



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

DEC 20 2024

The Honorable Pete Stauber
Chairman
Subcommittee on Energy and Mineral Resources
Committee on Natural Resources
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Stauber:

Enclosed are responses prepared by the Bureau of Land Management to questions for the record submitted following the Subcommittee's November 29, 2023, legislative hearing on H.R. 6285, the *Alaska's Right to Produce Act of 2023*.

Thank you for the opportunity to provide this material to the Committee.

Sincerely,

Pamela Barkin
Legislative Counsel
Office of Congressional and
Legislative Affairs

Enclosure

cc: The Honorable Alexandria Ocasio-Cortez
Ranking Member

Questions for the Record
House Committee on Natural Resources
Subcommittee on Energy and Mineral Resources
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Questions from Rep. Stauber (R-MN-08)

Question 1: What communities are located within the Arctic National Wildlife Refuge (ANWR)?

Response: Kaktovik is the only community located within the boundaries of 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?

Response: Yes. In 2022, and 2023 before September 6, 2023, the joint lead agencies hosted three meetings with the Native Village of Kaktovik and Kaktovik Iñupiat Corporation:

- October 26-27, 2022
- February 13, 2023

Prior to that, in 2021 during the scoping period and amid the surge in COVID-19, the BLM hosted six virtual meetings that the Native Village of Kaktovik and Kaktovik Iñupiat Corporation were invited to attend:

- September 14, 2021 (1:00 pm)
- September 14, 2021 (6:00 pm)
- September 15, 2021 (10:00 am)
- September 15, 2021 (6:00 pm)
- September 16, 2021 (1:00 pm)
- September 16, 2021 (6:00 pm)

Once COVID transmission rates and cases declined, the BLM was able to conduct in-person consultation meetings with Federally recognized Tribes and Alaska Native Corporations, which are detailed in the next answer.

In addition, Iñupiat Community of the Arctic Slope, the Native Village of Kaktovik, Village of Venetie Tribal Government, Native Village of Venetie, and the Arctic Village Council are Cooperating Agencies on this project and were invited to participate in the following Cooperating Agency meetings:

- October 19, 2022
- April 18, 2023
- May 3, 2023
- September 13, 2023

b. If so, on what dates did these meetings occur and who were the attendees?

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Response: Prior to the publication of the Draft SEIS, the joint lead agencies held consultation meetings with the following Tribal governments and Alaska Native Corporations (lines in **bold and underline** indicate meetings with organizations within ANWR):

- June 27-28, 2022, in Arctic Village: Arctic Village Council, Native Village of Venetie (Venetie Village Council), and Native Village of Venetie Tribal Government
- September 13-14, 2022, in Arctic Village: Arctic Village Council, Native Village of Venetie (Venetie Village Council), and Native Village of Venetie Tribal Government
- October 18, 2022, in Anchorage: Arctic Village Council, Native Village of Venetie (Venetie Village Council), and Native Village of Venetie Tribal Government
- **October 26-27, 2022, in Kaktovik: Native Village of Kaktovik, Kaktovik Iñupiat Corporation**
- **February 13, 2023, in Kaktovik: Native Village of Kaktovik, Kaktovik Iñupiat Corporation**
- **May 9, 2023 (virtually via videoconference): Native Village of Kaktovik, Iñupiat Community of the Arctic Slope**
- November 21, 2023 (in-person in Anchorage, AK): Arctic Slope Regional Corporation

During the public comment period on the Draft SEIS, the BLM and FWS hosted public meetings and Alaska National Interest Lands Conservation Act (ANILCA) section 810 hearings in Utqiagvik, Venetie, Arctic Village, and Fort Yukon. An ANILCA section 810 hearing was also held in Kaktovik after the public comment period on the draft SEIS closed. We also hosted in-person public meetings in Anchorage and Fairbanks and four virtual public meetings. During the public comment period, BLM and FWS have held government-to-government consultations in Venetie and Arctic Village, and have been in regular contact with the Iñupiat Community of the Arctic Slope and Native Village of Kaktovik

Public Meetings on the Draft SEIS:

- September 25, 2023, Utqiagvik
- September 26, 2023, Venetie*
- September 28, 2023, Arctic Village*
- October 9, 2023, Fort Yukon
- October 16, 2023, Anchorage
- October 23, 2023, Fairbanks
- March 21, 2024, Kaktovik
- September 22, October 6, 11, and 17, 2023, Virtual Public Meetings

*Denotes locations where a separate government-to-government meeting was held in association with the public meeting.

