

## NPR-A Regulations – Side-by-side

Existing Section	Existing Section Text	Proposed Section	Proposed Section Text
§ 2361.0-1 – Purpose	The purpose of the regulations in this subpart is to provide procedures for the protection and control of environmental, fish and wildlife, and historical or scenic values in the National Petroleum Reserve in Alaska pursuant to the provisions of the Naval Petroleum Reserves Production Act of 1976 (90 Stat. 303; 42 U.S.C. 6501 <i>et seq.</i> ).	§ 2361.1 – Purpose.	The purpose of the regulations in this subpart is to provide procedures for protection and control of the environmental, fish and wildlife, and historical and scenic values of the National Petroleum Reserve in Alaska, including mitigating the significantly adverse effects of oil and gas activities on the surface resources of the Reserve and assuring maximum protection of significant resource values in Special Areas pursuant to and consistent with the provisions of the Naval Petroleum Reserves Production Act of 1976 (90 Stat. 303; 42 U.S.C. 6501 <i>et seq.</i> ), Alaska National Interest Lands Conservation Act (94 Stat. 2371, 16 U.S.C. 3101 <i>et seq.</i> ), and other applicable authorities.
§ 2361.0-2 – Objectives.	The objective of this subpart is to provide for the protection of the environmental, fish and wildlife, and historical or scenic values of the Reserve so that activities which are or might be detrimental to such values will be carefully controlled to the extent consistent with the requirements of the Act for petroleum exploration of the reserve.	Proposed deletion	
§ 2361.0-3 – Authority	The Naval Petroleum Reserve Production Act of 1976 (90 Stat. 303, 42 U.S.C. 6501, <i>et seq.</i> ) is the statutory authority for these regulations.	§ 2361.3 – Authority	The statutory authority for these regulations is the Naval Petroleum Reserves Production Act of 1976, as amended by the Department of the Interior Appropriations Act, Fiscal Year 1981 (Pub. L. 96–514).
§ 2361.0-4 – Responsibility	<p><b>(a)</b> The Bureau of Land Management (BLM) is responsible for the surface management of the reserve and protection of the surface values from environmental degradation, and to prepare rules and regulations necessary to carry out surface management and protection duties.</p> <p><b>(b)</b> The U.S. Geological Survey is responsible for management of the continuing exploration program during the interim between the transfer of jurisdiction from the U.S. Navy to the U.S. Department of the Interior and the effective date of any legislation for a permanent development and production program to enforce regulations and stipulations which relate to the exploration of petroleum resources of the Reserve, and to operate the South Barrow gas field or such other fields as may be necessary to supply gas at reasonable and equitable rates to the Native village of Barrow and other communities and installations at or near Point Barrow, Alaska, and to installations of the Department of Defense and other agencies of the U.S. located at or near Point Barrow, Alaska.</p>	§ 2361.4 – Responsibility	The Bureau of Land Management is responsible for the surface and subsurface management of the Reserve, including protecting surface resources from environmental degradation and assuring maximum protection of significant resource values in Special Areas. The Act authorizes the Bureau to prepare rules and regulations necessary to carry out surface management and protection duties.

