

**Bureau of Land Management  
National Petroleum Reserve in Alaska**

**Subsistence Advisory Panel Handbook**



**Updated May 2016**

## Introduction

The purpose of this Handbook is to provide Subsistence Advisory Panel members a brief overview of the SAP, including a description of the workshops and meetings, as well as an explanation of the roles and responsibilities of SAP members. This Handbook will be periodically updated to include additional information as requested by the SAP. In this way, it is a working document that can be changed based on your thoughts and ideas! This handbook and other SAP documents can be found on the SAP website: [http://www.blm.gov/get-involved/resource-advisory-council/near-you/alaska/npr-a\\_sap](http://www.blm.gov/get-involved/resource-advisory-council/near-you/alaska/npr-a_sap)

## Common Acronyms used by the Bureau of Land Management

ArO	BLM Arctic Office (located in Fairbanks)
AKSO	BLM's Alaska State Office (located in Anchorage)
ANCSA	Alaska Native Claims Settlement Act
ANILCA	Alaska National Interest Lands Conservation Act
AO	Authorized Officer (Current AO for the SAP is Stacie McIntosh, Manager of the Arctic Office)
BLM	Bureau of Land Management
BMP	Best Management Practice: a rule or standard required of industry
CAH	Central Arctic Caribou Herd
EA	Environmental Assessment (NEPA document)
EIS	Environmental Impact Statement (NEPA document)
ESA	Endangered Species Act
FDO	BLM's Fairbanks District Office
FLPMA	Federal Land Policy and Management Act
IAP/EIS	Integrated Activity Plan / Environmental Impact Statement (NEPA document detailing land management actions, rules and regulations)
NEPA	National Environmental Policy Act
NPR-A	National Petroleum Reserve in Alaska (in its entirety)
NPRPA	Naval Petroleum Reserve Production Act
NE NPR-A	the Northeast Planning Area (a portion of the NPR-A)
NW NPR-A	the Northwest Planning Area (a portion of the NPR-A)
Pet-4	the Naval Petroleum Reserve #4 (previous name of the NPR-A)
RAC	BLM Statewide Resource Advisory Council
ROD	Record of Decision (NEPA document)
ROP	Required Operating Procedure (now known as BMPs)
SAP	BLM NPR-A Subsistence Advisory Panel
Secretary	Secretary of the Interior (currently Sally Jewel)
SD	the State Director of the BLM (currently Bud Cribley)

TLH	Teshekpuk Lake Caribou Herd
DOI	the United States Department of Interior
WACH	Western Arctic Caribou Herd
WG	BLM NPR-A Working Group