Question 2: What communities are located within the National Petroleum Reserve in Alaska (NPR- A)?

Response: There are four communities located within the boundaries of the NPR-A: Atkasuk, Nuiqsut, Utqiagvik, and Wainwright.

- 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?**

Response: No, the BLM did not meet with communities that are located within the NPR-A on the proposed rule before September 6, 2023. On August 25, 2023, the BLM invited via mail 45 Tribes and 30 Alaska Native Corporations to engage in consultation on the proposed rule. Those consultations occurred after the proposed rule published in the Federal Register on September 8, 2023.

- b. If so, on what dates did these meetings occur and who were the attendees?**

Response: The BLM engages regularly with the NPR-A communities through monthly NPR-A Working Group meetings—which include representatives from North Slope Tribes, Corporations, and local governments—and regular meetings with the North Slope Federal Subsistence Regional Advisory Council. Since the proposed rule’s release, BLM has had numerous conversations with NPR-A communities, Tribes, and Corporations, through consultations and the NPR-A Working Group.

Question 3: What dates did you conduct consultation with the tribes and Alaska Native corporations (ANCs) in each of the communities located within ANWR and NPRA?

Response: For the Coastal Plain SEIS, on August 18, 2021, the BLM invited via mail 7 Tribes and 2 Alaska Native Corporations to engage in consultation. Since the publication of the Draft SEIS, we have continued to offer consultation via phone, email, and in-person invitations to Iñupiat Community of the Arctic Slope; Arctic Village Traditional Council; Chalkyitsik Village; Native Village of Fort Yukon; Native Village of Kaktovik; Native Village of Venetie Tribal Government; Venetie Village Council; Kaktovik Iñupiat Corporation; Arctic Slope Regional Corporation; and North Slope Borough. Since the publication of the Draft SEIS, the joint lead agencies have held the following consultation meetings:

- September 26, 2023 in Venetie
- September 28, 2023 in Arctic Village

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- November 21, 2023, in Anchorage: Arctic Slope Regional Corporation
- February 6, 2024, (virtually via videoconference): Iñupiat Community of the Arctic Slope
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The joint lead agencies also held the following public meetings:

- September 22, 2023 (virtually via videoconference)
- September 25, 2023, in Utqiagvik
- September 26, 2023, in Venetie
- September 28, 2023, in Arctic Village
- October 6, 2023 (virtually via videoconference)
- October 9, 2023, in Fort Yukon
- October 11, 2023 (virtually via videoconference)
- October 16, 2023, in Anchorage
- October 17, 2023 (virtually via videoconference)
- October 23, 2023, in Fairbanks

In addition, Iñupiat Community of the Arctic Slope and the Native Village of Kaktovik are Cooperating Agencies on this project and were invited to participate in the following Cooperating Agency meetings:

- October 19, 2022
- April 18, 2023
- May 3, 2023
- September 13, 2023

For the proposed NPR-A Rule, on August 25, 2023, the BLM invited via mail 45 Tribes and 30 Alaska Native Corporations to engage in consultation. Since the announcement of the proposed rule, its finalization, and the release of the Request for Information (RFI) on Special Areas, we have continued to offer consultation via phone, email, and in-person invitations to Native Village of Atkasuk; Atkasuk Corporation; Village of Wainwright; Olgoonik Corporation; Native Village of Nuiqsut; Kuupik Corporation; Native Village of Barrow; Ukpeagvik Iñupiat Corporation; Arctic Slope Regional Corporation; and Iñupiat Community of the Arctic Slope. Most recently, in July 2024, BLM emailed and mailed invitations to consult to North Slope Tribes and Corporations as part of the process to announce the RFI for special areas.. In forums where North Slope Tribes and Alaska Native Corporations are present, such as meetings of the NPR-A Working Group, BLM continues to invite consultation and provide updates on these efforts.