Existing Section	Existing Section Text	Proposed Section	Proposed Section Text
§ 2361.0-5 – Definitions	<p>(a) <i>Act</i> means the Naval Petroleum Reserves Production Act of 1976 (90 Stat. 303, 42 U.S.C. 6501, <i>et seq.</i>).</p> <p>(b) <i>Authorized officer</i> means any employee of the Bureau of Land Management who has been delegated the authority to perform the duties of this subpart.</p> <p>(c) <i>Exploration</i> means activities conducted on the Reserve for the purpose of evaluating petroleum resources which include crude oil, gases of all kinds (natural gas, hydrogen, carbon dioxide, helium, and any others), natural gasoline, and related hydrocarbons (tar sands, asphalt, propane butane, etc.), oil shale and the products of such resources.</p> <p>(d) <i>Reserve</i> means those lands within the National Petroleum Reserve in Alaska (prior to June 1, 1977, designated Naval Petroleum Reserve No. 4) which was established by Executive order of the President, dated February 27, 1923, except for tract Numbered 1 as described in Public Land Order 2344 (the Naval Arctic Research Laboratory—surface estate only) dated April 24, 1961.</p> <p>(e) <i>Secretary</i> means the Secretary of the Interior.</p> <p>(f) <i>Special areas</i> means areas within the reserve identified by the Secretary of the Interior as having significant subsistence, recreational, fish and wildlife, or historical or scenic value and, therefore, warranting maximum protection of such values to the extent consistent with the requirements of the Act for the exploration of the Reserve.</p> <p>(g) <i>Use authorization</i> means a written approval of a request for use of land or resources.</p>	§ 2361.5 – Definitions	<p>As used in this subpart, the term:</p> <p><i>Act</i> means the Naval Petroleum Reserves Production Act of 1976 (as amended and codified at 42 U.S.C. 6501–6508).</p> <p><i>Authorized officer</i> means any employee of the Bureau of Land Management who has been delegated the authority to perform the duties of this subpart.</p> <p><i>Bureau</i> means the Bureau of Land Management.</p> <p><i>Exploration</i> means activities conducted on the Reserve for the purpose of evaluating petroleum resources, including crude oil, gases (including natural gas), natural gasoline, and other related hydrocarbons, oil shale, and the products of any such resources.</p> <p><i>Indigenous Knowledge (IK)</i> means a body of observations, oral and written knowledge, practices, and beliefs developed by Tribes and Indigenous Peoples through interaction and experience with the environment. It is applied to phenomena across biological, physical, social, and cultural systems. IK can be developed over millennia, continues to develop, and includes understanding based on evidence acquired through direct contact with the environment and long-term experiences, as well as extensive observations, lessons, and skills passed from generation to generation. IK is developed by Indigenous Peoples including, but not limited to, Tribal Nations, American Indians, and Alaska Natives.</p> <p><i>Integrated Activity Plan (IAP)</i> means a land use management plan that governs the management of all BLM-administered lands and minerals throughout the Reserve.</p> <p><i>Infrastructure</i> means a structure or improvement that is not built for use by subsistence hunters, trappers, fishers, berry-pickers, and other subsistence users to facilitate subsistence activities and that is not ephemeral, such as snow or ice roads. Infrastructure includes pipelines, gravel drilling pads, and other improvements built to support commercial oil and gas activities, but it does not include exploratory wells that are drilled in a single season; infrastructure in support of science and public safety; and construction, renovation, or replacement of facilities on existing gravel pads at previously disturbed sites where the facilities will promote safety and environmental protection.</p>

Existing Section	Existing Section Text	Proposed Section	Proposed Section Text
			<p><i>Reserve</i> means those lands within the National Petroleum Reserve in Alaska (prior to June 1, 1977, designated Naval Petroleum Reserve No. 4) which was established by Executive order, dated February 27, 1923, except for tract Numbered 1 as described in Public Land Order 2344 (the Naval Arctic Research–Laboratory—surface estate only) dated April 24, 1961.</p> <p><i>Secretary</i> means the Secretary of the Interior.</p> <p><i>Significant resource value</i> means any subsistence, recreational, fish and wildlife, historical, or scenic value identified by the Bureau as supporting the designation of a Special Area.</p> <p><i>Special Areas</i> means areas within the Reserve identified by the Secretary or by statute as having significant resource values and that are managed to assure maximum protection of such values, to the extent consistent with the requirements of the Act for the exploration of the Reserve.</p> <p><i>Use authorization</i> means a written approval of a request for use of land or resources.</p>
§ 2361.06 – [Reserved]		Proposed deletion	
§ 2361.07 – Effect of law	<p>(a) Subject to valid existing rights, all lands within the exterior boundaries of the Reserve are reserved and withdrawn from all forms of entry and disposition under the public land laws, including the mining and mineral leasing laws, and all other Acts.</p> <p>(b) Notwithstanding the provisions of paragraph (a) of this section, the Secretary is authorized to:</p> <p>(1) Make dispositions of mineral materials pursuant to the Act of July 31, 1947 (61 Stat. 681), as amended (30 U.S.C. 601), for appropriate use by Alaska Natives.</p> <p>(2) Make such dispositions of mineral materials and grant such rights-of-way, licenses, and permits as may be necessary to carry out his responsibilities under the Act.</p> <p>(3) Convey the surface of lands properly selected on or before December 18, 1975, by Native village corporations pursuant to the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601, <i>et seq.</i>).</p>	§ 2361.6 – Effect of law	<p>(a) Subject to valid existing rights, and except as provided by the Department of the Interior Appropriations Act, Fiscal Year 1981 (Pub. L. 96–514), all lands within the exterior boundaries of the Reserve are reserved and withdrawn from all forms of entry and disposition under the public land laws, including the mining and mineral leasing laws, and all other acts.</p> <p>(b) Notwithstanding the provisions of paragraph (a) of this section, the Secretary is authorized to:</p> <p>(1) Make dispositions of mineral materials pursuant to the Act of July 31, 1947 (61 Stat. 681), as amended (30 U.S.C. 601), for appropriate use by Alaska Natives and the North Slope Borough.</p> <p>(2) Make such dispositions of mineral materials and grant such rights-of-way, licenses, and permits as may be necessary to carry out the Secretary's responsibilities under the Act.</p> <p>(3) Convey the surface of lands properly selected on or before December 18, 1975, by Native village corporations pursuant to the</p>

