

# Congress of the United States

## Washington, DC 20515

November 1, 2023

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

Secretary Haaland:

We write to request an extension for another comment deadline facing Alaskans, this time for the Bureau of Land Management's (BLM) draft Supplemental Environmental Impact Statement (SEIS) for the Coastal Plain Oil and Gas Program (the Program).<sup>1</sup> The Department of the Interior (Department) must extend the comment period by 180 additional days to allow for the full participation of all Alaskans, especially communities and stakeholders on the North Slope. This additional time will also allow BLM to fulfill its responsibilities to engage in meaningful consultations with affected Tribes and ANCSA Corporations.

This 1,430-page SEIS is intended to further undermine the responsible development of a small portion of the non-wilderness 1002 Area, as required by federal law. Like the Department's concurrent rule for the National Petroleum Reserve-Alaska (NPR-A), the SEIS has suffered from poor process that makes commenting much more difficult for many Alaskans. It will clearly take substantial time to analyze and respond to the SEIS, even after the Department has upheld its trust and statutory responsibilities to consult with the Alaska Natives who will be most impacted.

We base our request for an extension of the comment deadline on the following factors:

**The SEIS Undermines the Coastal Plain Oil and Gas Program.** The Department's SEIS would fundamentally alter the management of the Coastal Plain Oil and Gas Program. Our preliminary review of the complex documents released in September makes clear that ample time is needed to understand and provide comment on what the Department is proposing, how it interacts with Congress' clear mandate for responsible oil and gas development on the Coastal Plain (also called the "1002 Area"), and how a lack of such development—which is the administration's unstated goal—will impact Alaska, and especially the Alaska Native people on the North Slope.

To provide a few early examples of concern from the SEIS:

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<sup>1</sup> See "Notice of Availability of the Draft Coastal Plain Oil and Gas Leasing Program Supplemental Environmental Impact Statement," 88 Fed. Reg. 62,104 (Sept. 8, 2023).

- The Department is considering alternatives that allow for less than 2,000 acres of surface development. This is being considered despite the plain text and legislative history of the Tax Cut and Jobs Act, through which Congress explicitly provided for the development of up to 2,000 acres (0.1% of the non-wilderness 1002 Area). This was to be a saleable feature of competitively awarded leases.
- The Department describes a range of new lease stipulations, required operating procedures, and no surface occupancy restrictions across the SEIS' alternatives. These appear to be uniformly more prescriptive and restrictive than the Department's current program, which provides sufficient protections for the leasing process and is separate from the ensuing development process.
- The Department has simultaneously proposed a sweeping rule to restrict legal activities in the NPR-A, which could impact the Coastal Plain given that Congress has required both areas to be managed under the same law and in a substantially similar manner. The proposed NPR-A rule, which suffers from numerous shortcomings and defects in its own right, could have substantial implications for the 1002 Area that must be understood, communicated to BLM, and addressed by the agency.

As you know, Congress explicitly set aside a small portion of the 1002 Area for responsible development. Nullifying that through overly burdensome or impossible-to-meet conditions would harm Alaskans, especially those who live on the North Slope, by reducing employment, growth, and the revenue available for schools, public health, and emergency services. It would also harm our energy security, national security, and the global environment as energy responsibly produced from the Coastal Plain would be a substitute for dirtier fuels produced by adversarial nations.

**The Department Has Completely Failed to Engage in Meaningful Consultation.** Beyond our substantive concerns on the SEIS are an array of process-related matters, led by the utter lack of consultation with Alaska Native Tribes and ANCSA Corporations. On October 20, we wrote to you about the Department's failure to consult with Alaska Native Tribes and ANCSA Corporations on its proposed NPR-A rule, and we reiterate those comments here:

The Biden administration has touted Tribal consultation as a cornerstone of its policymaking efforts. In fact, one of President Biden's first executive memoranda claimed his administration would be "committed to honoring Tribal sovereignty and including Tribal voices in policy deliberation that affects Tribal communities."<sup>2</sup> The Department's own Manual, as revised by this administration and extended to Alaska Native Corporations, requires that "All Bureaus and Offices shall make good-faith efforts to invite Tribes to consult early in the planning process and throughout the decision-making process and engage in robust, interactive, pre-decisional, informative, and transparent consultation when planning actions with Tribal implications. It is the policy of the Department to seek consensus with impacted Tribes in accordance with the Consensus-Seeking Model."<sup>3</sup>

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<sup>2</sup> See "Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships," January 26, 2021.

