

Congress of the United States
Washington, DC 20515

March 26, 2024

The Honorable Deb Haaland
Secretary
U.S. Department of the Interior
1849 C Street, NW
Washington, DC 20240

Secretary Haaland:

We write to express our continued strong opposition to the “Proposed Rule for Management and Protection of the National Petroleum Reserve in Alaska” issued by the Department of the Interior (DOI) in September 2023. In particular, we write to call attention to four recent developments that reinforce why DOI must change its approach and withdraw this unlawful rule.

First, on February 23, DOI returned its answers to questions for the record of a hearing on the federal onshore oil and gas program held in September 2023 by the House Natural Resources Committee. In response to a question from Chairman Bruce Westerman, DOI cites specific numbers for public meetings and tribal engagements that took place during past NPR-A processes, but carefully avoids any such figures for this rule. Instead, DOI acknowledges the Bureau of Land Management (BLM) sent a blanket notification letter for it and will “continue to engage in outreach efforts.” This empty answer only reinforces our view that DOI has failed to conduct proper consultation with the Alaska Natives who will be most harmed by this rule.

Second, on March 8, Congress passed H.R. 4366, a six-bill appropriations package for Fiscal Year 2024. The explanatory statement for the Interior-Environment bill, which was among the measures included, contains the following direction to the Department:

Consultation.—Prior to the finalization of the Proposed Rule for Management and Protection of the National Petroleum Reserve in Alaska (Fed. Register Number 2023-18990), the Committees direct the Secretary to consider engaging in additional meaningful, in-person consultations with any federally recognized Tribes and Alaska Native Claims Settlement Act Corporations affected by the proposed rule.

This language is one of the few matters related to oil and gas that drew bipartisan agreement in the midst of a contentious budget cycle, and the Department must respond by remedying what is widely viewed as inadequate consultation. Policymakers from both parties recognize the Department’s failure to engage in meaningful, in-person consultation and demand the Department address that before taking any further action on this proposed rule.

Third, on March 12, Politico published an article entitled, “Drillers Pull Back in Alaska as Biden Prepares New Rule,” which reported that three companies have already requested their leases in the NPR-A, totaling more than one million acres, be suspended. Speaking about DOI’s new rule, the chief technical officer of one company is quoted as saying that, “I have to believe these are political moves to satisfy certain organizations that don’t want to see oil and gas exploration taking place in Alaska at all.”

BLM has granted all three companies’ lease suspension requests, which sharply conflicts with the false claims the agency made in its draft rule—that it “will not have a significant economic effect on a substantial number of small entities” and “will not affect existing leases and therefore would not have a significant economic impact on small businesses holding these leases,” among others.

Even before this rule is finalized, it is already creating uncertainty and having a negative economic impact. This is being compounded by the Biden administration’s ongoing refusal to hold a new lease sale in the NPR-A; the last one occurred in 2019, more than four full years ago, despite federal law requiring the Secretary of the Interior to undertake “an expeditious program of competitive leasing of oil and gas” in our petroleum reserve.

Finally, on March 15, the Alaska State Legislature overwhelmingly passed House Joint Resolution 20, urging DOI to both meaningfully engage with tribes, local governments, and affected communities and to withdraw the draft NPR-A rule.

The resolution, which was sponsored by Representative Thomas Baker, who represents the Northwest Arctic and the North Slope, outlines the history of our petroleum reserve, its statutory purposes, the benefits of responsible energy production in the area, and the administration’s insufficient consultation and economic analysis of this pending rule. Among the well-documented benefits of resource development on the North Slope are longer life expectancies for Alaska Natives, in part because the revenues from development help fund the modern infrastructure taken for granted throughout so much of the Lower 48.

The Alaska State Legislature’s resolution asserts—and we agree—that DOI’s rule “(1) lacks the benefit of consultation; (2) does not align with the congressionally adopted policy of oil and gas production, subject to reasonable mitigation measures, as reflected in 42 U.S.C. 6501 (Naval Petroleum Reserves Production Act of 1976); and (3) does not serve the public interest.”

At this point, it is abundantly clear: no statewide elected leaders and virtually no state legislators in Alaska support the NPR-A rule. That is a useful proxy for the fact that very few Alaskans support the rule because it is unlawful, has been insufficiently analyzed, and the Department has treated the public process for it as a check-the-box-exercise.

Instead of proper notice and robust consultation with those who stand to be most impacted, the Department has ignored Alaskans, especially the Alaska Natives who live on the North Slope, despite numerous promises that indigenous peoples will have a seat at the table in major decisions made by this administration. A DOI official, Katie Kovacs, openly admitted during a

recent NPR-A Working Group meeting that the Department set the timelines for this rule to avoid the Congressional Review Act—regardless of the consequences for the public process.

Rather than rushing this rule through to the finish line, we urge you to address its numerous serious flaws. The best place to start is with renewed consultation, which the Department has used as an excuse to reopen other rulemakings and environmental analyses in Alaska that have a far more extensive record than exists for this proposed rule.

We believe that if you set aside election-year demands from Lower 48 groups and listen to the voices of Alaskans, you will see why this draft rule should be immediately withdrawn, and we continue to urge you to do just that.

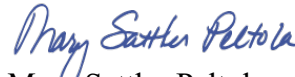
Sincerely,



Lisa Murkowski
United States Senator



Dan Sullivan
United States Senator



Mary Sattler Peltola
Representative for All Alaska

Copies of this letter are also being sent to:

The Honorable Richard Revesz, Administrator, Office of Information and Regulatory Affairs

The Honorable Tracy Stone-Manning, Director, Bureau of Land Management

Mr. Jeff Zients, Chief of Staff, White House

Mr. Steve Cohn, Alaska State Director, Bureau of Land Management