



U.S. Department of the Interior
Bureau of Land Management

Proposed NPR-A Rule

Frequently Asked Questions

What is the National Petroleum Reserve in Alaska?

This 23-million-acre swath of public land is roughly 100 miles west of the Arctic National Wildlife Refuge and 50 miles west of Prudhoe Bay, extending from the north slope of the Brooks Range to the Arctic Coast. In 1923, President Harding set aside this area as an emergency oil supply for the U.S. Navy. In 1976, Congress passed the Naval Petroleum Reserves Production Act (NPRPA or Act), and the management of the National Petroleum Reserve in Alaska (NPR-A or Reserve) was transferred to the Department of the Interior's Bureau of Land Management. The Act seeks to strike a balance between oil and gas exploration and development and conserving the significant natural, subsistence, and other values in the NPR-A. Congress authorized the Secretary of the Interior to "promulgate such rules and regulations as he [or she] deems necessary and appropriate for the protection of such values within the reserve." Congress also instructed the Secretary to protect highly sensitive areas in the NPR-A, including Teshekpuk Lake and the Utukok River Uplands, by managing exploration and development "in such a manner which will assure the maximum protection of [significant] surface values" within such areas.

The NPR-A is home to two large caribou herds, polar bears, and other wildlife. Millions of migrating shorebirds and thousands of waterfowl rely on it for breeding grounds. It has provided food and resources for Native Alaskans for millennia, and forty Native villages continue to rely upon the region for subsistence.

What does this proposed rule do?

This proposed rule would codify maximum protection of more than 13.3 million acres of Special Areas in the NPR-A and update the management framework for managing surface resources throughout the Reserve to improve the BLM's ability to balance oil and gas activities with the protection of surface values such as wildlife habitat and water resources in the NPR-A, as required by the Act. Additionally, the proposed rule protects access for long-standing subsistence activities and encourages the BLM to explore Tribally-led co-stewardship opportunities for Special Areas. Importantly, the proposed rule consolidates into regulation existing legal requirements and procedures that are scattered throughout several statutes, regulations, plans, and guidance documents.

Why is the BLM proposing revisions to the NPR-A regulations now?

The BLM has not updated the regulatory framework governing the management of the NPR-A in more than 45 years. An updated rule will provide a comprehensive guide for managing surface resources and Special Areas in the NPR-A, yielding greater certainty for all stakeholders and a clear framework for managing the NPR-A's important fish, wildlife, subsistence, recreational, historic, and scenic values.

The Arctic is warming more than twice as fast as the rest of the Earth. These rapidly changing natural conditions are affecting caribou movement and seasonal use, causing degradation of permafrost, and altering habitats for wildlife and native plants throughout the NPR-A. These changes are also affecting the ability of Alaska Native communities to access and obtain subsistence resources. This rule would allow the BLM to be more responsive to rapidly changing conditions in the Arctic resulting from climate change that

are causing disruptions to natural ecosystems, Alaska Native communities, and subsistence use throughout the NPR-A.

How does this rule affect oil and gas development in the NPR-A?

The proposed rule would establish clear guidelines that are consistent with provisions of the current management plan for the Reserve: the NPR-A Integrated Activity Plan (IAP). Under the proposed rule, oil and gas leasing and development could still proceed, consistent with the NPR-A IAP record of decision of April 2022. Current oil and gas leases or operations would not be affected by the proposed rule.

The proposed rule reflects the BLM's statutory obligation to adopt maximum protection measures for significant resource values such as wildlife habitat and water resources in Special Areas. Where permitted, new oil and gas leases and infrastructure would be evaluated in accordance with the National Environmental Policy Act and could be allowed if the BLM determined there would be no or minimal adverse effect on significant resource values in Special Areas. In areas that are closed to leasing and development, the proposed rule would allow exceptions for (1) drainage of federal or Indian oil and gas resources; (2) new infrastructure if it primarily benefits nearby communities; and (3) new infrastructure if essential to support exploration or development of existing leases and no practicable alternatives exist that would have less harm to significant resource values.

