

THE VOICE OF THE ARCTIC IÑUPIAT RESOLUTION

NO. 2024-01

Opposing the Proposed Rule for the Management and Protection of the National Petroleum Reserve in Alaska

WHEREAS, the Voice of the Arctic Iñupiat (VOICE) is a nonprofit established in 2015 by the North Slope region's collective Iñupiat leadership to speak with a unified voice on issues impacting the North Slope Iñupiat, their communities, their economy, and their culture. Working together to provide for and enhance the lives of the Iñupiat; and

WHEREAS, VOICE membership is comprised of local governments, tribal governments, tribal service providers, and Alaska Native corporations across the North Slope of Alaska; and

WHEREAS, the North Slope Iñupiat have continually inhabited this region for over 10,000 years; and

WHEREAS, today, there are eight permanent Alaska Native villages in the North Slope: Anaktuvuk Pass, Atkasuk, Kaktovik, Nuiqsut, Point Hope, Point Lay, Utqiagvik, and Wainwright; and

WHEREAS, the North Slope region is roughly the size of the state of Minnesota, in which none of its eight communities are connected by a permanent road system, making the cost of living extremely high and access to economic opportunity generally low; and

WHEREAS, it is by chance the ancestral homelands of the North Slope Iñupiat lie within one of the largest hydrocarbon provinces of the world; and

WHEREAS, the Alaska Native Claims Settlement Act of 1971 (ANCSA) was enacted to address the legitimate aboriginal land claims of Alaska Native people. It was a dramatically different approach to federal Indian policy and a departure from the reservation system in the Lower-48 with its aim rooted in economic self-determination; and

WHEREAS, ANCSA split the political and economic arms of the indigenous peoples of Alaska, and through its enactment, created a fragmented system of Alaska Native representation and delivery of services therefore requiring a coordinated approach between multiple entities to effectively serve the Alaska Native people of the region; and

WHEREAS, pursuant to the enactment of ANCSA, the federal government conveyed nearly six million acres of land in the North Slope region to one Alaska Native regional corporation and eight village corporations in fee simple title; and

WHEREAS, the Iñupiat of the North Slope were the only Alaska Native people to oppose ANCSA, but upon enactment of the Act, worked to create a mechanism for the long-term sustainability of their communities; and

WHEREAS, the Iñupiat of the North Slope region came together to form a borough government, the North Slope Borough (Borough) the mechanism to ensure their communities and people would properly benefit from the inevitable oil and gas development on their ancestral homelands through infrastructure taxation, not a production tax on oil and gas; and

WHEREAS, more than 90% of property tax receipts come from the taxes levied on oil and gas infrastructure, which has enabled the Borough to invest in public infrastructure and utilities, support education, and provide police, fire, emergency and other services; and

WHEREAS, members of the VOICE include federally recognized tribes that have a government-to-government relationship with federal agencies under [Executive Order 13175](#) - Consultation and Coordination With Indian Tribal Governments; and

WHEREAS, members of the VOICE includes Alaska Native regional and village Corporations (ANC) created pursuant to ANCSA. In [2004, Congress required federal agencies to consult with Alaska Native corporations](#) on the same basis as tribes under E.O. 13175; and

WHEREAS, the federal government owns approximately 70% of land in the North Slope; and

WHEREAS, in 1923, President Warren G. Harding issued an Executive Order establishing Naval Petroleum Reserve No. 4 on the North Slope region to provide a potential supply of oil for the United States Navy; and

WHEREAS, the Naval Petroleum Reserves Production Act of 1976 redesignated Naval Petroleum Reserve No. 4 as the National Petroleum Reserve in Alaska (NPR-A) and transferred responsibility for its administration to the Secretary of the Interior; and

WHEREAS, the NPR-A's 23 million acres is entirely located within the boundaries of the North Slope region of Alaska; and