## Background and Formation of the SAP

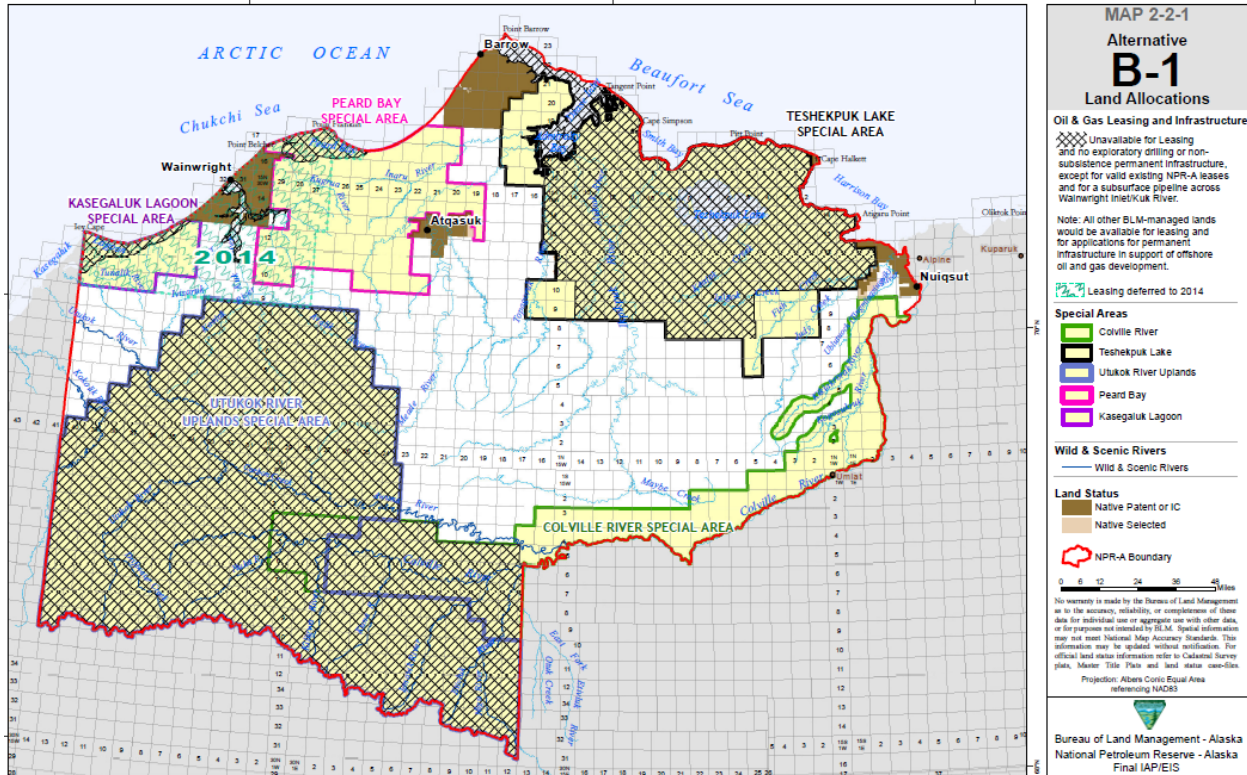
The National Petroleum Reserve in Alaska was created in 1923 by President Warren G. Harding as a national defense measure to ensure that there would be enough petroleum to support the Navy and other military operations. At that time, the NPR-A was called the Naval Petroleum Reserve, and was referred to as Pet-4. In 1976, President Gerald Ford renamed the NPR-A, and transferred the management of the petroleum reserve to the Bureau of Land Management (BLM), a public land agency of the United States Department of Interior. The legislation that accomplished this transfer is the Naval Petroleum Reserves Production Act (NPRPA). In 1980, Congress voted to appropriate funds to begin a program of oil and gas leasing within the NPR-A, effectively opening the NPR-A to exploration and future development. Both the NPRPA legislation and the Appropriation Act define certain responsibilities of the Secretary of the Interior, and described the parameters by which the NPR-A would be managed. Although lease sales were held in the 1980s, the oil industry was not yet ready to invest time and money into exploring the NPR-A.

In the 1990s, the oil industry expressed an interest in exploring the NPR-A. Because the initial planning for the NPR-A had occurred more than ten years earlier, the BLM was required to conduct an environmental analysis under the National Environmental Policy Act before any oil and gas leasing could occur.

The National Petroleum Reserve-Alaska Subsistence Advisory Panel was established in October 1998 as part of the Northeast NPR-A Record of Decision (ROD, page 14). That decision document opened the Northeast area of the NPR-A to leasing, and specified the parameters under which oil and gas exploration and development could occur in this area of the petroleum reserve. Specific stipulations within the ROD direct lessees to provide information to, and directly consult with, the Subsistence Advisory Panel before submitting an exploration plan or development and production plan to the BLM.

Every Record of Decision since 1998 has reaffirmed the role of the SAP as an important advisory body to the BLM to help insure the least amount of impact possible to subsistence activities. In the NPR-A Plans, the “H” Best Management Practices, specifically BMP H-1, specified the types of interactions required by the lessee/permittee with the Subsistence Advisory Panel. BMPs H-1 and H-2 require oil companies and seismic operators to consult with the Subsistence Advisory Panel and affected communities before activity. The full language of H-1 and H-2 from the ROD is included below.