Existing Section	Existing Section Text	Proposed Section	Proposed Section Text
	<p>(c) All other provisions of law heretofore enacted and actions heretofore taken reserving such lands as a Reserve shall remain in full force and effect to the extent not inconsistent with the Act.</p> <p>(d) To the extent not inconsistent with the Act, all other public land laws are applicable.</p>		<p>Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601, <i>et seq.</i> ).</p> <p>(4) Grant such rights-of-way to the North Slope Borough, under the provisions of title V of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761 <i>et seq.</i> ) or section 28 of the Mineral Leasing Act, as amended (30 U.S.C. 185), as may be necessary to permit the North Slope Borough to provide energy supplies to villages on the North Slope.</p> <p>(c) All other provisions of law heretofore enacted and actions heretofore taken reserving such lands as a Reserve shall remain in full force and effect to the extent not inconsistent with the Act.</p> <p>(d) To the extent not inconsistent with the Act, all other public land laws are applicable.</p>
Added in proposed regulations		§ 2361.7 – Severability	If a court holds any provision of the regulations in this part or their applicability to any person or circumstances invalid, the remainder of these regulations and their applicability to other people or circumstances will remain unaffected.
§ 2361.1 – Protection of the environment	<p>(a) The authorized officer shall take such action, including monitoring, as he deems necessary to mitigate or avoid unnecessary surface damage and to minimize ecological disturbance throughout the reserve to the extent consistent with the requirements of the Act for the exploration of the reserve.</p> <p>(b) The Cooperative Procedures of January 18, 1977, for National Petroleum Reserve in Alaska between the Bureau of Land Management (BLM) and the U.S. Geological Survey (GS) (42 FR 4542, January 25, 1977) provides the procedures for the mutual cooperation and interface of authority and responsibility between GS and BLM concerning petroleum exploration activities (i.e., geophysical and drilling operations), the protection of the environment during such activities in the Reserve, and other related activities.</p> <p>(c) Maximum protection measures shall be taken on all actions within the Utikok River Uplands, Colville River, and Teshekpuk Lake special areas, and any other special areas identified by the Secretary as having significant subsistence, recreational, fish and wildlife, or historical or scenic value. The boundaries of these areas and any other special areas identified by the Secretary shall be</p>	§ 2361.10 – Protection of surface resources	<p>(a) In administering the Reserve, the Bureau must protect surface resources by adopting whatever conditions, restrictions, and prohibitions it deems necessary or appropriate to mitigate reasonably foreseeable and significantly adverse effects of proposed activities. Such conditions, restrictions, or prohibitions may involve conditioning, delaying action on, or denying some or all aspects of proposed activities, and will fully consider community access and other infrastructure needs, after consultation with the North Slope Borough and consistent with § 2361.6.</p> <p>(b) The Bureau will use the following procedures to protect surface resources from the reasonably foreseeable and significantly adverse effects of proposed activities:</p> <p>(1) The Bureau will maintain an Integrated Activity Plan (IAP) addressing management of all BLM-administered lands and minerals throughout the Reserve. When issuing a use authorization, the Bureau must conform to the IAP and these rules. To the extent there is any inconsistency between the IAP and these rules, the rules govern;</p> <p>(2) In each decision concerning proposed activity in the Reserve, the Bureau will document consideration of, and adopt measures to</p>