WHEREAS, the North Slope Alaska Native communities of Atqasuk, Nuiqsut, Utqiagvik, and Wainwright are located within the boundaries of the NPR-A; and

WHEREAS, there are over 800,000 acres of surface and subsurface Alaska Native corporation land transferred pursuant to ANCSA within the NPR-A; and

WHEREAS, there are over 150 miles of Alaska Native corporation land that share a boundary with the NPR-A; and

WHEREAS, all eight Alaska Native communities and nine federally recognized tribes in the North Slope are impacted by decisions about the management of federal lands in the North Slope, including within the NPR-A; and

WHEREAS, in 2020, presidential candidate Joe Biden promised to, [“ensure tribes have a seat at the table at the highest level of the federal government and a voice throughout the government”](#); and

WHEREAS, President Joe Biden has in [2021](#), [2022](#), and [2023](#), released guidance and executive orders affirming the Administration's commitment to tribal sovereignty and tribal self-

determination, including: supporting robust Tribal economies, building physical and human infrastructure in Indian Country, investing in Tribal Nations in the long term, establishing uniform standards for Tribal Consultation, respecting Tribal sovereignty and commitment to ushering the next era of Tribal self-determination, and elevating Native American voices; and

WHEREAS, in February 2023, Secretary of the U.S. Department of the Interior, Deb Haaland, herself a Native American and member of the Pueblo Laguna, shared in a speech, “I think its fair to say that, even to this day, no one knows my homelands better than its original stewards and their descendants;” and

WHEREAS, on September 6, 2023, the Department of Interior (DOI) Bureau of Land Management (BLM) announced a Proposed Rule for the Management and Protection of the National Petroleum Reserve in Alaska without conducting any prior meaningful engagement with, or giving notification to the any of the entities that represent and serve the North Slope Iñupiat, despite the public rhetoric and executive orders mentioned above; and

WHEREAS, on August 23, 2023, VOICE Board of Directors passed a motion “to direct VOICE staff to monitor and engage on federal actions that have significant impact, on culture, economy, and communities, for example: example executive orders, secretarial orders, and federal actions;” and

WHEREAS, the Proposed Rule falls within the confines of the motion passed by the VOICE Board of Directors; and

WHEREAS, the Proposed Rule was released at the beginning of many of the North Slope communities’ fall whaling and subsistence hunting seasons; and

WHEREAS, a fiber optic line was severed on June 11, 2023 which took down internet, land line, and cell phone communications in four communities on the North Slope. Service was not restored until September 19, 2023, eleven days after the rule was announced; and

WHEREAS, city, borough, and tribal government elections took place in September and October of 2023, impacting the ability of leadership to effectively engage on the Proposed Rule; and

WHEREAS, on September 6, 2023, the VOICE released a statement admonishing the BLM for its lack of proactive or meaningful engagement with the North Slope Iñupiat elected leadership prior to publishing the proposed rule; and

WHEREAS, on September 6, 2023, the Iñupiat Community of the Arctic Slope (ICAS), the Borough, and Arctic Slope Regional Corporation (ASRC) released a statement sharing their concerns and frustration with the Administration’s lack of consultation and engagement with the region’s federally recognized tribe, Alaska Native corporation, and the Borough government; and

WHEREAS, the Proposed Rule was published in the Federal Register on September 8, 2023 with an accompanying 60-day public comment period and ruling of “not economically significant;” and

WHEREAS, on September 19, 2023, Voice of the Arctic Iñupiat (VOICE) President Nagruk Harcharek testified before the U.S. House Committee on Natural Resources – Subcommittee on Energy and Mineral Resources, advocating for North Slope communities to be included in all policy decisions that affect North Slope homelands and people. VOICE released a [statement](#) marking the testimony; and

WHEREAS, at the same hearing, BLM Deputy Director [responded to a question](#) that “it is my understanding throughout the entire process, communities were involved.” Additionally, in [written testimony](#), BLM stated that, “it is essential that the BLM’s oil and gas management promotes the highest industry, environmental, and public engagement standards, including those related to environmental justice and tribal engagement, while securing a fair return for the American taxpayer;” and