The most recent land management plan for the NPR-A is the **2013 NPR-A Integrated Activity Plan/Environmental Impact Statement (IAP/EIS)**. The ROD for the NPR-A IAP specifies how the land is going to be managed, including which areas may be made available for leasing and what can and cannot be done. The ROD defines the oil and gas leasing program, including stipulations and best management practices that must be followed by oil and gas leaseholders and other permit holders who operate in the NPR-A.



Map of the 2013 NPR-A IAP land management decisions

### Subsistence Consultation for Permitted Activities:

*From the February 2013 National Petroleum Reserve in Alaska Integrated Activity Plan Record of Decision*

#### H-1 Best Management Practice

**Objective:** Provide opportunities for participation in planning and decision making to prevent unreasonable conflicts between subsistence uses and other activities.

**Requirement/Standard:** Lessee/permittee shall consult directly with affected communities using the following guidelines:

- a. Before submitting an application to the BLM, the applicant shall consult with directly affected subsistence communities, the North Slope Borough, and the National Petroleum Reserve-Alaska Subsistence Advisory Panel to discuss the siting, timing and methods of their proposed operations to help discover local traditional and scientific knowledge, resulting in measures that minimize impacts to subsistence uses. Through this consultation, the applicant shall make every reasonable effort, including such mechanisms as conflict avoidance agreements and mitigating measures, to ensure that proposed activities will not result in unreasonable interference with subsistence activities. In the event that no agreement is reached between the parties, the authorized officer shall consult with the directly involved parties and determine which activities will occur, including the timeframes.

b. The applicant shall submit documentation of consultation efforts as part of its operations plan. Applicants should submit the proposed plan of operations to the National Petroleum Reserve-Alaska Subsistence Advisory Panel for review and comment. The applicant must allow time for the BLM to conduct formal government-to-government consultation with Native Tribal governments if the proposed action requires it.

c. A plan shall be developed that shows how the activity, in combination with other activities in the area, will be scheduled and located to prevent unreasonable conflicts with subsistence activities. The plan will also describe the methods used to monitor the effects of the activity on subsistence use. The plan shall be submitted to the BLM as part of the plan of operations. The plan should address the following items:

1. A detailed description of the activity(ies) to take place (including the use of aircraft).
2. A description of how the lessee/permittee will minimize and/or deal with any potential impacts identified by the authorized officer during the consultation process.
3. A detailed description of the monitoring effort to take place, including process, procedures, personnel involved and points of contact both at the work site and in the local community.
4. Communication elements to provide information on how the applicant will keep potentially affected individuals and communities up-to-date on the progress of the activities and locations of possible, short-term conflicts (if any) with subsistence activities. Communication methods could include holding community meetings, open house meetings, workshops, newsletters, radio and television announcements, etc.
5. Procedures necessary to facilitate access by subsistence users to conduct their activities.
6. Barge operators requiring a BLM permit are required to demonstrate that barging activities will not have unmitigable adverse impacts on the availability of marine mammals to subsistence hunters.
7. All vessels over 50 ft. in length engaged in operations requiring a BLM permit must have an Automatic Identification System (AIS) transponder system on the vessel.

d. During development, monitoring plans must be established for new permanent facilities, including pipelines, to assess an appropriate range of potential effects on resources and subsistence as determined on a case-by-case basis given the nature and location of the facilities. The scope, intensity, and duration of such plans will be established in consultation with the authorized officer and NPR-A Subsistence Advisory Panel.

f. Permittees that propose barging facilities, equipment, supplies, or other materials to NPR-A in support of oil and gas activities in the NPR-A shall notify, confer, and coordinate with the Alaska Eskimo Whaling Commission, the appropriate local community whaling captains'

associations, and the North Slope Borough to minimize impacts from the proposed barging on subsistence whaling activities.

