



Village of Wainwright

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To Whom It May Concern:

My name is John Hopson, Jr and I am the new president of the Village of Wainwright. We are submitting these comments on the Proposed Rule on The Management and Protection of the National Petroleum Reserve in Alaska (Proposed Rule). Village of Wainwright is a member of the NPR-A Working Group and has been working with the BLM to understand this new rule and the impacts and implications it would have on our community, our economy, and our activities in the NPR-A. The Proposed Rule is very complex for our tribal organization to fully evaluate considering the other high-priority issues that we have been facing since the Proposed Rule was released for public comments on September 6, 2023. We have been involved in critical subsistence activities to provide food for our community through the winter, we have local elections at all levels, and just recently I became the new President of the Village of Wainwright. I have worked hard to participate in the process but as the new President we need more time.

Our elected officials in Wainwright use the late-fall, early-winter to travel to outside conferences and so I missed your community meeting held in Wainwright on December 4, 2023 because I was on my way home. As an active member of Wainwright, former North Slope Borough assembly member and someone who has been actively involved and engaged in NPR-A issues for a very long time I am frustrated by the BLM's lack of empathy and understanding of our subsistence schedule after working so closely together over the last several decades. The schedule of pushing this Proposed Rule on our North Slope residents during our annual harvest and election cycle is extremely tone deaf.

Overall, we strongly feel that this process has been rushed and we struggle to understand why numerous attempts from our region to slow down the process and be more deliberative and collaborative with local entities have been ignored. For the record, this Proposed Rule was initially proposed in March 2023 yet the agency did no outreach as is required under Department of Interior Manual (DM) 512 Chapter 4 - Department of the Interior Policy on Consultation with Indian Tribes, states under item 4.3 (B) "Departmental Action with Tribal Implications. Any Departmental regulation, rulemaking, policy, guidance, legislative proposal, plan, programmatic or operational activity, or grant or funding formula changes that may have a substantial direct effect on a Tribe".

Why was there no outreach at that time and inclusion of the NPR-A Working Group (WG) at that time? If the outreach had started earlier in the process and the WG was included as intended under Secretary Salazar's 2023 Integrated Activity Plan (IAP) Record of Decision (ROD) our tribal organizations and other entities across the North Slope might not feel like we have a 'gun to our head' at the moment. I know as the Village of Wainwright President that we can continue with government-to-government consultation beyond the comment period, but I have no confidence that we will be heard any more than we are now.

To provide some context to what Secretary Salazar intended these words come directly from the 2023 IAP ROD **"The decision also adopts a formal approach to provide for a continuing dialogue with local communities, tribal organizations, and Native corporations on the North Slope through the establishment of the NPR-A Working Group. The NPR-A Working Group will ensure that BLM's land managers engage in a continuing dialogue with North Slope residents, understand their economic, subsistence, and wider social interests in activities in NPR-A, and gather scientific and traditional ecological knowledge related to key issues that arise during implementation of the plan and as the BLM considers proposed activities in the NPR-A.** Such matters may include leasing activities, exploration programs, proposed oil and gas developments, potential pipelines supporting offshore oil and gas development, subsistence and wildlife issues, and related matters."

It seems that this current rulemaking process has provided a mockery of the purpose of the WG and I for one I am appalled at this Administrations continued use of the terms "Nation-to-Nation" and "Strengthening Relationships with Tribal Government" yet you are doing just the opposite in this case. We take pride in our membership in the WG and have developed a good relationship with the BLM since its formation. We know that the Proposed Rule originated outside the BLM-Alaska office, yet its process and current status threatens the continuation of the WG.

This rule was released in early September at the peak of our subsistence activity and continued through the Thanksgiving holidays, municipal elections, the BIA Providers Conference for Tribal Governments, and the critical time where our community works to prepare for winter. As you know, our Tribe – like many other Tribal Governments in the NPR-A – is operated by a small staff that does not have the capacity to do all the necessary work to understand these documents without any consultation.

Beyond that, as we have worked over the past several weeks to work through the Proposed Rule, the below points have stood out to us as areas the DOI should continue to evaluate and update for the final rule.

- The Proposed Rule would create an additional layer of processes in managing the National Petroleum Reserve-Alaska (NPR-A). Our entities already struggle to effectively participate in the process under the current management regime and requiring more work is not conducive to your stated goals of meaningful consultation and feedback from local communities in the NPR-A.

- As a Tribal Government, our entity is entitled to nation-to-nation consultation. We don't feel that we received an acceptable level of consultation as the DOI prepared this Rule due to its complexity and we are perplexed on why BLM is rushing a rule through your process when the current Integrated Activity Plan (IAP) process allows the agency to do what the proposed rule is said to accomplish. Because of the IAP we are asking the agency to slow down the proposed rule to allow more time for a more thorough evaluation of its effects.
- In meetings with the NPR-A Working Group, DOI leadership stated that they created this rule based on comments from the Integrated Activity Plan. We asked for clarification on the content of those comments and whose comments were included but received no response. We are asking again for your basis and collected comments as the basis for the rule.
- Why is this rule necessary? We have worked hard to understand the Integrated Activity Plan process and how we can work effectively in that process. You have not provided any demonstrable information on why you are working now to change the management process for the NPR-A. The IAP process already provides methods to designate Special Areas. We understand that you are trying to align several pieces of regulatory authority however we still question why now? And why the rush?
- During presentations by the BLM on the Proposed Rule the agency did not go through its Economic Analysis of the Proposed Rule, and we are concerned that the economic impacts to our region and communities is presented inaccurately. We were not provided the opportunity to participate in the Economic Analysis and would like to review the data and input into its conclusion that there will be minimal economic impacts from the proposed rule. We request that the economic analysis be re-done with our participation as the NPR-A Working Group has contemplated by Secretary Salazar.
- The Village of Wainwright, as a federally recognized tribe, want to be on record that a single presentation of the proposed rule in a public meeting to our community of Wainwright does not act as tribal consultation as directed under Executive Order 13175, or Presidential Memorandums - Tribal Consultation and Strengthening Nation-to-Nation Relationships, and Uniform Standards for Tribal Consultation, or the Department of Interiors Manual Chapter 4.

We feel that you wasted the six-months between March and September 2023 by not engaging with the NPR-A Working Group earlier which could have mitigated some our concerns on your process and timing. Please take the above suggestions and concerns into consideration and postpone finalizing your rulemaking in the NPR-A to meet your obligations to us as the Village of Wainwright. The voices of the local people who call the NPR-A home must be heard and addressed above all others in this process.

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 John Hopson, Jr., President
 Village of Wainwright