WHEREAS, both statements by BLM Deputy Director stood in direct conflict with the lived experience of North Slope officials as reflected in the testimony of VOICE President; and

WHEREAS, North Slope communities, entities, and elected officials uniformly asked for a 90-day extension to the public comment period citing lack of time to fully understand impacts of the vague, sweeping Proposed Rule, alongside the lack of meaningful public engagement and consultation:

- October 4, 2023 – the NPR-A Working Group sent a letter to BLM requesting the comment period be extended by an additional 90 days
- October 10, 2023 – City of Atqasuk sent a letter to BLM requesting the comment period be extended by an additional 90 days
- October 11, 2023 – Atqasuk Corporation passed a resolution requesting the comment period be extended by an additional 90-days
- October 12, 2023 – ASRC sent a letter to BLM requesting the comment period be extended by an additional 90 days
- October 19, 2023 – City of Utqiagvik sent a letter to BLM requesting the comment period be extended by an additional 90 days
- November 1, 2023 – Olgoonik Corporation sent a letter to BLM requesting the comment period be extended by an additional 90 days
- November 2, 2023 – Village of Wainwright and Ukpeagvik Iñupiat Corporation (the Alaska Native Village corporation for Utqiagvik) each sent a letter to BLM requesting the comment period be extended by an additional 90 days; and

WHEREAS, other regions and entities throughout Alaska saw the federal government’s mishandling of process surrounding the Proposed Rule and wrote in support of a request for an extension to the public comment period:

- October 30, 2023 – Alaska Federation of Natives sent a letter to Secretary Haaland requesting an extension to the public comment period
- November 7, 2023 – NANA Regional Corporation sent a letter to BLM requesting the comment period be extended by an additional 90 days

- November 13, 2023 – the ANCSA Regional Association sent a letter to BLM requesting the comment period be extended by an additional 90 days; and

WHEREAS, the public and informational meetings regarding the Proposed Rule were noticed with little time due to the condensed public comment timeframe, resulting in cancelled meetings, postponed meetings, and general confusion. Below are examples of BLM public engagements:

- October 2, 2023 – BLM announced public meetings to be held re: the Proposed Rule in Anchorage on the 10th, Atqasuk on the 12th, and Nuiqsut on the 13th
- October 10, 2023 – BLM held an informational meeting in Anchorage where *no one from the crowd was allowed to speak*, comments were taken by notecard and DOI officials handpicked which comments to discuss and respond to
- October 10, 2023 – ICAS requested the public meeting in Atqasuk be rescheduled
- October 12, 2023 – BLM communicated to ICAS via email that they spoke with the Mayor of Atqasuk and the public meeting was now postponed at his request. The meeting that was supposed to happen that day and was postponed the very day it was supposed to happen,
- October 12, 2023 – BLM cancels October 13 Nuiqsut public meeting due to weather
- October 17, 2023 – BLM announced an informational session in Washington, D.C. at DOI headquarters that same day, without notifying Alaska’s U.S. Senators Murkowski and Sullivan. The informational session was canceled hours later.
- October 17, 2023 – BLM announced a 10-day extension to the public comment period, pushing the deadline back to November 17. Please recall the fiber cable was restored 11 days after Proposed Rule was published
- November 1, 2023 – BLM holds their *first* in-region public meeting at Nuiqsut, almost two months after the release of the proposed rule and less than a week before their original public comment deadline
- November 2, 2023 – BLM holds their *second* in-region public meeting at Utqiagvik, almost two months after the release of the proposed rule and less than a week before their original public comment deadline
- November 3, 2023 – BLM cancels public meeting in Wainwright due to a death in the community
- December 4, 2023 - BLM holds their *third and final* in-region public meeting at Wainwright, almost three months after the release of the proposed rule and less than a week before the public comment deadline; and

