

**Alaska Wilderness League • Conservation Lands Foundation
The Wilderness Society Sierra Club¹**

Bud C. Cribley, State Director
Bureau of Land Management
Alaska State Office
222 West Seventh Avenue, #13
Anchorage, Alaska

July 27, 2015

Dear Mr. Cribley,

On behalf of the above listed organizations, please accept the attached document. This material offers our preliminary recommendations for how and where the Regional Mitigation Strategy (RMS) should be developed for the National Petroleum Reserve – Alaska (NPR-A). As you will see, this information offers a series of initial principles about public process, stakeholder engagement, and the values and features that should be incorporated into the RMS's geographic area.

We appreciate your willingness to meet with us to date, and we encourage BLM to maintain its open door policy and the frank sharing of ideas and information. We are excited that BLM is embracing Secretarial Order 3330 and employing a comprehensive landscape-level approach to planning and mitigation actions for energy developments in Alaska.

We are committed to helping BLM develop a thoughtful and effective RMS for the National Petroleum Reserve – Alaska and we look forward to constructively working with you over the course of this process. Please do not hesitate to reach out to us with any questions or if we can be of assistance in any way. Thank you for your time and considering these ideas.

Sincerely,

Leah Donahey
Alaska Wilderness League

Nicole Whittington-Evans
The Wilderness Society

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Conservation Lands Foundation

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¹ These comments were prepared with assistance from Trustees for Alaska.

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Principles and Recommendations for the National Petroleum Reserve – Alaska Regional Mitigation Strategy

Below are a series of principles of design and specific recommendations for the Regional Mitigation Strategy (RMS) process being undertaken by the Bureau of Land Management (BLM) for the National Petroleum Reserve – Alaska (NPR-A or Reserve). This initial list of recommendations is based on the process to date and experience with other RMSs developed for solar projects in the lower 48. We expect to provide further recommendations as the RMS development proceeds.

Adopting these principles and implementing these recommendations will help secure confidence in the process from the multiple, diverse stakeholders to achieve long-term, durable conservation and responsibly-sited energy development within the Reserve. Our organizations want to work with the BLM and others to ensure a transparent RMS process with meaningful participation in order to advance conservation protections of key wildlife, ecological resources, and traditional and customary use areas while development projects proceed within the Reserve.

Process

The Reserve provides a unique set of issues and challenges for the creation of an RMS, including that RMSs are relatively new documents for BLM to develop and use as guidance in its management decisions. A successful strategy requires an inclusive process for stakeholders that allows meaningful participation and input throughout, as well as requiring this strategy apply to future development projects.

In order to ensure a clear and transparent process unfolds for the development of the RMS for all stakeholders and the public, we recommend the following:

- Finalize the RMS before moving any future development projects through final permitting so as to keep faith and involvement in the RMS process strong.²
- Bring various stakeholder groups³ together in a series of workshops that progress through: identifying unavoidable impacts; creating compensatory mitigation goals and objectives; selecting compensatory mitigation locations and actions; setting a mitigation

² GMT1 ROD, p. 39: “The RMS will serve as a roadmap for mitigating impacts from GMT1 and future projects enabled or assisted by the existence of GMT1.” “RMS will consider future foreseeable habitat and subsistence-impacting land uses that are enabled or assisted by the existence of GMT1, primarily oil and gas development and related infrastructure, as well as associated foreseeable impacts to resources, values, and functions in the region, including socioeconomic impacts.”

³ “Various stakeholder groups’ refers to Tribal governments, non-governmental organizations, scientists and science-based organizations, non-tribal governments (city governments and borough), agencies (state and federal), and corporate interests (industry, Alaska Native corporations), and the public.

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fee framework, process, and appropriator for any mitigation funds; and identifying monitoring and adaptive management needs and requirements.

- Facilitate clear communication between workshops with webinars, conference lines, in-person meetings, periodic newsletters or updates, and other traditional and novel means of communication.
- Host a regularly-updated website with clear goals of the RMS, timeline, process, progress, and resources.
- Share a clear accounting of the funds used to develop an RMS to ensure funds are being efficiently used. This can be posted on the website or shared during workshops.
- Offer public participation at community meetings and workshops related to the RMS. Due to distance barriers in Alaska, this may be done through livestream (video or audio) in real time and by sharing recordings and notes of the meetings via the website.