## ***H-2 Best Management Practice***

Objective: Prevent unreasonable conflicts between subsistence activities and geophysical (seismic) exploration.

Requirement/Standard: In addition to the consultation process described in ROP H-1 for permitted activities, before applying for permits to conduct geophysical (seismic) exploration, the applicant shall 1) consult with local communities and residents and 2) notify the local Search and Rescue organizations of current and recent seismic surveys. For the purpose of this standard, a potentially affected cabin/campsite is defined as any camp or campsite within the boundary of the area subject to proposed geophysical exploration and/or within 1 mile of actual or planned travel routes used to supply the seismic operations while it is in operation.

- a. Because of the large land area covered by typical geophysical operations and the potential to impact a large number of subsistence users during the exploration season, the permittee/operator will notify in writing all potentially affected long-term cabin and camp users.
- b. The official recognized list of cabin and campsite users is the NSB's 2001 (or most current) inventory of cabins and campsites.
- c. A copy of the notification letter and a list of potentially affected users shall also be provided to the office of the appropriate Native Tribal government.
- d. The AO will prohibit seismic work within 1 mile of any known, long-term, cabin or campsite unless an alternate agreement between the cabin/campsite owner/user is reached through the consultation process and presented to the AO. (Regardless of the consultation outcome, the AO will prohibit wintertime seismic work within 300 feet of a known long-term cabin or campsite.)
- e. The permittee shall notify the appropriate local Search and Rescue (e.g., Nuiqsut Search and Rescue, Atqasuk Search and Rescue) of their current operational location within the NPR-A on a weekly basis. This notification should include a map indicating the current extent of surface use and occupation, as well as areas previously used/occupied during the course of the operation in progress. The purpose of this notification is to allow hunters up-to-date information regarding where seismic exploration is occurring, and has occurred, so that they can plan their hunting trips and access routes accordingly. Identification of the appropriate Search and Rescue offices to be contacted can be obtained from the NPR-A Subsistence Advisory Panel.



Former panel member Raymond Neakok asks a question during a field trip.

## **Role and Goals of the SAP**

The primary objective of the SAP is to provide an opportunity for the potentially affected subsistence communities of Anaktuvuk Pass, Atqasuk, Barrow, Nuiqsut, Point Lay and Wainwright to raise issues and concerns to the Authorized Officer of the BLM, and to make recommendations in order to prevent unreasonable conflicts between subsistence activities and the exploration, development and production of oil and gas resources in the NPR-A. Due to increasing aircraft traffic and scientific research in the Arctic, in 2012 the SAP expanded its purview to include reviewing and providing recommendations on research and other permitted activities in the NPR-A.

The major responsibilities of the SAP fall under three separate tasks: 1) review; 2) recommend; and 3) communicate.

### Review

All NPR-A Records of Decision since 1998 require oil companies to consult with the SAP regarding their proposed activities. Specifically, oil companies are required to:

- consult with the SAP to discuss the timing, siting, and methods of proposed operations before submitting an application to the BLM;
- submit a proposed Plan of Operations early enough to allow for a thorough review by the SAP; and
- work with the SAP when creating a monitoring plan for permanent facilities during the development phase of operation.



### Recommend

In addition to reviewing the documents submitted by the oil companies, or activities that they are proposing, the SAP makes recommendations to the Authorized Officer of the BLM on ways to improve the planned operations and/or alleviate any impacts to subsistence that may occur.

While the oil industry must follow the stipulations and required operating procedures found in the two RODs, the BLM also issues individual permits for such things as: establishing rights-of-way; drilling exploratory wells; staging or storing equipment, etc. These permits are issued for each activity that takes place. The Authorized Officer has the ability to attach additional requirements or stipulations to these permits—and this is where the SAP can make important contributions by way of recommendations to the AO to be included with the permit.