Existing Section	Existing Section Text	Proposed Section	Proposed Section Text
	<p>identified on maps and be available for public inspection in the Fairbanks District Office. In addition, the legal description of the three special areas designated herein and any new areas identified hereafter will be published in the FEDERAL REGISTER and appropriate local newspapers. Maximum protection may include, but is not limited to, requirements for:</p> <p>(1) Rescheduling activities and use of alternative routes, (2) types of vehicles and loadings, (3) limiting types of aircraft in combination with minimum flight altitudes and distances from identified places, and (4) special fuel handling procedures.</p> <p>(d) Recommendations for additional special areas may be submitted at any time to the authorized officer. Each recommendation shall contain a description of the values which make the area special, the size and location of the area on appropriate USGS quadrangle maps, and any other pertinent information. The authorized officer shall seek comments on the recommendation(s) from interested public agencies, groups, and persons. These comments shall be submitted along with his recommendation to the Secretary. Pursuant to section 104(b) of the Act, the Secretary may designate that area(s) which he determines to have special values requiring maximum protection. Any such designated area shall be identified in accordance with the provision of § 2361.1(c) of this subpart.</p> <p>(e)</p> <p>(1) To the extent consistent with the requirements of the Act and after consultation with appropriate Federal, State, and local agencies and Native organizations, the authorized officer may limit, restrict, or prohibit use of and access to lands within the Reserve, including special areas. On proper notice as determined by the authorized officer, such actions may be taken to protect fish and wildlife breeding, nesting, spawning, lambing of calving activity, major migrations of fish and wildlife, and other environmental, scenic, or historic values.</p> <p>(2) The consultation requirement in § 2361.1(e)(1) of this subpart is not required when the authorized officer determines that emergency measures are required.</p> <p>(f) No site, structure, object, or other values of historical archaeological, cultural, or paleontological character, including but not limited to historic and prehistoric remains, fossils, and artifacts,</p>		<p>mitigate, reasonably foreseeable and significantly adverse effects on fish and wildlife, water, cultural, paleontological, scenic, and any other surface resource. The Bureau will take particular care to account for, and mitigate adverse effects on, surface resources that support subsistence uses and needs;</p> <p>(3) In assessing effects of a decision concerning proposed activity in the Reserve, the Bureau will identify and evaluate any reasonably foreseeable effects of its decision, including effects that are later in time or farther removed in distance, and effects that result from the incremental effects of the proposed activities when added to the effects of other past, present, and reasonably foreseeable actions; and</p> <p>(4) The Bureau will document its consideration of any uncertainty concerning the nature, scope, and duration of potential effects on surface resources of the Reserve and shall ensure that any conditions, restrictions, or prohibitions on proposed activities account for and reflect any such uncertainty.</p> <p>(c) When affected surface resources are located in Special Areas, the Bureau must comply with the procedures and requirements of §§ 2361.20 through 2361.60.</p> <p>(d) The Bureau must include in each decision and authorization related to proposed activity in the Reserve such terms and conditions that provide the Bureau with sufficient ability to fully implement the requirements of this subpart.</p> <p>(e)(1) To the extent consistent with the requirements of the Act, the terms of any applicable existing authorization, and applicable law, and after consultation with appropriate Federal, State, and local agencies, federally recognized Tribes, and Alaska Native Claims Settlement Act corporations, the authorized officer may limit, restrict, or prohibit the use of or access to lands within the Reserve, including Special Areas. Upon proper notice, as determined by the authorized officer, such actions may be taken to protect fish and wildlife breeding, nesting, spawning, lambing or calving, or migrations; subsistence uses and resources; and other environmental, scenic, or historic values.</p>

Existing Section	Existing Section Text	Proposed Section	Proposed Section Text
	shall be injured, altered, destroyed, or collected without a current Federal Antiquities permit.		<p>(2) The consultation requirement in § 2361.1(e)(1) is not required when the authorized officer determines that emergency measures are required.</p> <p>(f) No site, structure, object, or other values of historical, cultural, or paleontological character, including, but not limited to, historic and prehistoric remains, fossils, and artifacts, shall be injured, altered, destroyed, or collected without authorization under an appropriate Federal permit and without compliance with applicable law governing cultural items, archaeological resources, and historic properties.</p>
Added in proposed regulations		§ 2361.20 – Existing Special Areas	<p>Any lands within the Reserve designated as a Special Area as of [EFFECTIVE DATE OF THE FINAL RULE], will continue to be managed as a Special Area except as modified pursuant to § 2361.30, including:</p> <p>(a) <i>Colville River Special Area</i>. The Colville River Special Area encompasses the area within the boundaries depicted on maps that are published as of [EFFECTIVE DATE OF THE FINAL RULE], and available for public inspection at the Arctic District Office. The Colville River Special Area shall be managed to assure maximum protection of the following significant resource values, as well as additional values identified through the process set forth in § 2361.30:</p> <ol style="list-style-type: none"> <li>(1) Important habitat for raptor species, including, but not limited to, the Arctic peregrine falcon;</li> <li>(2) Important habitat for other bird species, including, but not limited to, neotropical migratory birds, shorebirds, loons, waterfowl, inland dwelling sea birds, and passerines;</li> <li>(3) Important habitat for moose;</li> <li>(4) Important habitat for fish;</li> <li>(5) Important subsistence activities;</li> <li>(6) Important recreational activities;</li> <li>(7) World-class paleontological deposits; and</li> <li>(8) Significant cultural resources, including numerous sites from the prehistoric and historic eras.</li> </ol>

