

NPR-A Willow Project Testimony from Nicole Whittington-Evans, Defenders of Wildlife

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My name is Nicole Whittington-Evans and I am the Alaska Program Director for Defenders of Wildlife. I have joined today's National Petroleum Reserve- Alaska Willow Master Development Plan hearing to express Defenders' strong opposition to the Bureau of Land Management moving ahead with these online hearings during the COVID-19 health crisis, when: the President has declared a national emergency, the Governor of Alaska has issued a Public Health Disaster Emergency Declaration and the Northwest Arctic and North Slope Borough Mayors have issued health disaster declarations for the Northwest Arctic and North Slope Boroughs. While individuals and families in the state and nation are facing undue hardships, such as loss of jobs, food security issues, health care concerns, tending to the sick, and providing additional support to children that are schooling at home, the federal government is charging ahead with these hearings and this public comment process, seemingly completely out of touch with the realities unfolding in the state and nation, and as if the COVID-19 crisis does not exist. These hearings are completely inappropriate and out of step with the needs of Alaskans and the American public, and they threaten meaningful public engagement for this project proposal.

One might interpret this effort as the federal government attempting to provide adequate opportunity for public engagement through online forums and virtual public meetings as people shelter in place. However, charging ahead with a Zoom platform for the hearings at this time is unacceptable for a variety of reasons. Access to broadband internet and a computer at home is a privilege, and not one that everyone is afforded. The ongoing pandemic has made it extremely difficult for many people, especially those without broadband internet access, to review and comment on agency documents. It is the agency's responsibility to provide sufficient access to the analysis in question, such as hard copies to the public - a responsibility that is impossible to fulfill during the ongoing pandemic.

For BLM's request for public comment to be meaningful and legally sufficient, it is critical that the entire public have adequate time and capacity to review and comment. It is noteworthy that administrative actions and associated public comment periods are being suspended or extended for undefined amounts of time due to the national emergency.¹ BLM cites no particular reason for forging ahead with a public process at this extremely challenging time, and we are aware of none. Meanwhile, this hearing is taking place against a back-drop of Conoco Phillips de-rigging their fleet for exploration on the project, and so while Conoco Phillips is hitting pause for the foreseeable future, the public is being pushed to comment on the project.

Several letters from conservationists, Native partners, other sectors and, most recently, members of Congress, have been submitted requesting the federal government halt, postpone, suspend or cancel

¹ *E.g.*, DOI's Interior Board of Land Appeals extended all filing deadlines by 60 days in response to COVID-19; The Daniel Boone National Forest Supervisor sent a letter to relevant parties suspending the public objection period in light of COVID-19; U.S. Forest Service extended a public comment period for the Nantahala and Pisgah forest plan revision with the length of time to be determined. Available at: <https://www.fs.usda.gov/detail/nfsnc/home/?cid=stelprdb5397660>.

administrative processes, hearings and decision-making regarding energy projects until the national emergency declaration is no longer in effect and/or the COVID-19 health crisis is sufficiently under control to allow for robust public participation. Defenders has signed on to two of these letters.

The Willow project is a massive development project involving a central processing facility within the NPR-A, up to five drill pads with up to fifty wells on each pad, an extensive road system, an airstrip, pipelines, a gravel mine, and a potential gravel island in Harrison Bay. This project will impact designated critical habitat for Southern Beaufort Sea polar bears, the most imperiled polar bear population in the world, and stands to significantly impact the Teshekpuk Lake Special Area. The Teshekpuk Lake Special Area contains the largest wetlands complex in the circumpolar Arctic and provides globally significant habitat for migratory birds, with the greatest density of shorebird nesting in the circumpolar Arctic. It also provides important calving and insect relief habitat and migratory corridors for the Teshekpuk caribou herd, a critical subsistence herd for Arctic slope communities. The public has a right to be given ample time to review and fully understand the implications of this proposed development in this sensitive area - its impacts to wildlife, subsistence resources and to Americans. By forcing these hearings and the comment deadline on the public during this health emergency, BLM is doing anything but providing ample access for public engagement.

In closing, Defenders' strongly urges the BLM to immediately suspend these hearings along with the public comment period until the COVID-19 pandemic is well enough under control to allow for appropriate public engagement and oversight as required by law. Without doing so, BLM is engaging in the suppression of public access and testimony, which is counter to the agency's legal mandates regarding public engagement.

Thank you for considering this testimony and Defenders' request to halt these hearings and public comment process.