<sup>3</sup> See [https://www.doi.gov/sites/doi.gov/files/elips/documents/512-dm-4\\_2.pdf](https://www.doi.gov/sites/doi.gov/files/elips/documents/512-dm-4_2.pdf)

As with the proposed NPR-A rule, it is our understanding that the Department did not meet any of these commitments when promulgating and publishing this SEIS with an artificially short comment period. In fact, we understand that BLM-Alaska received *explicit* instructions not to inform or consult with the residents of communities on the North Slope prior to revoking all valid existing leases in the 1002 Area and releasing the SEIS.

Stunningly, the people of Kaktovik, the only community located within ANWR, learned about these actions while subsistence whaling. Neither the Native Village of Kaktovik, the federally recognized tribe, nor the Kaktovik Inupiat Corporation, Kaktovik's Alaska Native Corporation (ANC), were consulted prior to or during BLM's SEIS process. It seems BLM intentionally violated its own Departmental and administration consultation policy with regard to the Tribe and ANC most impacted by these actions.

Making matters worse, the Department has openly disputed this. At a hearing recently held by the House Natural Resources Subcommittee on Energy and Mineral Resources, BLM's Deputy Director testified that "consultation took place" on the SEIS and it appeared "to be with the Native community that supported this administration's idea of development."<sup>4</sup>

We do not know whether that statement was an honest mistake or a deliberate attempt to mislead Congress. What is clear is the Department's failures to consult with Alaska Native Tribes and ANCSA corporations on the SEIS are just as unconscionable as its failures to consult with them on its proposed NPR-A rule. We accordingly demand that meaningful consultations and engagement occur with Alaska Native communities on the North Slope before any further action is taken on this SEIS.

**Alaskans Need More Time.** Since the release of the SEIS on September 8, 2023, our offices have received hundreds of questions and inquiries about it. While BLM provided a short extension to its initial comment period, 15 additional days is not sufficient for Alaskans to provide informed comments on 1,430 pages of text. This is even more acute for the Alaska Natives who live on the North Slope, who faced a multi-month disruption in fiber optic service that was restored after the release of the SEIS, and who have been engaged in their traditional whaling hunts for subsistence throughout the fall. As these Alaskans work through logistical impediments and seek to provide for their families, little time is left to pore through reams of complex analysis that will affect their regional economy and homelands for decades to come.

**BLM Needs More Time.** The Department itself appears to have admitted the need for a lengthier public comment period in order to facilitate consultation with Alaska Natives. We are aware of a request from BLM for the Arctic Slope Regional Corporation (ASRC) to combine consultations on the Department's actions related to the NPR-A and the non-wilderness 1002 Area during the week of October 30, rather than holding individual consultations on each federal action so that the implications of each can be fully explored and discussed. We are not aware of any other instance – during any previous administration – when Alaska Native Corporations were asked to so obviously diminish their ability to have meaningful consultation with federal decisionmakers on major actions that threaten their livelihoods.

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<sup>4</sup> *Id.* (Statement of Mike Nedd).

**The Department’s Public Meetings Have Been Poorly Timed with Insufficient Notice.** The Department held a public meeting on the SEIS in Utqiagvik on September 25. The Department provided just four total days of notice for it, with two of those days falling on a weekend. Despite requests from the Iñupiat Community of the Arctic Slope (ICAS), the North Slope Borough (NSB), the Voice of the Arctic Iñupiat (VOICE), and ASRC to postpone the meeting, the Department refused to do so. We understand that representatives from BLM and the U.S. Fish and Wildlife Service (USFWS) refused to reschedule the meeting because at least one reporter planned to attend. This predictably disappointed and angered North Slope leaders:

- **VOICE:** “When VOICE members pressed why the public meeting went forward in the face of legitimate concerns by community members...BLM and USFWS representatives shared that they wanted to honor their public notice and that reporters had planned their travel around the meeting. Ignoring the requests of indigenous peoples to accommodate the media amounts to a failure to partner with or honor Alaska Native people and their traditions. Only about seven community members attended the meeting given the short notice.”
- **VOICE President Nagruk Harcharek:** “VOICE was *just* in Washington to testify before Congress on the lack of communication and consultation by DOI surrounding the announcement canceling the ANWR leases and locking up over half of NPR-A. Even so, I ended my testimony by extending a hand of partnership on behalf the Iñupiat of the North Slope, in hopes for a better future. Disappointingly, less than a week later, BLM and USFWS held a public meeting on the very same issue of my testimony, with the very same disregard for the tribes, community members, and tribal leadership as earlier this month with the ANWR and NPR-A announcement. I once again will reiterate that we *can and must* partner to create a better future for the next generations.”
- **NSB Mayor Harry Brower, Jr.:** “This administration has made it a talking point to state that indigenous voices are heard, including on issues like respecting indigenous subsistence traditions and having a seat at the table through consistent communication and consultation. Then why were we given minimal notice for Monday’s public meeting? I was personally hosting the community at a pre-arranged event and was not going to reschedule time with my constituents to accommodate the BLM and FWS schedules.”
- **ICAS President George Edwardson:** “Our sovereignty says, we are supposed to be treated differently, don’t just step on us and run by and take off.”

