



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
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January 7, 2022

Memorandum

To: Principal Deputy Assistant Secretary
Land and Minerals Management

From: Director
Bureau of Land Management

Subject: Evaluation of 2020 NPR-A IAP/EIS and Related Documents for Adequacy

Background

On September 3, 2021, you sent a memorandum on this subject, identifying that while the Department has not yet decided whether to withdraw or replace the 2020 Integrated Activity Plan for the National Petroleum Reserve in Alaska (2020 IAP), the Department's initial assessment indicated that the 2020 IAP is inconsistent with the policy set forth in Executive Order 13990 and that other alternatives analyzed in the 2020 IAP Environmental Impact Statement (EIS) may better serve the policy set forth in that Executive Order.

Accordingly, you directed the Bureau of Land Management to undertake an evaluation of the 2020 IAP/EIS, associated subsistence evaluation, and existing biological opinions, to determine whether they remain adequate under the National Environmental Policy Act, Section 810 of the Alaska National Interest Lands Conservation Act, and Endangered Species Act, respectively, for purposes of the Department potentially adopting, in a new record of decision (ROD), a different alternative from the 2020 IAP/EIS. The BLM was to provide the status of its evaluation and related actions no later than 120 days from the date of your memorandum.

Discussion

Under my supervision, BLM-Alaska is in the process of drafting a Determination of NEPA Adequacy (DNA) to assess new circumstances and information that may have arisen since completion of the 2020 IAP/EIS and its associated subsistence evaluation to determine whether additional analysis is necessary prior to the potential adoption of a different alternative from the 2020 IAP/EIS in a new ROD.

A draft DNA has completed review within the Alaska Region by both BLM-Alaska and the Office of the Solicitor. The draft DNA is currently complete and ready to be finalized, preliminarily with a finding that the existing 2020 IAP/EIS and its subsistence evaluation are adequate and additional analysis is unnecessary in order for the Department to select a different alternative. However, given the remaining uncertainties regarding the timeline for completion of

Section 7 consultation under the Endangered Species Act (ESA), the BLM proposes to keep the DNA in draft form and not finalize and release the document until near in time to issuance of any new ROD it would support. This would allow the BLM to ensure that the DNA considers as a part of its analysis any potential new developments between now and issuance of a future ROD.

BLM-Alaska has also initiated ESA Section 7 consultation with both the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (FWS) regarding impacts that may occur to species listed as threatened or endangered under the ESA or their designated critical habitat.

On December 17, 2021, BLM-Alaska provided requested information to both NMFS and FWS in the form of biological evaluations, both of which were in excess of 100 pages. Therein, the BLM has identified Alternative A, the No Action alternative analyzed in the 2020 IAP/EIS (reflecting the prior, 2013 IAP), together with certain more protective threatened and endangered species related lease stipulations and required operating procedures from the 2020 IAP, as its preferred alternative and the Proposed Action for the Section 7 consultation.

Consistent with informal ESA Section 7 consultation, BLM-Alaska made species and critical habitat determinations in its Biological Evaluation for NMFS but did not do so in its Biological Evaluation for FWS. In its NMFS Biological Evaluation, the BLM has determined that implementation of the IAP under the Proposed Action “may affect, but is not likely to adversely affect” any of the relevant listed species, and “may affect, but is not likely to adversely modify” designated critical habitat. These determinations remain unchanged from BLM’s Biological Assessment for NMFS for the 2020 IAP/EIS. The BLM has requested concurrence from NMFS on these determinations.

Upon determining the information complete, the Consulting Agencies will evaluate the Biological Evaluations for purposes of analyzing impacts to species listed as threatened or endangered under the ESA and their designated critical habitat, in light of the new proposed action of adopting Alternative A from the 2020 IAP/EIS. The Consulting Agencies likely would then each develop and issue a new or revised biological opinion or concur with the BLM that one is not necessary. The Consulting Agencies have not yet committed to a timeframe for completion of this step at this time.

The BLM could prepare a new ROD in approximately 45-60 days after receiving direction to do so.