Existing Section	Existing Section Text	Proposed Section	Proposed Section Text
			<p>(b) <i>Kasegaluk Lagoon Special Area</i>. The Kasegaluk Lagoon Special Area encompasses the area within the boundaries depicted on maps that are published as of [EFFECTIVE DATE OF THE FINAL RULE], and available for public inspection at the Arctic District Office. The Kasegaluk Lagoon Special Area shall be managed to assure maximum protection of the following significant resource values, as well as additional values identified through the process set forth in § 2361.30:</p> <ol style="list-style-type: none"> <li>(1) Important habitat for marine mammals;</li> <li>(2) Unique ecosystem for the Arctic Coast;</li> <li>(3) Opportunities for primitive recreational experiences;</li> <li>(4) Important habitat for migratory birds; and</li> <li>(5) Important subsistence activities.</li> </ol> <p>(c) <i>Peard Bay Special Area</i>. The Peard Bay Special Area encompasses the area within the boundaries depicted on maps that are published as of [EFFECTIVE DATE OF THE FINAL RULE], and available for public inspection at the Arctic District Office. The Peard Bay Special Area shall be managed to assure maximum protection of the following significant resource values, as well as additional values identified through the process set forth in § 2361.30:</p> <ol style="list-style-type: none"> <li>(1) Haul-out areas and nearshore waters for marine mammals; and</li> <li>(2) High-use staging and migration areas for shorebirds and waterbirds.</li> </ol> <p>(d) <i>Teshkepuk Lake Special Area</i>. The Teshkepuk Lake Special Area encompasses the area within the boundaries depicted on maps that are published as of [EFFECTIVE DATE OF THE FINAL RULE], and available for public inspection at the Arctic District Office. The Teshkepuk Lake Special Area shall be managed to assure maximum protection of the following significant resource values, as well as additional values identified through the process set forth in § 2361.30:</p> <ol style="list-style-type: none"> <li>(1) Important nesting, staging, and molting habitat for a large number of migratory and other waterbirds;</li> </ol>

Existing Section	Existing Section Text	Proposed Section	Proposed Section Text
			<p>(2) Important caribou habitat;</p> <p>(3) Important shorebird habitat;</p> <p>(4) Subsistence hunting and fishing activities;</p> <p>(5) Pik Dunes; and</p> <p>(6) Overwintering habitat for fish.</p> <p>(e) <i>Utukok River Uplands Special Area</i>. The Utukok River Uplands Special Area encompasses the area within the boundaries depicted on maps that are published as of [EFFECTIVE DATE OF THE FINAL RULE], and available for public inspection at the Arctic District Office. The Utukok River Uplands Special Area shall be managed to assure maximum protection of the following significant resource values, as well as additional values identified through the process set forth in § 2361.30:</p> <p>(1) Important habitat for the Western Arctic Caribou Herd;</p> <p>(2) Subsistence hunting activities;</p> <p>(3) Grizzly bear habitat; and</p> <p>(4) Important wilderness values.</p>
Added in proposed regulations		§ 2361.30 – Special Areas designation and amendment process	<p>(a) The Bureau must evaluate lands within the Reserve for the presence of significant subsistence, recreational, fish and wildlife, historical, or scenic values and shall designate lands as Special Areas containing such values in accordance with the following procedures:</p> <p>(1) At least once every 5 years, the Bureau must evaluate and determine whether to:</p> <p>(i) Designate new Special Areas;</p> <p>(ii) Expand existing Special Areas;</p> <p>(iii) Recognize the presence of additional significant resource values in existing Special Areas; or</p> <p>(iv) Require additional measures to assure maximum protection of significant resource values within existing Special Areas.</p>