WHEREAS, in the midst of the public comment period, the Alaska Federation of Natives held their annual convention from October 19-21, 2023 in Anchorage and DOI Secretary Deb Haaland traveled to Anchorage to be a keynote speaker; and

WHEREAS, prior to the convention, on October 13, 2023, the North Slope trilateral regional leadership wrote Secretary Haaland a letter asking for a meeting regarding both the ANWR and NPR-A announcements and lack of meaningful engagement with the region’s leadership. AFN Convention came and went without a response granting or denying the meeting request, and to date no response has been received; and

WHEREAS, on October 17, 2023 at an NPR-A Working Group meeting, DOI Deputy Assistant Secretary for Land and Minerals Management stated on the record that the condensed timeframe for the comment period was being driven to avoid the Congressional Review Act. The exact quote was “Yeah, I wish we could, we hardly ever give extensions that long on rulemaking. In other contexts we might have that kind of time, but I'm happy to regale you with the ins and outs of the Congressional Review Act, but unfortunately we're on a schedule with this one that we don't have any control over, so we just don't have that kind of time for this rule;” and

WHEREAS, the [Congressional Review Act is a tool that Congress](#) can use to overturn certain federal agency actions, including rules like the NPR-A proposed rule, within a certain timeframe; and

WHEREAS, the Deputy Assistant Secretary stated on the record to the NPR-A Working Group that DOI was working to ensure the Proposed Rule would be not fall within the timeframe in which the Congressional Review Act could be used to overturn it, implying that DOI believes that this rule could possibly not withstand a change in Administration or Congressional leadership; and

WHEREAS, the above quote also implies that DOI is not driving the condensed timeframe, it is another entity; and

WHEREAS, with the public comment deadline approaching and only two in-region meetings held by BLM, not to mention the comments by DOI at the NPR-A Working Group, North Slope leadership made the decision to go to Washington, D.C. to better understand the public process, figure out the decision makers are, and ensure that no decisions would be made without their input; and

WHEREAS, the week of November 6, 2023, a North Slope delegation comprised of VOICE, ICAS, the Borough, ASRC, Olgoonik Corporation, and the City of Anaktuvuk Pass leaders traveled over 3,000 miles to Washington, D.C. to try to figure out who the decision makers are to inform the Proposed Rule, as well as to shine light on the Proposed Rule's failed public process; and

WHEREAS, the North Slope delegation met with officials from the White House including the Council for Environmental Quality's Chair, Office of Management and Budget's lone tribal advocate, and Intergovernmental Affairs Deputy Director. All three officials were surprised to hear that the Department of Interior was pointing to them as the decision makers, not meaningfully engaging with tribes and ANCs as required by and touted by the many Executive and Secretarial Orders, and the general lack of transparency with the public process; and

WHEREAS, the North Slope delegation was able to meet with acting Deputy Secretary of the Interior solely because Alaska Representative Mary Sattler Peltola requested the meeting; and

WHEREAS, Representative Peltola opened the meeting stating, “it should not take a member of Congress to set up a meeting;” and

WHEREAS, at the meeting with the acting Deputy Secretary stated that DOI was admittedly having “correspondence issues” then continued to not answer a single question from the North

Slope delegation, including questions about who the decision makers are after stating it is a “collaborative decision-making process;” and

WHEREAS, on November 8, 2023, the North Slope delegation, alongside Alaska’s two U.S. Senators hosted a [press conference](#) to publicly share concerns with the media on the lack of meaningful engagement by the Administration on the Proposed Rule, emphasizing DOI Secretary Haaland’s refusal to hear the unified voice of the North Slope Iñupiat; and

WHEREAS, that same day, Representatives Stauber and Peltola introduced H.R. 6285 Alaska’s Right to Produce Act of 2023, which was later referred to House Natural Resources Subcommittee on Energy and Mineral Resources Chaired by Mr. Stauber; and

