

## THE VOICE OF THE ARCTIC IÑUPIAT RESOLUTION

NO. 2024-03

### **Opposition to the Request for Information on Special Areas and Expansion or Restrictions in the National Petroleum Reserve in Alaska**

**WHEREAS**, the Voice of the Arctic Iñupiat (VOICE) is a nonprofit organization 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 inhabited their ancestral homelands, which span roughly 58 million acres across Arctic Alaska, 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 Iñupiat have adapted to thrive in the Arctic, living off the marine and land resources to sustain their lifestyle, traditions, and culture; and

**WHEREAS**, the Alaska Native land claims fight was a turning point in how the North Slope Iñupiat engaged with the federal government; and

**WHEREAS**, the Alaska Native Claims Settlement Act (ANCSA) had one voice of opposition: the North Slope Iñupiat; and

**WHEREAS**, the region’s opposition to ANCSA spurred the creation of the North Slope Borough, to ensure that there was a mechanism to capture the economic benefits of the oil and gas development that would take place on their ancestral homelands – an act of Iñupiat self-determination; and

**WHEREAS**, the North Slope Borough exists to provide services like police and fire protection, village health clinics, search and rescue operations, education, and others; and

**WHEREAS**, the North Slope Borough can provide services to its residents and communities due to its ability to tax the infrastructure that supports oil and gas development, which

comprises over 90 percent of the Borough's tax receipts; and

**WHEREAS**, the 23-million-acre National Petroleum Reserve-Alaska (NPR-A), formerly known as the Naval Petroleum Reserve Number 4, located on Alaska's North Slope, was set aside by President Warren Harding in 1923 as an emergency oil supply; and

**WHEREAS**, oil and gas leasing in the NPR-A is authorized under the Naval Petroleum Reserve Production Act of 1976, as amended, including the Department of Interior Appropriations Act of 1981; 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**, the local North Slope oil & gas economy and subsistence culture of the Iñupiat are not mutually exclusive; and

**WHEREAS**, subsistence resources in the NPR-A are critical to sustaining the health, well-being, culture, values, and communities in the North Slope; and

**WHEREAS**, responsible resource development, with meaningful engagement of North Slope Iñupiat has taken place for over fifty years; and

**WHEREAS**, what happens or does not happen in the NPR-A will directly impact the communities and Iñupiat of the North Slope economically and culturally; and

**WHEREAS**, the Naval Petroleum Reserves Production Act of 1976 (NPRPA) and Department of Interior Appropriations Act of 1981, both which are the managing statutes for the NPR-A, with the primary management objective of increasing domestic oil and gas development and supply;

**WHEREAS**, the NPRPA expressly prohibited BLM from setting aside any NPR-A lands as wilderness; and

**WHEREAS**, within the NPRPA, it states, “Conduct of exploration within designated areas...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;” and

**WHEREAS**, BLM’s reinterpretation of how the phrase “maximum protection” applies to its management of the NPR-A is a departure from its longstanding interpretation and practice that “maximum protection” is not in opposition to oil and gas leasing and production. All of its past Integrated Activity Plans (IAP) and Environmental Impact Statement (EIS) for the NPR-A, including the 2022 IAP, consistently allowed leasing, exploration, production, and development in designated Special Areas, which are the only areas where “maximum protection” applies; and

**WHEREAS**, on August 23, 2023, the 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: executive orders, secretarial orders, and federal actions;” and

**WHEREAS** on September 6, 2023, the 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 any of the entities that represent and serve the North Slope Iñupiat; and

**WHEREAS** on September 8, 2023, BLM published the Proposed Rule, titled “Management and Protection of the National Petroleum Reserve in Alaska,” in the Federal Register (Management and Protection of the National Petroleum Reserve in Alaska, 88 Fed. Reg. 62,025 (Sept. 8, 2023) (to be codified at 43 C.F.R. pt. 2360)); 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 within the administration driving what happens on lands under DOI's jurisdiction; and

**WHEREAS**, on February 13, 2024, VOICE passed Resolution No. 2024-01, "Opposing the Proposed Rule for the Management and Protection of the National Petroleum Reserve in Alaska," which declared "VOICE opposes this Proposed Rule and the public process or lack thereof, through which it has been conducted;" and

**WHEREAS**, VOICE and many of its member entities were repeatedly denied or delayed the opportunity to engage and consult with federal officials to explain how the Proposed Rule would impact the economy, communities, and culture of the North Slope Iñupiat; and

**WHEREAS**, during March and April 2024, seven different entities from the North Slope met with the White House Office of Management and Budget's Office of Information and Regulatory Affairs (OIRA) through the Executive Order 12866 process to make one last plea to not publish the Final Rule due to it being deemed "economically insignificant," which OIRA has the authority to declare; and

**WHEREAS**, on April 19, 2024, BLM issued a press release announcing, "finalized the Management and Protection of the NPR-A rule that will ensure maximum protection for significant resource values on more that 13 million acres of Special Areas in the western Arctic;" and