We held the following meetings (lines in bold and underlined indicate meetings with organizations within the NPR-A):

- **November 1, 2023, in Nuiqsut: Native Village of Nuiqsut**
- **November 3, 2023, in Utqiagvik: Iñupiat Community of the Arctic Slope**
- **November 21, 2023 (virtually via videoconference): Village of Wainwright**

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- **December 19, 2023, in Anchorage: Olgoonik Corporation**
- **December 21, 2023, in Anchorage: Arctic Slope Regional Corporation**
- **February 6, 2024, (virtually via videoconference): Iñupiat Community of the Arctic Slope**
- **August 21, 2024, (virtually via videoconference): Iñupiat Community of the Arctic Slope and City of Utqiagvik**
- **September 5, 2024 in Anchorage: Arctic Slope Regional Corporation**

The BLM held the following public meetings (lines in bold and underlined indicate meetings that were held within the NPR-A):

- October 6, 2023, Public Information Session (virtually via videoconference)
- October 10, 2023, Public Information Session in Anchorage, Alaska
- **November 1, 2023, Public Comment Meeting in Nuiqsut (originally scheduled for October 13)**
- **November 2, 2023, Public Comment Meeting in Utqiagvik**
- Monday, November 6, 2023, Public Information Session virtually via videoconference)
- **December 4, 2023, Public Comment Meeting in Wainwright (originally scheduled for November 3)**

In addition, staff met with the NPR-A Working Group (consisting of representatives from North Slope local governments, Alaska Native Corporations, and Tribal entities) on the following dates:

- September 26, 2023
- October 17, 2023
- December 1, 2023
- February 13, 2024
- March 14, 2024
- June 18, 2024
- July 16, 2024
- August 26-27, 2024

BLM staff also presented at the August 21, 2024, board meeting of the Voice of the Arctic Iñupiat to provide updates on the RFI associated with the NPR-A rule.

Finally, the BLM and Department staff met with Iñupiat Community of the Arctic Slope, the North Slope Borough, Voice of the Arctic Iñupiat, and Arctic Slope Regional Corporation on September 21, 2023, in Washington, D.C. On November 8, 2023, Acting Deputy Secretary Laura Daniel-Davis and BLM leadership also met with representatives from the Iñupiat Community of the Arctic Slope, the North Slope Borough, Voice of the Arctic Iñupiat, Arctic Slope Regional Corporation, Olgoonik Corporation, and Anaktuvuk Pass and their lobbying representation in Washington, D.C.

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In addition, the Department and the BLM have clarified that consultation continues to be available on the rule. In fact, an in-person meeting with the Secretary of the Interior was also held on June 13, 2024.

Question 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)?

Response: Throughout the Coastal Plain SEIS process, we have continued to offer consultation to the Arctic Slope Regional Corporation and Iñupiat Community of the Arctic Slope, via phone, email, and mail invitations. We held the following consultation meetings (bold and underline indicate consultations held since release of the Draft SEIS and before publication of a Final SEIS):

- May 9, 2023 (virtually via videoconference): Iñupiat Community of the Arctic Slope
- **November 21, 2023, in Anchorage: Arctic Slope Regional Corporation**
- February 6, 2024, (virtually via videoconference): Iñupiat Community of the Arctic Slope

In addition, the Iñupiat Community of the Arctic Slope is a Cooperating Agency on this project and was invited to participate in the following Cooperating Agency meetings:

- October 19, 2022
- April 18, 2023
- May 3, 2023
- September 13, 2023

For the proposed NPR-A rule, on August 25, 2023, the BLM invited via mail 45 Tribes and 30 Alaska Native Corporations to engage in consultation. Since the announcement of the proposed rule, and as discussed in the response to question 3 above, we have continued to offer consultation to all Tribes and Alaska Native Corporations within the NPR-A, including the Iñupiat Community of the Arctic Slope and Arctic Slope Regional Corporation, via phone, email, and mail invitations. Most recently, in July 2024, BLM emailed and mailed invitations to consult to North Slope Tribes and Corporations as part of the process to announce the RFI for special areas. In forums where the Iñupiat Community of the Arctic Slope and Arctic Slope Regional Corporation are present, such as meetings of the NPR-A Working Group, BLM continues to invite consultation and provide updates on these efforts.