Existing Section	Existing Section Text	Proposed Section	Proposed Section Text
			<p>(2) The Bureau may, but is not required to, conduct the evaluation and otherwise designate and amend Special Areas through amendment of the IAP.</p> <p>(3) Throughout the evaluation process, the Bureau must rely on the best available scientific information, including Indigenous Knowledge, as well as the best available information concerning subsistence uses and resources within the Reserve.</p> <p>(4) The Bureau must provide the public and interested stakeholders with notice of, and meaningful opportunities to participate in, the evaluation process, including the opportunity to recommend lands that should be considered for designation as a Special Area, significant resource values that the Bureau should consider recognizing for existing Special Areas, and measures that the Bureau should consider requiring to assure maximum protection of significant resource values within Special Areas. The Bureau will evaluate and respond to recommendations that are made in completing its evaluation. Such recommendations should identify and describe:</p> <ul style="list-style-type: none"> <li>(i) The size and location of the recommended lands;</li> <li>(ii) The significant resource values that are present within or supported by the recommended lands;</li> <li>(iii) Measures that may be necessary to assure maximum protection of those values; and</li> <li>(iv) Any other pertinent information.</li> </ul> <p>(5) If, at any point during the evaluation process, the authorized officer determines that interim measures are required to assure maximum protection of significant resource values in lands under consideration for designation as a Special Area, the authorized officer may implement such measures during the period for which the lands are under consideration.</p> <p>(6) The Bureau must base its decisions to designate lands as Special Areas solely on the presence of significant resource values and must not consider the existence of measures that have been or may be adopted to protect or otherwise administer those values.</p> <p>(7) When the Bureau designates lands as Special Areas or recognizes the presence of additional significant resource values in</p>

Existing Section	Existing Section Text	Proposed Section	Proposed Section Text
			<p>existing Special Areas, the Bureau must adopt measures to assure maximum protection of significant resource values. Once adopted, these measures become part of and supersede inconsistent provisions of the IAP then in effect for the Reserve.</p> <p>(8) For any lands designated as a Special Area, the Bureau will publish a legal description of those lands in the Federal Register, along with a concise summary of the significant resource values that support the designation. The Bureau will also maintain a map of the Special Area on its website.</p> <p>(b) The Bureau may not remove lands from the Teshekpuk Lake and Utukok River Uplands Special Areas unless directed to do so by statute. The Bureau may remove lands within other Special Areas only when all of the significant resource values that support the designation are no longer present. When determining whether to remove lands from a Special Area designation, the Bureau must:</p> <p>(1) Prepare a summary of its proposed determination, including the underlying factual findings;</p> <p>(2) Provide the public and interested stakeholders with the opportunity to review and comment on the proposed determination;</p> <p>(3) Consult with any federally recognized Tribes and Alaska Native Claims Settlement Act corporations that use the affected Special Area for subsistence purposes or have historic or cultural ties to the Special Area; and</p> <p>(4) Issue a determination that documents how the views and information provided by the public, federally recognized Tribes, Alaska Native Claims Settlement Act corporations, federally qualified subsistence users, and other interested stakeholders have been considered.</p>
Added in proposed regulations		§ 2361.40 – Management of oil and gas activities in Special Areas	<p>Assuring maximum protection of significant resource values is the management priority for Special Areas. The Bureau must fulfill this duty at each stage in the decision-making process for oil and gas activities in the Reserve and in accordance with the following procedures:</p> <p>(a) The Bureau will identify and adopt maximum protection measures for each significant resource value that is present in a Special Area.</p>