WHEREAS, on November 9, 2023, Alaska’s Senators Sullivan and Murkowski introduced the Senate companion, S. 3289; and

WHEREAS, Alaska’s Right to Produce Act would reverse the Proposed Rule; and

WHEREAS, VOICE supported the introduction of the bill; and

WHEREAS, following the press conference and introduction of bills, on November 10, 2023, DOI staff contacts various members of the North Slope delegation stating DOI is considering another short-term extension in addition to the 10-day extension granted on October 17, 2023; and

WHEREAS, DOI shared on November 12, 2023 an electronic copy of its “Dear Tribal Leader” and “Dear Alaska Native Corporation Leader” regarding the Proposed Rule, which they claimed they sent via snail-mail on August 25, 2023; and

WHEREAS, VOICE asked its members and learned that not one of its members received the letter via snail-mail or e-mail, until November 12; and

WHEREAS, throughout multiple Presidential administrations, DOI agencies have a consistent habit of notifying North Slope entities of consultation and other federal announcements via e-mail; and

WHEREAS, to date, only one entity, tribe, or ANC, on the North Slope has confirmed receipt of the Proposed Rule notice of consultation letters via snail mail or e-mail; and

WHEREAS, on November 13, 2023, DOI announced an additional 20-day extension resulting in a total of 90-days to consider the Proposed Rule and the new public comment period falling on December 7, 2023; and

WHEREAS, the additional 20-day extension was not sufficient for the North Slope entities to fully consider the potential impacts of the Proposed Rule, which is why all North Slope entities *all* requested a 90-day extension; and

WHEREAS, in response to the 20-day extension announcement, VOICE released a [press statement](#) expressing disappointment with the Department of Interior’s insincere attempts to appease, or quiet, the voices from the North Slope, stating the “extension falls far short of what

was formally requested by elected North Slope Iñupiat leaders on behalf of their communities;” and

WHEREAS, on November 29, 2023, U.S. House Natural Resources subcommittee on Energy and Mineral Resources held a legislative hearing during which H.R. 8265 was heard; and

WHEREAS, ICAS tribal council secretary and director of natural resources, Doreen Leavitt, and Kaktovik Iñupiat Corporation president Charles Lampe, were invited to testify to share their experience of the public process for the Proposed Rule and other federal actions taken in the North Slope region without local input; and

WHEREAS, ICAS and KIC testified in favor of H.R. 6285; and

WHEREAS, on December 6, 2023, H.R. 6285 was taken up at a full House Natural Resources Committee mark-up, and passed out of committee with bipartisan support in a vote of 24-17; and

WHEREAS, on December 7, 2023, the public comment period closed for the Proposed Rule; and

WHEREAS, only *one* consultation was conducted with a North Slope entity before the public comment period concluded on December 7, 2023; and

WHEREAS, North Slope regional and local entities, including from each of the only communities located within NPR-A, submitted substantive comments opposing the Proposed Rule:

- Regional trilateral (ICAS, Borough, ASRC)
- City of Atkasuk
- City of Utqiagvik
- City of Wainwright
- Kuukpik Corporation (the Alaska Native Village corporation for Nuiqsut)
- Village of Wainwright; and

WHEREAS, in addition to concerns with impacts to subsistence, included in multiple substantive comment letters from North Slope entities was the shortcomings of the economic analysis done by DOI and used by OIRA to deem the rule economically insignificant; and

WHEREAS, OIRA’s ruling of “economic significance” is a \$200 million threshold over a baseline; and

WHEREAS, an economic analysis should take into account the impact to the communities and their ability to provide services to their constituents if the Proposed Rule were to be implemented; and

WHEREAS, as stated above, the homelands of the North Slope Iñupiat coincidentally are also home to one of the largest hydrocarbon provinces in the world, which were to be developed regardless of North Slope support in the 20th century, and the home rule government of the North Slope Borough was formed to ensure that the local people would benefit and be provided services from the oil and gas industry through the ability to tax industry; and