We held the following consultation meetings (bold and underline indicates consultations held since publication of the proposed rule and before publication of the final rule):

- **November 3, 2023, in Utqiagvik: Iñupiat Community of the Arctic Slope**

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- **December 21, 2023, in Anchorage: Arctic Slope Regional Corporation**
- **February 6, 2024, (virtually via videoconference): Iñupiat Community of the Arctic Slope**
- August 21, 2024, (virtually via videoconference): Iñupiat Community of the Arctic Slope joined by City of Utqiagvik
- September 5, 2024, in Anchorage: Arctic Slope Regional Corporation

Question 5: On a recent NPR-A working group call in October, the request to extend the comment period was brought up. Kati 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.

Is it a higher priority for the Department to avoid the Congressional Review Act deadlines than to provide adequate consultation to tribes and ANCs?

Response: The Department is committed to strengthening relationships with Tribes and honoring our trust responsibilities. The statement you quoted is taken out of context. The NPR-A Working Group had asked the BLM to extend the proposed rule's public comment period for an additional 90 days, which would have made for an unprecedented 150-day (5-month) comment period for a 5-page proposed rule. The Deputy Director and State Director explained various constraints that prevented the BLM from granting that request. Ms. Kovacs' statement was meant to further explain to communities that typically deal with the BLM in the context of land use planning and National Environmental Policy Act analyses, where the process may stretch years, why the bureau does not have that kind of timing flexibility in rulemaking.

The comment was not intended to diminish the importance of consulting with Tribes and Alaska Native Corporations. Indeed, such consultations can continue after the public comment period ends, which was made clear at the meeting and has been reiterated since then. Ms. Kovacs was speaking to the fact that updating the regulations for the NPR-A is a priority for the Administration and that the Federal rulemaking process involves many steps—including review by staff outside of the Department—that can affect a rule's timeline. This differs from the process for decision-making in the planning and NEPA contexts, during which BLM has greater control over timelines.

The requested 5-month comment period would have far exceeded the typical duration for public comment periods in rulemaking. While BLM was unable to grant the requested 90-day extension, the BLM did extend the comment period for an additional 30 days, which provided a 90-day public comment period for the proposed rule. Since granting that extension, the BLM has continued to engage with affected communities and the NPR-A Working Group on the NPR-A rule. In response to feedback from communities, in early November 2023 the BLM produced a

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side-by-side comparison of the existing rule and the proposal to increase clarity on the effects of the proposed rule and facilitate the public's ability to comment on the changes.

This rule is designed to provide consistency and durability in federal decision-making for communities within the NPR-A, ensuring a balance of oil and gas development with protection of subsistence resources and Special Areas, as mandated in the Naval Petroleum Reserves Production Act (NPRPA). The agency values the local input we have received, and we look forward to continuing our productive engagements on NPR-A management as we finalize the rule and implement it.

a. Do you stand by this statement?

Response: We stand by the response provided above.

Question 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?

Response: As with all of proposals of this scale, multiple people in the Bureau and Department engage in determining the best path forward, with delegations of authority allowing decisions to be made at the appropriate level. Ultimately, decisions at the Department are made pursuant to the authority of the Secretary of the Interior, although decisions may be made by an official with delegated authority. The final rule was signed by the Principal Deputy Assistant Secretary, Land and Minerals Management, at the Department.

b. Who developed the decision to pause the oil and gas leases in ANWR in June 2021?
• **Who made the decision that the NEPA was insufficient for those leases?**

Response: President Biden, through Executive Order 13990, directed the Department to review oil and gas leasing in the Arctic Refuge, "[i]n light of the alleged legal deficiencies underlying the program." In June 2021, the Department issued Secretary's Order 3401, which determined that there were multiple legal deficiencies in the record underlying the leases, and suspended all activities related to implementing the Coastal Plain Oil and Gas Leasing Program pending completion of a comprehensive analysis under NEPA. Pursuant to the order, the BLM and the U.S. Fish and Wildlife Service are preparing an SEIS addressing the deficiencies identified in the Secretarial Order.

c. Will the decision makers engage with communities, tribes and ANCs during consultation meetings?