**WHEREAS**, knowing the NPR-A Proposed Rule and impending Final Rule did not reflect a balanced approach to economic, cultural, and traditional values for communities located in the NPR-A due to a lack of meaningful engagement and consultation by BLM with the eight communities in the region where the NPR-A is located; and

**WHEREAS**, on May 6, 2024, the VOICE Board of Directors passed Resolution 2024-02: Retaining Outside Counsel to Protect and Defend the Interests of the North Slope Iñupiat in the National Petroleum Reserve in Alaska; and

**WHEREAS**, on May 7, 2024, the Final Rule was published in the Federal Register with little to no substantive change from the Proposed Rule; and

**WHEREAS**, on June 13, 2024, a delegation of VOICE members, comprised of representatives and elected leadership from the North Slope, met with Interior Secretary in Washington, D.C. to discuss

the lack of engagement of her department with the people that are affected most by the unilateral decisions within the North Slope; and

**WHEREAS**, during the June 13, 2024, meeting between representatives from the North Slope of Alaska and Secretary of the Interior, federal officials failed to mention the Department’s upcoming plans to publish the Request for Information (RFI) regarding Special Areas in the NPR-A; and

**WHEREAS**, following Resolution 2024-02, outside counsel was obtained by VOICE and on June 28, 2024, VOICE filed a legal complaint against the BLM regarding the NPR-A Final Rule; and

**WHEREAS**, the complaint filed states that the overall process to arrive at the Final Rule was flawed due to lack of meaningful engagement and consultation with the affected communities and failure to conduct a National Environmental Policy Act (NEPA) process; and

**WHEREAS**, on July 6, 2024, after 60 days, the Final Rule went into effect despite a majority consensus opposition from the elected leadership of the North Slope Iñupiat; and

**WHEREAS**, on July 12, 2024, the BLM issued a press release for the RFI entitled, “BLM Welcomes Input on Special Areas in Alaska’s Western Arctic,” announcing that BLM is seeking public comment on whether to update protected areas in the Western Arctic, including whether to expand such areas, modify existing boundaries or management, or designate new protected areas; and

**WHEREAS**, the Final Rule is currently under litigation following the complaints filed by five different entities, including VOICE; and

**WHEREAS**, due to the Final Rule being under litigation, the RFI process is precocious; and

**WHEREAS**, at the July 16, 2024, NPR-A Working Group meeting, BLM admitted that “The Request for Information really at its most simplest is, again, did the BLM get it right? Or did the BLM get it wrong? With the new rule;” and

**WHEREAS**, 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 in turn the Final Rule); and

**WHEREAS**, the RFI process is another attempt, outside of the Final Rule, which again was opposed by the elected leadership of the North Slope Iñupiat, to identify lands for expansion or creation of new Special Areas within the boundaries of the NPR-A; and

**WHEREAS**, the quote above from BLM staff is an admission that the public engagement process

for the Final Rule was inadequate; and

**WHEREAS**, the RFI process itself is flawed as it is not transparent; and

**WHEREAS**, the RFI in the Federal Register is from the BLM Alaska State Director, on August 21, 2024, though the BLM Alaska State Director when asked shared with the VOICE board of directors stated, “I do not know what will be done with this information. That’s really up to the Secretary;” and

**WHEREAS**, further BLM has set-up an email address to receive the public input instead of docket that can be seen by the public; and

**WHEREAS**, on the heels of the flawed rulemaking process for the Final Rule, North Slope elected leaders and stakeholders should have the opportunity to view the totality of viewpoints without a Freedom of Information Act request; and

**NOW, THEREFORE, BE IT RESOLVED**, VOICE opposes the BLM’s Request For Information for Special Areas in the National Petroleum Reserve in Alaska; and

**BE IT FURTHER RESOLVED**, the VOICE opposes expansion of any Special Areas within the NPR-A, the NPR-A Final Rule, and any other actions within the NPR-A that are put forward without extensive consultation and engagement with the elected leadership of the North Slope.

SPONSORED BY:  
Olgoonik Corporation  
Arctic Slope Regional Corporation  
Iñupiat Community of the Arctic Slope  
North Slope Borough

ADOPTED this 21<sup>st</sup> day of August, 2024


### CERTIFICATION

I, Asisaun Toovak, do hereby certify that I am the Secretary of the VOICE, organized and existing under the laws of the State of Alaska; that a meeting of the Board of Directors of the VOICE was duly held on August 21, 2024; that notice of the meeting was duly given; 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 Board of Directors of the VOICE, this 21<sup>st</sup> day of August 2024.

Asisaun Toovak, Secretary

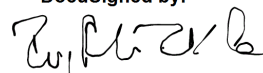
DocuSigned by:



79CC509E38F94A7...

Rex A. Rock, Sr. Chair

DocuSigned by:



8AC6BF695F884D4...