WHEREAS, there is a need for an economic analysis that counts the people that live in the NPR-A; and

WHEREAS, there is a need for a re-review by OIRA for the economic significance of the Proposed Rule; and

WHEREAS, BLM stated that they would continue to hold consultations after the public comment period closed, with input from those consultations included in consideration for the final rule; and

WHEREAS, on December 15, 2023, BLM conducted consultation with ASRC, more than a month after their initial attempt to schedule consultation; and

WHEREAS, also after the close of the public comment period, Olgoonik Corporation (the Alaska Native Village corporation for Wainwright) had consultation regarding the Proposed Rule on December 19, 2023; and

WHEREAS, on December 20, 2023, OIRA released new guidance for implementing Section 2(e) of Executive Order 14094, Modernizing Regulatory Review, which opened the door for North Slope leadership to request an audience with the agency that deemed the Proposed Rule economically insignificant after reviewing the economic analysis of BLM; and

WHEREAS, January 29, 2024, VOICE, ICAS, and ASRC met with OIRA Administrator to ask whether OIRA will have another chance to review the analysis of economic significance when the Proposed Rule inevitably returns to OIRA before the final rule is published, and also express the frustrations of the public process with the Proposed Rule thus far; and

WHEREAS, OMB was also at the meeting with OIRA and reiterated this administration's "commitment to tribal sovereignty;" and

WHEREAS, OIRA shared that typically the economic significance analysis of the proposed rule is also applied to the final rule, and that while OIRA does not conduct tribal consultations, they have never turned down an Executive Order 12866 meeting (which is somewhat equivalent to tribal consultation); and

WHEREAS, there is a consistent pattern of rhetoric not matching the actions of this administration, publicly promoting tribal sovereignty and native voices, yet silencing and not counting the Iñupiat of the North Slope; and

WHEREAS, ICAS held their consultation with BLM on February 6, 2024 regarding the Proposed Rule; and

WHEREAS, the BLM has acknowledged that none of the over 25 entities that serve and represent the Alaska Native communities and people of the North support the Proposed Rule; and

WHEREAS, the Proposed Rule represents a major policy change in how the DOI will manage the NPR-A and as such has the potential to significantly impact the lands, people, and communities surrounded by and adjacent to the NPR-A by adding additional processes, placing greater burdens on those living and working within and surrounding the NPR-A.

NOW THEREFORE BE IT RESOLVED, VOICE opposes this Proposed Rule and the public process, or lack thereof, through which it has been conducted; and

BE IT FURTHER RESOLVED that VOICE requests OIRA to re-review the economic significance of the Proposed Rule to ensure the economic analysis submitted by DOI includes the cost-benefit impacts to the North Slope Inupiat and the local governments responsible for providing services to the eight Alaska Native communities in the region; and

BE IT FURTHER RESOLVED that VOICE's management and staff are hereby authorized and directed to take all such action necessary to give effect to this resolution.

RESOLUTION SPONSOR(S):
Inupiat Community of the Arctic Slope
Arctic Slope Regional Corporation
North Slope Borough

CERTIFICATION

I, Martha Monnin, do hereby certify: that I am the Secretary of VOICE, organized and existing under the laws of the State of Alaska; that a meeting of the Executive Committee of the VOICE was duly held on February 13, 2024; that a quorum attended and participated; and that the foregoing resolution was duly adopted.

In witness whereof, I have hereunto set my hand, by order of the Executive Committee of the Corporation, this 13th day of February 2024.



Martha Monnin

Secretary

ATTEST:

Rex A. Rock, Sr.

Chair

Signature: Rex Allen Rock Sr
Rex Allen Rock Sr (Feb 15, 2024 12:35 AKST)

Email: rarock@asrc.com