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Response: As discussed in the responses to questions 3 and 4 above, the BLM has invited Tribes and Alaska Native Corporations to engage in consultation.

For the Coastal Plain SEIS, on August 18, 2021, the BLM invited via mail 7 Tribes and 2 Alaska Native Corporations to engage in consultation. Since the publication of the Draft SEIS, we have continued to offer consultation via phone, email, and in-person invitations to Iñupiat Community of the Arctic Slope; Arctic Village Traditional Council; Chalkyitsik Village; Native Village of Fort Yukon; Native Village of Kaktovik; Native Village of Venetie Tribal Government; Venetie Village Council; Kaktovik Iñupiat Corporation; Arctic Slope Regional Corporation; and North Slope Borough.

Since the announcement of the proposed NPR-A rule, and as discussed in the responses to questions 3 and 4 above, we have continued to offer consultation to all Tribes and Alaska Native Corporations within the NPR-A, including the Iñupiat Community of the Arctic Slope and Arctic Slope Regional Corporation, via email, phone, and mail invitations. The BLM has also met with the NPR-A Working Group (consisting of representatives from North Slope local governments, Alaska Native Corporations, and Tribal entities), and it held public meetings on the proposed rule in Anchorage, Nuiqsut, Utqiagvik, Wainwright, as well as virtually via videoconference, during fall 2023.

Question 7: How is the proposed NPR-A rule, which is effectively a rewrite of the Naval Petroleum Reserves Production Act, merely a rule of an "administrative, financial, legal, technical, or procedural nature"?

Response: The NPR-A rule does not rewrite the NPRPA. Rather, it specifically follows Congressional direction provided in that law. Moreover, the rule does not change any current on-the-ground management. This rule does not implement any management activities or alter any existing Special Areas within the NPR-A, but rather simply modifies the standards and procedures for managing and protecting surface resources and Special Areas in the NPR-A consistent with Congressional direction in the NPRPA. Any environmental effects from future decisions that may implement the rule will be fact-specific, subject to their own NEPA compliance, and would be speculative at this time. As such, the rule is administrative and procedural in nature within the meaning of the Department's categorical exclusion.

- a. **This is a big policy shift - again, why would the government want to invoke a categorical exemption from the NEPA process?**

Response: The NPR-A rule sets out a framework for managing oil and gas activity in the Reserve, but is not self-executing, meaning that it does not itself make substantive changes on the ground and does not restrict the BLM's discretion to undertake or authorize future on-the-ground action without new future decisions that implement the rule. As such, the NPR-A rule fits within the categorical exclusion at 43 CFR 46.210(i)

that applies to rules, regulations, or policies to establish bureau-wide administrative procedures, program processes, or instructions. Further, the current Integrated Activity Plan went through an extensive NEPA analysis, including a full Environmental Impact Statement. The rule does not change any current on-the-ground management as outlined in the Integrated Activity Plan. Any future change in management or authorization of on-the-ground activities with the NPR-A would be subject to a separate decision-making process. Similarly, specific details regarding what, where, and when activities may occur to implement the rule is uncertain at this time, and any analysis conducted absent such information would be speculative. As such, the rule is administrative and procedural in nature, and a categorical exclusion is appropriate.

Question 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?

Response: Section 104(b) of the NPRPA requires maximum protection of significant subsistence, recreational, fish and wildlife, or historic or scenic surface values within Special Areas. The management direction for Special Areas in the current Integrated Activity Plan provides several examples of maximum protection of significant resource values based on existing conditions within those Special Areas.

