

**U.S. House of Representatives**  
**Committee on Natural Resources**  
**Washington, DC 20515**

December 4, 2023

Dr. Steven Feldgus  
Deputy Assistant Secretary  
Land and Mineral Management  
U.S. Department of the Interior  
1849 C Street, NW  
Washington, DC 20240-0001

Dear Dr. Feldgus:

Thank you for appearing before the Subcommittee on Energy and Mineral Resources at a legislative hearing on Wednesday, November 29, 2023, on the following bill:

- **H.R. 6285 (Rep. Stauber)**, "*Alaska's Right to Produce Act of 2023*"

Your testimony on H.R. 6285 (Rep. Stauber) was extremely helpful in defining the Subcommittee's understanding of the issue and I appreciate the effort you took to prepare and present your testimony. While many questions were asked during the hearing, the Subcommittee has additional questions, attached, for your reply.

Please forward your responses to Lonnie Smith, Clerk of the Subcommittee on Energy and Mineral Resources, at [Lonnie.smith@mail.house.gov](mailto:Lonnie.smith@mail.house.gov) by December 18, 2023. Your assistance in meeting this deadline is requested, as failure to meet it will be noted in the printed transcript.

Once again, thank you for your extensive effort in making this a valuable hearing.

Sincerely,



Pete Stauber  
Subcommittee on Energy and Mineral Resources  
Chairman

Enclosure

**Committee on Natural Resources**  
**Subcommittee on Energy and Mineral Resources**  
**Legislative Hearing**  
**1324 Longworth House Office Building**  
**November 29, 2023**  
**10:15 AM**

**H.R. 6285 (Rep. Stauber), “Alaska’s Right to Produce Act of 2023”**

**Questions from Rep. Stauber** for Dr. Steve Feldgus, Deputy Assistant Secretary for Land and Minerals Management, Department of the Interior

1. What communities are located within the Arctic National Wildlife Refuge (ANWR)?
  - a. Did you meet with the communities within ANWR on the Draft Coastal Plain Oil and Gas Leasing Program Supplemental Environmental Impact Statement (SEIS) prior to September 6, 2023?
  - b. If so, on what dates did these meetings occur and who were the attendees?
2. What communities are located within the National Petroleum Reserve in Alaska (NPR-A)?
  - a. Did you meet with the communities within the NPR-A on the proposed rule, Management and Protection of the National Petroleum Reserve in Alaska (43 CFR 2360) before September 6, 2023?
  - b. If so, on what dates did these meetings occur and who were the attendees?
3. What dates did you conduct consultation with the tribes and Alaska Native corporations (ANCs) in each of the communities located within ANWR and NPR-A?
4. What dates did you conduct consultation with the regional tribe and ANC for the Draft Coastal Plain Oil and Gas Leasing Program Supplemental Environmental Impact Statement (SEIS) and for the proposed rule, Management and Protection of the National Petroleum Reserve in Alaska (43 CFR 2360)?
5. On a recent NPR-A working group call in October, the request to extend the comment period was brought up. Katie Kovacs responded for the Department “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” endquote.

- a. Is it a higher priority for the Department to avoid the Congressional Review Act deadlines than to provide adequate consultation to tribes and ANCs?
  - b. Do you stand by this statement?
6. Consultations are defined as having both Department and Tribal officials with decision-making authorities present at the government-to-government consultation session(s)/ meeting(s) regarding the proposed Departmental Action with Tribal Implications.
  - a. Who are the decision makers for the NPR-A proposed rulemaking and the ANWR Draft SEIS?
  - b. Who developed the decision to pause the oil and gas leases in ANWR in June 2021?
    - i. Who made the decision that the NEPA was insufficient for those leases?
  - c. Will the decision makers engage with communities, tribes and ANCs during consultation meetings?
7. How is the proposed NPR-A rule, which is effectively a rewrite of the Naval Petroleum Reserve Production Act, merely a rule of an “administrative, financial, legal, technical, or procedural nature”?
  - a. This is a big policy shift – again, why would the government want to invoke a categorical exemption from the NEPA process?
8. The proposed NPR-A rule re-defines “maximum protection” to be “no or minimal adverse effects on significant resource values.”
  - a. Can you explain what this new definition means and give examples?
  - b. Can you explain how this new definition differs from the existing rule definition examples?
9. The proposed NPR-A rule requires that the BLM, in evaluating proposals for leasing or surface infrastructure, “document its consideration of any uncertainty”.
  - a. Please explain what that means and provide examples.
10. A Louisiana federal court recently ruled that the Rice’s Whale vessel restrictions the Bureau of Ocean Energy Management (BOEM) included in the August 2023 Final Notice of Sale for Lease Sale 261 were arbitrary and capricious. NOAA also recently denied a petition submitted by several NGOs to expand vessel restrictions for the Rice’s whale saying that NOAA needs to do more work before it even considers vessel regulations. Given these recent actions, we would expect that BOEM rescind the Notice to Lessees (NTL) published in August 2023 that includes these recommended vessel mitigations for

oil and gas service vessels transiting the entire 100-400 meter isobath region across the entire Gulf of Mexico. During the hearing, you stated that DOI has no plans to rescind the “voluntary” NTL at this time. This ignores that the NTL suffers from many of the same legal defects, and BOEM should not leave in place recommendations that are arbitrary and capricious and were developed as part of a “sue and settle” arrangement. When can we expect the Department of Interior to rescind this NTL?

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**Questions from Rep. Duarte** for Dr. Feldgus, Deputy Assistant Secretary for Land and Mineral Management

1. Can you name one specific example of where an oil developer in Alaska has robbed any individual of their subsistence lifestyle?