Complete lists of the recommendations that have been made by the SAP in the past are available on the SAP webpage ([http://www.blm.gov/get-involved/resource-advisory-council/near-you/alaska/npr-a\\_sap/documents](http://www.blm.gov/get-involved/resource-advisory-council/near-you/alaska/npr-a_sap/documents)). Recommendations include:

- Additional stipulations to be added by the BLM to permits, such as the Seismic Stipulation that requires the company to provide a weekly update to local search and rescue regarding their location.
- The use of Subsistence Monitors by oil companies and seismic crews (this has also been included in the Subsistence Plans required by the NE ROD, and has become a regular operational practice in the NPR-A).
- The use of “duck ponds” (oil drip pans) under all running machinery or vehicles when parked.
- Recommendations on helicopter use, such as limiting use during certain key subsistence times and having helicopters check in with Search and Rescue so that hunters know where they will be flying.
- Recommending dates for tundra closure due to duck hunters going out earlier in the spring.
- Recommended studies/research needs, for example, seismic effects on overwintering fish.

### Communicate

It should be stressed that panel members serve the very important function of being representatives of their local or tribal government. Therefore, you serve as a major line of communication between your Tribal Council and the BLM with regard to the specifics about what types of activities will be taking place in the NPR-A throughout the year.

In 2003, SAP panel members recommended that the Bylaws and Operating Procedures be amended to add the duty of attending a local meeting in your community as soon after the SAP meeting as possible, in order to update the Tribal Council or other local entity. To this end, the SAP Coordinator will create a summary of presentations shortly after the meetings, and will distribute the summary to the representative who was in attendance. This summary can be used by panel members to brief their local community on what happened at the SAP meeting.

Additionally, panel members should feel free to stop by their tribal or city office to see if there are any issues or questions for the BLM or the oil industry, that the representative can then bring to the SAP Meeting to be answered.



SAP Meeting in Wainwright, Alaska

## **Subsistence Advisory Panel Composition**

The SAP is comprised of representatives from across the North Slope. Most represent their local or regional Tribal Government: Native Village of Nuiqsut, Village of Anaktuvuk Pass (aka Naqsraġmiut Tribal Council), Atqasuk Village, Village of Wainwright, Native Village of Barrow, Native Village of Point Lay, and the Iñupiat Community of the Arctic Slope. There is also a North Slope Borough representative, who is the only member representing a municipal government. Each representative has an alternate who is supposed to take the place of a representative if that person can not make the meeting. With the additional time required to review permitted scientific research, SAP meetings have become much longer and are usually 3 times per year.

Organizations that are represented on the SAP are:

**Native Village of Barrow**

**Naqsraġmiut Tribal Council**

**Wainwright Traditional Council**

**Native Village of Nuiqsut**

**Iñupiat Community of the Arctic Slope**

**Atqasuk Village**

**North Slope Borough**

**Native Village of Point Lay**



Former SAP representative Herman Kignak and Chair Arnold Brower, Jr. at a workshop in Nuiqsut.

Stacie McIntosh, the BLM's Arctic Office Manager, is the Authorized Officer. The Chair, who is voted in by the rest of the panel, leads the meeting. The Vice-chair leads the meeting if the Chair isn't present. If neither the Chair nor the Vice-Chair is present, then the Chair's alternate or the Vice-Chair's alternate leads the meeting, in that order.

## **SAP Workshops**

SAP meetings often include a SAP workshop. The purpose of the workshop is for the Panel to address key issues or impacts that have been identified as needing additional mitigation to minimize impacts to subsistence, or scientific research projects and traditional ecological knowledge about them. For example, issues that have been discussed in detail during SAP workshops include: displacement of caribou by seismic exploration; and Legacy Wells in the NPR-A. A process to analyze issues was created by the SAP in order to make informed recommendations to the Authorized Officer. This process has four steps:

### NPR-A SAP Issue Identification and Recommendation Q&A Process

1. What is the issue?
2. What is the power we have to rectify the issue?
3. What are we already doing about this issue?
4. What else should be done?