We understand the decision not to postpone this meeting was made at Department headquarters in Washington, D.C., which only adds to the perception that this process is a *fait accompli*. We urge the Department to work with Utqiagvik to schedule another public meeting with sufficient notice for local residents to prepare for and attend it, and to do the same for any other North Slope community where a similar request is made.

**The Department Has Minimized Opportunities for Public Comment.** The Department has sought to constrain Alaskans’ ability to provide comment on this matter. The Department started

public meetings just 14 days after releasing its 1,430-page SEIS, meaning Alaskans would have had to read more than 100 pages per day to have completed it by then. The Department held its first meeting on the North Slope on September 25, just six days after the end of a months-long fiber optic disruption for the region. The Department also proposed to hold public meetings on the SEIS through October 23, the last day of the initial comment period, leaving no time for Alaskans to attend the final meeting and then put together meaningful comments. Finally, at public meetings, we understand the Department has departed from normal procedure by refusing to take individual comments and responding to questions in batches. None of this is acceptable and the Department must begin to remedy it through a longer comment period.

**Alaskans Face a Torrent of Comment Deadlines.** The Department alone has proposed multiple actions that require review, analysis, and public comment. Separate and apart from this 1,430-page SEIS, many Alaskans wish to react to the Department's illegal cancellation of all leases within the non-wilderness 1002 Area and are reviewing its Proposed Final Program for offshore oil and gas development, under which no lease sales would be allowed in Alaska through 2029. Alaskans also face a deadline of November 17, 2023, to comment on the Department's proposed rule for the NPR-A and a deadline of mid-December to comment on the Supplemental Environmental Impact Statement for the Ambler Access Project. We further expect that Alaskans will want to comment on the Central Yukon Resource Management Plan when it is released in the coming weeks. We would remind you that Alaskans have jobs and families, and it is simply not possible to comment on all of these actions, and others not listed here, all at once. Additionally, many Alaskans do not have internet connections that allow for timely downloading of the very large files released by the Department. The Department must provide longer comment periods so that Alaskans can read and respond to the thousands of cumulative pages of federal rules that stand to impact their lives.

**The Administration Must Rethink Its Approach to Alaska Resource Development.** While proper consultation and extended comment periods are necessary for the Department to do right by Alaskans, that would also give the administration time to reconsider and withdraw the rules and plans it has proposed that will harm Alaska resource development and, by extension, U.S. energy security. We fail to understand why the administration has remained so intent on loosening sanctions on Iran and Venezuela while punishing Alaska and restricting our opportunities to responsibly produce our vast resources. Recent global events have shown the horrors that pro-Iran, anti-Alaska resource policies deliver. We urge you to take advantage of the window a longer comment period provides to unwind these damaging policies.

While our analysis of the draft SEIS has only just begun, it is already clear that this is a significant effort to destroy any remaining confidence in the Coastal Plain Oil and Gas Program. It is unclear to us how it can take the Department nearly three years—and hundreds of public meetings and government-to-government consultations—to establish that program, but only a matter of months to rewrite it, without consultation, in a manner that prioritizes the fulfillment of a presidential campaign pledge rather than compliance with federal law.

We appreciate your consideration of our request for the Department to engage in meaningful consultation with impacted Alaska Natives and to provide 180 additional days for all Alaskans to provide informed comment on the SEIS. We intend to follow this request with formal comments

of our own, but do not expect to be able to finish them before January 2024. We know many Alaskans are facing an even more difficult situation, without the resources we have, and look forward to your prompt extension of the current deadline to reflect their best interests.

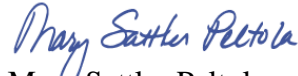
Sincerely,



Lisa Murkowski  
United States Senator



Dan Sullivan  
United States Senator



Mary Sattler Peltola  
Representative for All Alaska

CC: The Honorable Tracy Stone-Manning, Director, Bureau of Land Management  
Mr. Steve Cohn, State Director, Bureau of Land Management-Alaska