Boundaries of the Special Areas can be found in Section 2.2.1 (p. 2-4 - 2-5) of Volume 1 of the Final IAP EIS and depicted on Map 5 in the 2022 NPR-A IAP ROD. Management direction for the Special Areas is specified through Required Operating Procedures and Stipulations, which are included in Appendix A (p. A-6 - A-44). An example of a Stipulation that directs maximum protection of significant resource values is Lease Stipulation K-14 - Utukok River Uplands Special Area (p. A-18 - A-21), which closes certain portions of that Special Area to new leasing and infrastructure and includes certain limitations on air and ground transport to reduce impacts to the Western Arctic Caribou Herd.

b. Can you explain how this new definition differs from the existing rule definition examples?

Response: In the NPRPA, as amended, Congress sought to strike a balance between exploration and production of oil and gas resources and protection of significant resource values in the NPR-A. The NPRPA authorizes the Secretary of the Interior, through the BLM, to establish rules and regulations that are necessary and appropriate for the protection of the significant resource values in the NPR-A.

Additionally, Congress directed that any oil and gas development within Special Areas must be conducted in a manner that assures the maximum protection of significant

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resource values, and such activities must be conducted in a manner designed to minimize adverse impacts to those values. Specifically, the NPRPA provides that, “[a]ny exploration within the Utukok River, the Teshekpuk Lake areas, and other areas designated by the Secretary of the Interior containing any significant subsistence, recreational, fish and wildlife, or historical or scenic value, shall be conducted in a manner which will assure the maximum protection of such surface values to the extent consistent with the requirements of this Act for the exploration of the reserve.” 42 U.S.C. 6504(a).

The rule provides more detail on how the BLM will implement this direction based on the BLM’s experience managing the NPR-A for nearly fifty years, during which time the agency has applied the NPRPA in a number of planning efforts and management decisions. Assuring maximum protection of significant resource values is the management priority for Special Areas as directed by the NPRPA, and the BLM may require measures to mitigate the adverse effects of proposed actions.

More information can be found on the [NPR-A rule website](#).

Question 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.

Response: This is a standard practice for any Federal agency that completes NEPA analysis. Agencies are required to use high quality information and data when conducting their analysis to provide a snapshot in time that can be revisited when new information becomes available. To the extent there are uncertainties, regulations in 40 CFR 1502.21(a) address incomplete or unavailable information in analysis and state that “When an agency is evaluating reasonably foreseeable significant effects on the human environment in an environmental impact statement, and there is incomplete or unavailable information, the agency shall make clear that such information is lacking.”

Question 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

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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?**

Response: The Outer Continental Shelf Lands Act charges DOI with administering leasing and oil and gas exploration and development activities on the OCS. Under the delegated authority of the Secretary of the Interior, BOEM requires that entities engaging in oil and gas activities on the OCS avoid or minimize harm to threatened and endangered species, including Rice's whale, which is listed under the Endangered Species Act.

BOEM may issue Notices to Lessees (NTLs) to provide additional information, clarifications, or recommendations to industry. During the period when BOEM and the Bureau of Safety and Environmental Enforcement are reengaged in consultation with the National Marine Fisheries Service (NMFS) on the 2020 *Biological Opinion on the Federally Regulated Oil and Gas Program Activities in the Gulf of Mexico* (BiOp), the NTL recommends certain voluntary avoidance and mitigation measures in the Expanded Rice's Whale Area to minimize harm to Rice's whales. BOEM will continue to work with NMFS as it finalizes a new or amended BiOp, which may require additional protection measures.

At this time there are no plans to rescind the NTL.

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Questions from Rep. Duarte (R-CA-13)

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

Response: The impact of development (continued presence, linear features, etc.) on migratory caribou populations and movement and on other subsistence species' abundance in Alaska, and specifically on the North Slope, is an area of ongoing monitoring and focus for BLM, especially given the Alaska National Interest Lands Conservation Act mandate that rural residents of Alaska be given a priority for subsistence uses of fish and wildlife. Part of our statutory responsibility is to ensure that, where development occurs, the situation described in the question is avoided. However, in certain situations, infrastructure for oil and gas development has proven to impede subsistence activities. For example, a road constructed as part of the Greater Mooses Tooth 1 has been the source of numerous complaints from subsistence users who found the road to act as a barrier to movement.