Every issue to be discussed by the SAP will use this process in order to make recommendations to the BLM on stipulations, ROPs or other mitigation that will serve to alleviate or minimize the problem caused by the issue.

The workshop is also the place where we handle SAP operational miscellany. One ongoing goal is to constantly improve the effectiveness of the SAP as an advisory body. A frequent topic on the workshop agenda is "Roundtable Discussion on SAP Effectiveness" or something to that effect. The workshop is informal, and panel members should feel free to discuss any topic or raise any issue that they feel needs to be brought to the attention of the BLM for resolution.

## **SAP Meetings**

The Subsistence Advisory Panel usually meets three times a year. The meetings are always scheduled so as not to conflict with periods of intensive subsistence activity (i.e., we would never hold a SAP meeting during spring or fall whaling). During the first decade of the SAP when there was a great deal of oil and gas activity, meetings corresponded with recurrent activities in the oil and gas yearly cycle of activity. The meetings usually occur as follows:

June/July—This meeting usually focuses on presentations concerning upcoming summer research plans and on proposed activity for the winter. This is the meeting at which, in a perfect world, we would give the oil companies' Plan of Operations for their proposed winter activity to the SAP. In reality, most oil and gas explorers do not have final word from the petroleum engineers as to exactly where activity will take place (and this has been one of the most difficult issues to deal with).

November/December—This is usually when the lessee/permittee (i.e., oil and gas company or seismic operator) has a definite idea of what activity will take place with enough detail to submit a Plan of Operations to the SAP. This meeting is important, in that it is the time for SAP members to make recommendations to the AO that can be included in the permit that the BLM authorizes as additional stipulations (meaning additional to those already specified in the ROD for the area in which activity will take place). The AO will always meet with the SAP before he signs the final permit(s) to the operators each winter season.

March/April—This meeting is usually an update by oil companies or operators on how winter activities went, or, if not completed on how winter activities are going. Any issues that have arisen as a result of their activity will be described, including a description of how these issues were handled and resolved. It is also customary for the Subsistence Representatives who worked for the various companies to attend the meeting and give a presentation on how they thought activity went during the winter season. This meeting frequently includes a description of the studies to be accomplished by industry during the summer.

Subsistence Advisory Panel Meetings are public, and many of the questions, comments, and issues come from the audience. SAP meetings are run by the Chair, who loosely follows “Robert’s Rules of Order” during the course of the meeting. Every meeting starts with an invocation, usually by an elder from the audience. Then the minutes from the last meeting are approved, and finally the agenda is modified and/or approved.

The BLM usually presents first, which consists of Stacie McIntosh (the Authorized Officer) giving an overview BLM activities in the NPR-A, and any decisions that have been made since the last meeting. This discussion also includes a report on the recommendations made by the SAP at the previous meeting and description of how recommendations were carried out or implemented. If applicable, any studies, issues or other information that may be of interest to the SAP, or that the SAP requested information about, may also be presented at the SAP meeting by other BLM employees.

After the BLM presentation(s), oil industry or researchers present an update of activities since the last SAP meeting and provide the SAP with as much information as they have regarding future activity. One issue that has yet to be fully rectified is the fact that, frequently, the decision-makers for the various oil companies are located in each company’s headquarters—in Texas or another state, or out of the country, depending on the company. Frequently, the exact area to be explored (either by seismic methods, or by exploratory drilling) is not known until late in the year, usually little more than a month before tundra is opened. This fact makes it hard for local oil company representatives to know in detail at the spring meetings what proposed activity will occur in the upcoming winter season.

Some primary (unspoken) rules at meetings are:

- Be respectful
- Listen to whomever is speaking, and do not interrupt
- Try not to take critiques personal
- Remember that you are a guest, and act accordingly



SAP representatives at a Public Meeting in Nuiqsut