Public Participation

The Reserve's local, regional, national, and internationally significant resources mean that a diverse group of stakeholders have a vested interest in the RMS process and BLM should strive to include all voices and perspectives in developing the RMS.

In order to ensure the public has ample opportunity for review and provide input throughout the RMS process, we recommend the following:

- Hold two main public comment periods where BLM puts out a public call for comments tied to 1) scoping early on in the process and 2) providing feedback on the draft RMS. The BLM should also conduct educational outreach before each major comment period.
- Hold workshops in Fairbanks, Nuiqsut and Barrow to ensure meaningful participation from closely affected communities.
- Solicit public comment at various public meetings, as well as with the Resource Advisory Council and subcommittee, Subsistence Advisory Panel, and NPR-A Working Group meetings.
- Respond in writing to issues raised in public comments and make these responses available to the public in a timely manner.

Stakeholder Engagement

The multi-stakeholder approach to developing the RMS will require the BLM to take intentional actions to ensure meaningful and consistent participation as well as stakeholder buy-in and investment throughout the process.

In order to ensure various stakeholder groups have seats at the table for meaningful and balanced participation, we recommend the following:

- Ensure all workshops are open to all stakeholders groups.

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- Explore ways to encourage improved, on-going participation from various stakeholder groups, possibly by hosting consistent opportunities in various ways such as in-person, workshops, via phone or webinar, etc.
- Recognize that BLM Groups (SAP, RAC, WG) do not represent the consensus of all the stakeholder groups involved in those entities.

In order to ensure the community most-directly impacted by future development is elevated throughout the process and within North Slope communities, specific recommendations include:

- Continue government-to-government consultation with Native Village of Nuiqsut (NVN), the only entity with the explicit responsibility to protect culture, wildlife, and subsistence uses and resources in the immediately impacted region.
- Enter a cooperative agreement with NVN for ongoing participation in the RMS process and consider compensation for NVN's participation and engagement.
- Hire a community liaison through the NVN to carry out education and outreach within Nuiqsut and to solicit and increase community participation in the process.

Timeframe

The future of the Reserve has begun to change with the approval of the first development project on its federal lands. Creating this comprehensive approach to compensatory mitigation in a timely manner is imperative for all stakeholders involved. The approach needs to account for both internationally significant wildlife resources and habitat as well as the traditional subsistence uses of communities to be impacted.

In order to ensure completion of the RMS within 18 months, we recommend the following:

- Complete the RMS before applications for other future development projects are fully processed, so as not to foreclose potential mitigation options.
- Release a draft strategy in early 2016, with a final to follow in September 2016.
- Define the purposes and deliverables for each workshop throughout the RMS development process, as well as clear objectives for stakeholder groups to remain engaged between workshops or meetings.
- Provide materials for workshops ahead of time so that stakeholders and the public may review them and even comment on them prior to workshops.
- Provide responses to public comments in a timely manner.

Policy

BLM has the opportunity to create a comprehensive approach to compensatory mitigation for the NPR-A, which can be applied across other important landscapes in Alaska and the country. This is an opportunity to meet directives under Secretarial Order 3330, BLMS's Mitigation Manual 1974, the Integrated Arctic Management Strategy, as well as mitigation policies currently under development within the Interior Department and BLM.

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In order to meet old and new standards for mitigation while forging a path forward for future BLM decisions in Alaska and beyond, we recommend the BLM work closely with the DC staff writing the new mitigation policies.

Science

Sound decisions on compensatory mitigation for current and future development projects must be based on the best available information and science. The Arctic region is warming at twice as fast as the rest of the country and the RMS should address this to the best of current abilities.

In order to ensure the strategy utilizes the best-available information and science to create the most defensible outcome, we recommend the following:

- Focus on the people and landscapes that will be impacted immediately with GMT-1 development, as well as on a landscape-level basis regarding future development throughout the northeast region of the Reserve.
- Incorporate traditional ecological knowledge in a meaningful way.
- Include the best current science on species abundance, distribution, and life history requirements; in conjunction with ecological, watershed, and habitat relations; on climate change modeling; and with consideration of resilience and adaptation possibilities.