How would the proposed rule affect the current management of Special Areas in the NPR-A?

Under the proposed rule, any lands currently designated as Special Areas will continue to be managed as a Special Area, including Colville River, Kasegaluk Lagoon, Peard Bay, Teshekpuk Lake, and the Utukok River Uplands. The rule would codify these five existing Special Areas into regulation and identify the significant subsistence, recreational, fish and wildlife, historical, and scenic values that are associated with each of them.

Importantly, the proposed rule specifies that the BLM may only de-designate portions of existing Special Areas if it determines that the lands in question no longer support the significant resource values for which it is recognized (e.g., if important wildlife habitat that originally supported the designation was no longer present or functioning). Further, prior to removing lands from a Special Area designation, the BLM must provide the public with the opportunity to review and comment on its proposed decision and consult with federally recognized Tribes and Alaska Native Claims Settlement Act corporations that utilize affected lands for subsistence purposes.

How would this rule affect the process for designating Special Areas in the NPR-A?

The proposed rule would provide new procedures for designating and amending Special Areas. Under the rule, the BLM would be required to evaluate designating new Special Areas or updating existing Special Areas at least once every 5 years. This direction is consistent with the NPRPA's requirement for the BLM to provide maximum protection for any existing or newly recognized significant resource values. Any changes in Special Area designations would be based on the best available scientific information, including Indigenous Knowledge, and subsistence uses and needs. The BLM would be required to provide meaningful opportunities for public participation in the Special Areas evaluation process. Alaska Native corporations, communities, local and state governments, Tribes, and others would be able to weigh in on, and meaningfully shape, land use decisions that affect their subsistence activities and cultural practices.

How would the proposed rule affect existing resources and uses of the public lands in the NPR-A, like fish and wildlife, subsistence, and recreational use?

The proposed rule reflects the BLM's statutory obligation to assure maximum protection of significant resource values in the NPR-A. Through the updated management framework, the BLM would balance

development with the management and protection of ecological, subsistence, cultural, recreational, and other values. The updated regulations would align with key components of the current management plan.

How does the proposed rule recognize subsistence uses and the role of Tribal governments?

The proposed rule recognizes the overriding importance of subsistence resources to communities in and around the NPR-A. There are over 40 communities that use the NPR-A or the resources it supports for subsistence purposes. These communities all rely on subsistence resources for their physical, traditional, and social existence, and many of these resources, including caribou, fish, and waterfowl, are concentrated in Special Areas.

The proposed rule reiterates that the BLM will prioritize measures to assure maximum protection of significant resource values in Special Areas, including subsistence values. Additionally, the BLM will continue to provide appropriate access to and within Special Areas for subsistence purposes.

Consistent with the Secretary's commitment to strengthening the role of Tribal governments in federal land management, the proposed rule also encourages the BLM to explore co-stewardship opportunities for Special Areas, including co-management, collaborative and cooperative management, and Tribally led stewardship.

The proposed rule identifies additional sources of management authority for the NPR-A, including section 810 of the Alaska National Interest Lands Conservation Act, which specifies that the BLM must evaluate the effect of proposed oil and gas activities on subsistence uses and needs.

Has the BLM consulted with Tribes and Alaska Native Corporations?

On August 25, 2023, the BLM invited 45 Tribes and 30 Alaska Native Corporations to engage in Tribal Consultation regarding the proposed NPR-A rule. The letter recognized the unique and vital input of Alaska Natives and offered opportunities for participation throughout the rulemaking process. The BLM will continue to engage in outreach efforts to ensure Alaska Natives are advised of the mechanisms by which they can participate, including opportunities for individual government-to-government consultation regarding the proposed rule.

How will this rule interrelate with the Coastal Plain Environmental Impact Statement?

The changes in this proposed rule, like the existing regulatory framework itself, will have no effect on oil and gas leasing in the Coastal Plain of the Arctic National Wildlife Refuge, which is not a part of the National Petroleum Reserve-Alaska. The Coastal Plain is managed through a separate regulatory process.