

RESOLUTION 2023-01

NPR-A WORKING GROUP REQUEST FOR NEPA ANALYSIS OF THE PROPOSED RULE FOR THE MANAGEMENT AND PROTECTION OF THE NATIONAL PETROLEUM RESERVE IN ALASKA

WHEREAS, the NPR-A Working Group was established by Secretary Salazar in the February 2013 Record of Decision (ROD) for the NPR-A Final Integrated Activity Plan/Environmental Impact Statement (IAP/EIS) as a formal approach to provide directly impacted tribal organizations, communities, and Native corporations on the North Slope with a forum to 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 management of the NPR-A.

WHEREAS, on September 6, 2023, the Department of Interior (DOI) announced a Proposed Rule for the Management and Protection of the National Petroleum Reserve in Alaska as part of "significant steps to protect more than 13 million acres in the NPR-A" without conducting any meaningful prior consultation on the Proposed Rule with the NPR-A Working Group or its members.

WHEREAS, on October 4, 2023, the NPR-A Working Group sent a letter to BLM Alaska State Director Steven Cohn requesting a 90-day extension to February 7, 2024 of the public comment period to allow the BLM to engage with the Working Group to allow NPR-A communities more time to consider the Proposed Rule and how it would affect future activities within the NPR-A --- activities that will affect our NPR-A communities more than anyone else.

WHEREAS, in response, the DOI extended the comment period first for 10 days, then for an additional 20 days, for a total extension of only 30 days during a period of important subsistence activities, local elections, and holidays. That extension was not adequate for the NPR-A Working Group and its members to fully consider the potential impacts of the Proposed Rule.

WHEREAS, members of the NPR-A Working Group include federally recognized tribal organizations that have a Nation-to-Nation relationship with federal agencies. Executive Order 13175 - Consultation and Coordination with Indian Tribal Governments and the Presidential Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships, both require meaningful consultation and collaboration with tribal officials and require tribal voices to be included in policy deliberation that affects tribal communities.

WHEREAS, members of the NPR-A Working Group include the Alaska Native Corporations (ANC) created pursuant to the 1971 Alaska Native Claims Settlement Act (ANCSA), which have government to government consultation rights under ANCSA and longstanding DOI policy. Yet, because of what appears to be a rushed schedule by DOI for review of the Proposed Rule, several ANC's who own land within and abutting NPR-A have not had the opportunity to discuss the possible impacts of the Proposed Rule with DOI through ANCSA Consultation.

WHEREAS, subsistence resources in the NPR-A are critical to sustaining the health, well-being, culture, values, and community of NPR-A Working Group members and the people they represent.

WHEREAS, the local North Slope economy and subsistence resources are not mutually exclusive.

WHEREAS, the proposed rule may significantly affect these important subsistence resources because closing off certain areas of the NPR-A from development may redirect and concentrate development in other areas, which may cause unintended impacts to some of our communities.

WHEREAS, BLM failed to study, analyze, and evaluate the effect of the proposed rule on subsistence resources, positively or negatively.

WHEREAS, BLM did not incorporate local, traditional ecological knowledge into its analysis of the proposed rule's effects on subsistence resources.

WHEREAS, the NPR-A Working Group therefore wishes to participate in a more comprehensive analysis of the impacts associated with the proposed rule on subsistence resources, such as an analysis that could occur within a NEPA process associated with the proposed rule, which would allow for consultation and public input from our communities.

WHEREAS, members of the NPR-A Working Group include local government entities that depend on revenue sharing from oil and gas activities in the NPR-A to maintain critical public infrastructure such as schools, emergency response, health services, clean water, and other essential services.

WHEREAS, the Economic Analysis completed in support of the proposed regulation concluded that the economic impact was not significant and will not “adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities,” even though the Proposed Rule could prevent or deter future development that generates important revenues for the North Slope and Working Group members.

WHEREAS, this Economic Analysis was done without input or consultation with North Slope entities.

WHEREAS, the NPR-A Working Group would have preferred to have been involved in the Economic Analysis because many group members believe the proposed rule *could* have a significant economic impact on the region.

WHEREAS, the NPR-A Working Group therefore wishes to participate in a more comprehensive analysis of the economic impacts associated with the proposed rule, such as an analysis that could occur within a NEPA process associated with the proposed rule.

WHEREAS, the proposed rule represents a major policy change in how the DOI will manage the NPR-A going forward and as such has the potential to significantly impact our native lands and communities by adding additional process and burden on NPR-A decisions, and:

WHEREAS, the Department of the Interior Policy on Consultation with Indian Tribes requires All Bureaus and Offices to “make good-faith efforts to invite Tribes to consult early in the planning process and throughout the decision-making process and engage in robust, interactive, pre-decisional, informative, and transparent consultation when planning actions with Tribal implications.” We believe that this Proposed Rule therefore requires government-to-government consultations because the rule making process for the Proposed Rule is a “decision-making process.”

NOW, THEREFORE, BE IT RESOLVED, therefore, the NPR-A Working Group opposes this rulemaking until a complete and thorough NEPA-style review can be conducted that includes a thorough analysis on the

rule's potential and expected effects on subsistence resources and an Economic Impact Analysis specific to the economies of the NPR-A villages that would be most affected by the Proposed Rule. The NPR-A Working Group requests that the Office of Information and Regulatory Affairs conduct an additional review of the economic significance classification for this Proposed Rule.



Crawford Patkotak
Co-Chair NPR-A Working Group



Joseph Nukapigak
Co-Chair NPR-A Working Group

Resolution 2023-01 - Passed February 6, 2024, through a poll vote of its members.

- Of the NPR-A voting members nine approved Resolution 2023-01. No members opposed the Resolution.
- Of the non-NPR-A communities three members approved the Resolution and no members opposed it.