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Defining the Geographic Scope of the RMS

Geographic scope according to the Greater Mooses Tooth Unit-1 Record of Decision (page 40):

“The general geographic scope of this effort is the Northeastern NPR-A region. The BLM will work through a public process to define more specifically the geographic region for the RMS with consideration to: (1) the scientifically-based relevant scale necessary to sustain goals and objectives for resources, values, and functions (e.g., species’ ranges, subsistence use areas) that will be foreseeably impacted by future land uses, including oil and gas development; (2) the geographic extent of land uses (e.g., oil and gas lease tracts, units and participating areas); and, (3) existing compensatory mitigation programs.”

Below are features and values of the landscape that should be used to help define the “northeast region” for the purposes of the Regional Mitigation Strategy. To effectively complete this document, both areas where development activity and mitigation actions can take place should be captured by this geographic scope. Impacts from oil and gas exploration and development activities may include in-field studies and tests, support infrastructure, and other associated activities. Below are features and values to incorporate in defining the geographic scope for the Reserve’s RMS:

- Teshekpuk Lake Special Area, as defined in the 2013 IAP
- Colville River Special Area, as defined in the 2013 IAP
- Complete hydrologic units so aquatic systems are considered holistically and not fragmented and compromised by this planning exercise
 - Ikpikpuk River Watershed
 - Colville River Watershed
- Nuiqsut contemporary subsistence use areas
 - See Map 3.4-1 for all resources in the Final SEIS for GMT-1
- Teshekpuk Lake Caribou Herd land use areas
 - Calving grounds, insect relief areas, over-wintering areas, summer range, migration corridors
- All potential, likely, and known future oil and gas development activities:
 - Greater Mooses Tooth Unit
 - Capturing Greater Mooses Tooth One and Greater Mooses Tooth Two
 - Bears Tooth Unit
 - Capturing Cassin One and Cassin Six
 - Smith Bay⁴ exploration activities and logistics being enabled by BLM administered lands and waters
 - Umiat oil exploration and potential development activities

⁴ While exploratory drilling will occur in State of Alaska marine waters, lands of the Reserve have and will likely continue to be used to support exploratory activities.

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- Currently leased and unleased BLM lands
- Other possible oil and gas development activities that BLM may permit, such as seismic testing, ice roads, and seasonal camps.
- Predictive climate-change scenarios
 - To ensure areas available for compensatory mitigation are or remain critical in the face of a changing climate, and vice versa for areas open to development.
 - To allow for ecosystem resiliency in a rapidly changing climate
 - To inform adaptive management on a landscape-level.

Note on political boundaries:

Ecological processes, subsistence resources, and subsistence use patterns exist across jurisdictional boundaries. To ensure necessary habitat connectivity, ecosystem function, and the continued access to subsistence resources, efforts should be made to improve environmental management across political borders. While such an undertaking may be outside of the geographic region of BLM-managed lands, and may ultimately prove politically blocked, the document could inform and allow for future opportunities to address this landscape-scale challenge.

Opportunities to work with land managers include:

- Alaska Department of Natural Resources: “North Slope Management Plan,” which covers 12 million acres of State land (uplands, shorelands, tide and submerged lands) north of Atigun Pass, encompassing the area between the eastern boundary of the National Petroleum Reserve – Alaska and the western boundary of the Arctic National Wildlife Refuge. The plan boundary also includes offshore areas out to the 3-mile nautical limit. Major drainages within the NSMP boundary include the Colville, Kuparuk, Sagavanirktok and Canning Rivers.
- North Slope Borough Planning and Community Services Department’s Planning Commission: “RZ 15-001, Greater Moose’s Tooth 1 (GMT-1_ and Greater Moose’s Tooth 2 (GMT-2) Rezone and Master Plan Update, Various Townships, Various Ranges, Various Sections, Resource Development and Conservation Districts.”

Thank you for the consideration of these principles and recommendations for the National Petroleum Reserve – Alaska’s first Regional Mitigation Strategy for the northeast region. Our organizations look forward to participating in the RMS process in the overarching effort to balance management of the Reserve through a more landscape-level approach.