



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Natural Resources

OFFICE OF PROJECT MANAGEMENT AND PERMITTING

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November 7, 2023

Mr. Steven Cohn
Alaska State Director – Bureau of Land Management
222 W. 7th Avenue
Anchorage, Alaska 99513

Re: Proposed Rule for the Management and Protection of the NPR-A – State of Alaska request for extension and to schedule meaningful public hearings in Anchorage and other impacted communities

Dear Mr. Cohn,

The State of Alaska (“State”) is requesting a 90-day extension to the comment period for the public to review and comment on the Proposed Rule for the “Management and Protection” of the National Petroleum Reserve – Alaska (NPR-A).

The recent 10-day extension is inadequate – to the point of being meaningless – for addressing the multitude of Alaskan stakeholders’ concerns that have arisen: completing review during subsistence activities, correcting the deeply flawed economic analysis associated with the rule, being able to incorporate discussions from the hastily and poorly scheduled public meetings into substantive comments, or any of a number of other situations created by the legal and process deficiencies that we have observed to date. We feel these process deficiencies, in the face of consistent requests from so many directly affected stakeholders in Alaska – including numerous organizations representing Alaskans that live within the NPR-A and will be directly affected by the rule – necessitate the extension. The process to date amounts to an almost open disregard for the interests of Alaskans, our way of life, and the indigenous inhabitants of the North Slope – as we try to exercise rights and processes created by federal law and policy.

Despite rhetorical promises of future collaboration, we have seen no such collaboration on this rule – a rule that may be the single most consequential federal rulemaking for our State’s future. By report of numerous organizations and communities, this total lack of collaboration, consultation, or even basic information sharing unfortunately extends to many of the Indigenous, Alaskan Native people of the region that this proposed rule directly impacts. Trust is built through collaboration, communication, and keeping promises. Unfortunately, BLM’s actions and defective process speak much louder than the empty words of future promises of inclusion and collaboration.

BLM has chosen to develop this proposed rule behind closed doors with the apparent assumption that stakeholder engagement with the State, Alaskans, and the Native communities and residents of the NPR-A would only detract from BLM's predetermined approach to create purported "management tools" and "frameworks" that are solely focused on expanding conservation and preservation across the NPR-A to the detriment of balanced and responsible local or regional interests. The State has significant concerns that this proposed rule is fundamentally dissonant with the National Petroleum Reserve *Production* Act which will only be amplified by pushing it through with facially defective process.

As we prepare substantive comments, it is clear the total absence of meaningful collaboration with the State or any local or regional stakeholder(s) in the development or review of this proposed rule has created a "framework" for managing the NPR-A that has significant inaccuracies, incorrect assumptions, counters prior federal reviews and analysis, and fundamentally dismisses the interests of the communities and residents of the NPR-A. This compounds the serious federalism deficiencies raised by ignoring that the State of Alaska and North Slope Borough, respectively, are responsible for a wide variety of authorizations and management actions for resources in the NPR-A that will purportedly be implemented by the proposed rule.

The State of Alaska is not the only critical stakeholder requesting an extension or that finds BLM's process disingenuous. The NPR-A Working Group, which the Department of the Interior created specifically to involve in this type of management effort, also requested an extension after apparently only being notified of this effort on September 26, 2023, nearly 20 days after the proposed rule was published. This group was created to ensure that NPR-A communities and stakeholders are able to incorporate North Slope economics, subsistence concerns, traditional and ecological knowledge in federal actions regarding the NPR-A, and to provide recommendations from local residents. Duties of the Working Group are "to discuss local concerns relevant to project development and implementation of BLM planning decisions with BLM". The Working Group is clearly requesting that it needs time to perform the functions DOI created it to do.

Community members and residents of the NPR-A are also expressing frustrations to our office, and we understand to BLM as well, that this review timeline directly conflicts with fall subsistence whaling activities, of which BLM is either unaware or is choosing to ignore. An additional 10 days does not address this overlap with fall subsistence activities. Nor does it take into consideration the fact that many people in this region just regained internet service after significant infrastructure was damaged and only recently repaired and have had no way of accessing the proposed rule itself or any associated documents or information.

The State would also like to echo concerns brought forth by Inupiat Community of the Arctic Slope (ICAS), the NPR-A Working Group, and others about the need to schedule meaningful public hearing(s) in additional communities directly impacted by this rulemaking – while providing more than a few days' notice before the meeting. In the meetings BLM has held, public comment has not even been taken and questions raised by the public have been cherry-picked for partial answers and paraphrasing. Not allowing the public to speak confirms BLM's limited intention to actually gather knowledge and data, or to collaborate.

BLM has taken every opportunity to rush this process with no explanation, specifically at the expense of the Native, local, and regional stakeholders of the NPR-A. BLM needs to heed the community voices that are saying the new philosophy of “streamlining” NPR-A management efforts while limiting collaboration and stakeholder engagement; and subverting local, regional, and traditional knowledge is inappropriate and contradicts the promises made by BLM and the Biden Administration.

BLM has also made every attempt to ignore the actual impacts of the proposed rule by claiming it is only “administrative” to streamline the process by dismissing the need for additional analysis or stakeholder input. In reality, this rule vastly alters major federal planning processes and land management standards that were developed with robust public input. Public testimony has been offered at every other stage of NPR-A plan development in Anchorage and other impacted communities. If BLM wants to move forward with a rule that alters existing federal land management, then it must acknowledge the concomitant process requirements at a minimum.

For these reasons the State of Alaska is requesting and supporting the numerous other requests that have been submitted, to extend the public comment period for an additional 90 days. This extension is sorely needed to do meaningful engagement with the State of Alaska, Alaska Native communities, local residents, ICAS, the NPR-A Working Group, and other Alaskan stakeholders.

Sincerely,

Ashlee Adoko

Executive Director
State of Alaska
Department of Natural Resources
Office of Project Management and Permitting