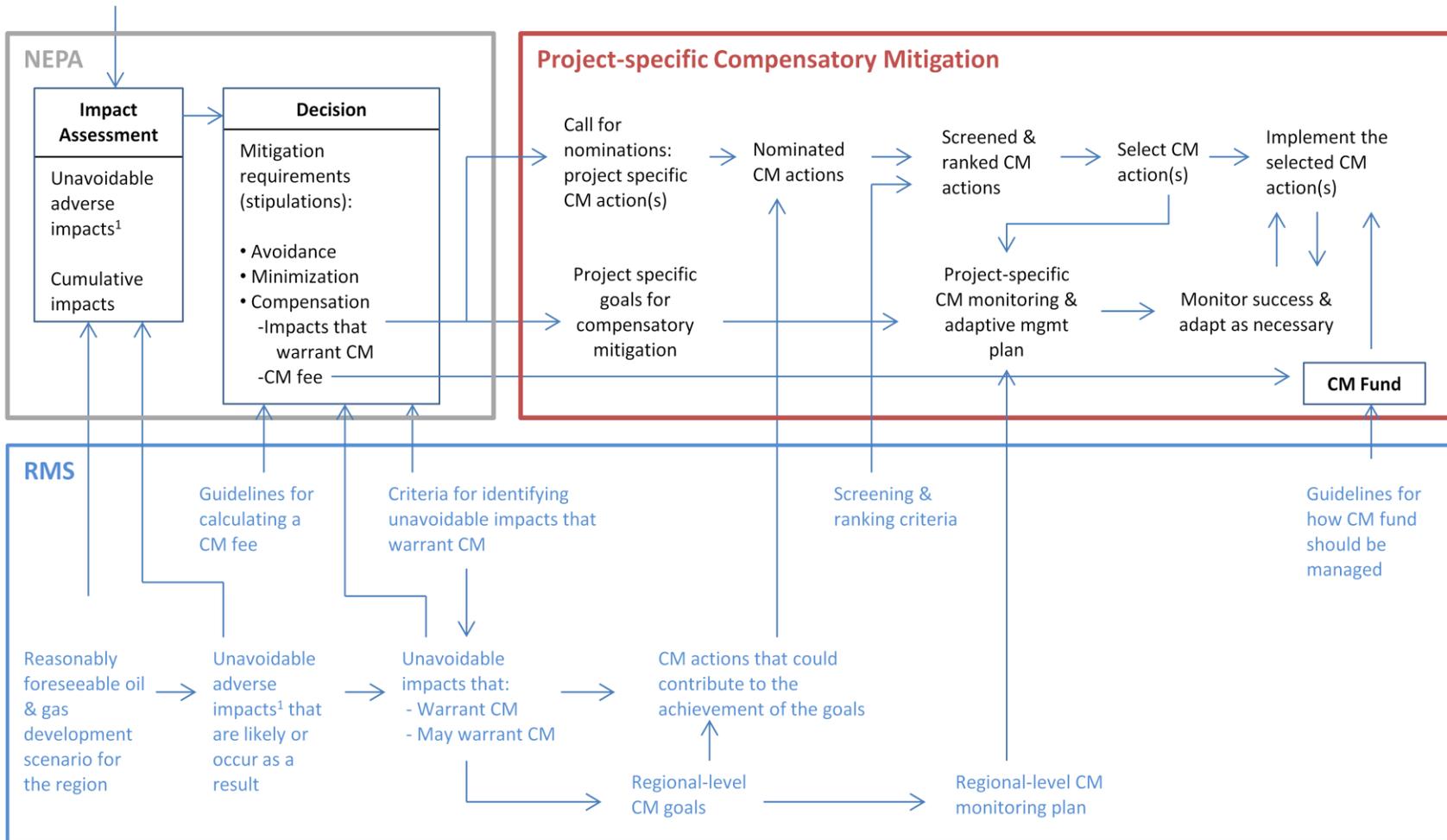
Attachment

Diagram of How the RMS Will be Used

How the RMS will be used

CM = Compensatory mitigation

Application for a Permit to Drill (APD) in the NE NPR-A



¹Includes an assessment of how impacts will affect the base-line trends for impacted resources. Baselines include projected future trends that incorporate external change agents, such as a climate change.

The arrows between RMS subjects (within the blue box) depict dependencies (e.g. the 'unavoidable adverse impacts that could result...' depends on the 'reasonably foreseeable development scenario...')