

**From:** [Ott, Kaithryn](#)  
**To:** [Cecil, Carrie H](#); [Conn, Sarah SC](#)  
**Cc:** [Perham, Craig J](#); [Pendergast, Kevin J](#); [Gieryc, Michael S](#); [Routhier, Michael P](#)  
**Subject:** Re: Willow MDP Supplemental EIS Section 7: Request for Input  
**Date:** Thursday, January 12, 2023 3:13:50 PM

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Hi Carrie,

Thank you for this update. We have reviewed BLM's memorandum and agree that the current state of climate science does not allow us to draw causal links between contributions from project-specific GHG emissions to global climate change, and subsequent project-specific effects on listed species and designated critical habitat. The Service has consistently held this position since at least 2008, when it listed polar bears as threatened. Although climate science has advanced since then, the level of reliability and granularity provided by existing models is still insufficient to identify project-specific effects to listed species or designated critical habitat.

The Service recently affirmed this conclusion in the 2022 final rule to list the Emperor Penguin (87 FR 64700-002) which determined that "based on the best scientific data available we are unable to draw a causal link between the effects of specific GHG emissions and take of the emperor penguin..." Here, we agree that an estimate of a project-caused decrease in sea ice occurring somewhere in the Arctic, without more specific information (e.g., location and type of affected sea ice, use [if any] of that sea ice by listed species and their prey/forage, etc.), does not enable us to predict any "effects of the action" to listed species or designated critical habitat per section 7 and its implementing regulations.

Policy prevents the Services from concurring with determinations of "no effect." Nonetheless, we agree that 1) the list of species and designated critical habitats potentially affected, 2) the delineation of the Action Area, and 3) the analysis of effects to listed species and designated critical habitat presented in the Willow MDP BA remain adequate.

Thanks again, and please let us know if you have any questions.

Kaiti

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**From:** Cecil, Carrie H <ccecil@blm.gov>

**Sent:** Tuesday, January 10, 2023 3:31 PM

**To:** Ott, Kaithryn <Kaithryn\_Ott@fws.gov>; Conn, Sarah SC <Sarah\_Conn@fws.gov>

**Cc:** Perham, Craig J <cperham@blm.gov>; Pendergast, Kevin J <kpendergast@blm.gov>; Gieryic, Michael S <Mike.Gieryic@sol.doi.gov>; Routhier, Michael P <michael.routhier@sol.doi.gov>

**Subject:** Willow MDP Supplemental EIS Section 7: Request for Input

Hello Kaiti and Sarah,

During the public comment period for the Willow Master Development Plan (MDP) Draft Supplemental EIS, the BLM received a comment letter (see attached) from the Center Biological Diversity (CBD) concerning the BLM's obligation under Section 7 of the Endangered Species Act to consult with the United States Fish and Wildlife Service prior to authorizing major construction projects to ensure that federally authorized actions are not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of their critical habitat.

In this letter, CBD argues:

"Oil and gas activity under Willow, if conducted, may affect hundreds of threatened and endangered species and their critical habitats due to the resulting increase in carbon emissions. BLM must therefore consult under the ESA prior to permitting oil and gas activity in the area." (pg. 22).

In accordance with its obligations under Section 7, the BLM prepared a Biological Assessment (BA) to evaluate the potential effects of the Willow MDP project on listed and proposed species and their critical habitat. In this BA, the BLM defined the action area for the Willow MDP to include all areas directly or indirectly affected by the Proposed Action up to the point where there are no measurable effects from project activities that are reasonably certain to occur. In the course of its evaluation, the BLM found that the Proposed Project "may affect" four threatened species within the action area (i.e., polar bear, northern sea otter, spectacled eider, and Steller's eider). The BLM transmitted this BA to you on August 31, 2022, thereby initiating formal consultation.

In consideration of CBD's comment, the BLM has further evaluated whether the impacts from GHG emissions, such as reductions in sea ice extent, would change our analysis conclusion and alter the approval of the Willow MDP by: (1) identifying if the GHG emissions that would result from the proposed action would cause effects to ESA-listed species or their designated critical habitat in locations beyond the Action Area as currently described; (2) identifying any additional effects within the Action Area to listed species, such as polar bears and ice seals, or to their designated critical habitat, such that an expansion of the ESA BA's effects analysis could be warranted; and/or (3) identifying effects to any additional listed species or designated critical habitat not currently included in the ongoing formal consultations.

The BLM's evaluation and findings are summarized in the attached Memorandum to the

File. In review of this Memorandum, the BLM respectfully requests your input on the appropriateness of the scope of our ESA Section 7 Consultation in respect to GHG emissions from the Willow MDP project.

Please let me or Craig Perham know if you have any questions, comments, or concerns.

Regards,  
Carrie Cecil

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