Existing Section	Existing Section Text	Proposed Section	Proposed Section Text
			<p>(b) The Bureau must, to the extent consistent with the Act, take such steps as are necessary to avoid the adverse effects of proposed oil and gas activities on the significant resource values of Special Areas. This includes, but is not limited to, conditioning, delaying action on, or denying proposals for activities, either in whole or in part.</p> <p>(c) Subject to any revisions made pursuant to § 2361.30, oil and gas leasing and authorization of new infrastructure in Special Areas will conform to the land use allocations and restrictions identified on the maps published as of [EFFECTIVE DATE OF THE FINAL RULE], and available for public inspection at the Arctic District Office. On lands allocated as available for future oil and gas leasing or new infrastructure, the Bureau will presume that those activities should not be permitted unless specific information available to the Bureau clearly demonstrates that those activities can be conducted with no or minimal adverse effects on significant resource values.</p> <p>(d) The following exceptions apply within lands identified as closed to leasing or unavailable to new infrastructure:</p> <p>(1) The Bureau may issue oil and gas leases in Special Areas if drainage is occurring. Any lease issued for drainage purposes will include provisions that prohibit surface-disturbing oil and gas activities on the entire lease tract.</p> <p>(2) The Bureau may approve new roads, pipelines, transmission lines, and other types of infrastructure in Special Areas provided that:</p> <p>(i) The infrastructure will primarily be used by and provide a benefit to communities located within or in close proximity to the Reserve or will support subsistence activities; and</p> <p>(ii) Appropriate measures are adopted to assure maximum protection of significant resource values.</p> <p>(3) The Bureau may approve new permanent infrastructure related to existing oil and gas leases only if such infrastructure is essential for exploration or development activities and no practicable alternatives exist which would have less adverse impact on significant resource values of the Special Area, but only if necessary to comport with the terms of a valid existing lease.</p>

Existing Section	Existing Section Text	Proposed Section	Proposed Section Text
			<p>(e) The Bureau must document and consider any uncertainty concerning the nature, scope, and duration of potential adverse effects on significant resource values of Special Areas and shall ensure that any actions it takes to avoid, minimize, or mitigate such effects account for and reflect any such uncertainty.</p> <p>(f) If the Bureau determines that it cannot avoid adverse effects on a Special Area's significant resource values, then it must prepare a Statement of Adverse Effect, which must describe the:</p> <ol style="list-style-type: none"> <li>(1) Significant resource values that may be adversely affected;</li> <li>(2) Nature, scope, and duration of those adverse effects;</li> <li>(3) Measures the Bureau evaluated to avoid the adverse effects;</li> <li>(4) Justification for not requiring those measures;</li> <li>(5) Measures the Bureau will require to minimize, to the maximum extent possible, adverse effects on significant resource values of the Special Area; and</li> <li>(6) Measures the Bureau will require to mitigate any residual adverse effects that cannot be avoided or minimized, including compensatory mitigation, along with an explanation of how those measures will assure maximum protection of significant resource values.</li> </ol> <p>(g) The Bureau must provide the public with a meaningful opportunity to review and comment on any Statement of Adverse Effect prepared under this section and must consider and respond to any relevant matter it receives.</p> <p>(h) The Bureau must consult with any federally recognized Tribes and Alaska Native Claims Settlement Act corporations that use the affected Special Area for subsistence purposes or have historic or cultural ties to the Special Area.</p> <p>(i) The Bureau must include in each decision and authorization related to oil and gas activity in the Reserve terms and conditions that provide the Bureau with sufficient authority to fully implement the requirements of this section.</p>
Added in proposed regulations		§ 2361.50 – Management	(a) The Bureau will ensure that Special Areas are managed to protect and support fish and wildlife and fish and wildlife habitat

Existing Section	Existing Section Text	Proposed Section	Proposed Section Text
		of subsistence uses within Special Areas	and a associated subsistence use of such areas by rural residents as defined in 50 CFR 100.4.  (b) The Bureau will provide a appropriate access to and within Special Areas for subsistence purposes to the extent consistent with a ssuring maximum protection of all signifi cant resource values that are found in such areas.
Added in proposed regulations		§ 2361.60 – Co-stewardship opportunities in Special Areas	In accordance with the Bureau's co-stewardship guidance, the Bureau will seek opportunities to engage Tribes in co-stewardship for Special Areas. Co-stewardship opportunities may include co-management, collaborative and cooperative management, and Tribally-led stewardship, and can be implemented through cooperative agreements, memoranda of understanding, self-governance agreements, and other mechanisms. The Bureau may also partner with Alaska Native Claims Settlement Act corporations, local governments, or organizations as provided by law.
§ 2361.2 – Use authorizations	<p><b>(a)</b> Except for petroleum exploration which has been authorized by the Act, use authorizations must be obtained from the authorized officer prior to any use within the Reserve. Only those uses which are consistent with the purposes and objectives of the Act will be authorized.</p> <p><b>(b)</b> Except as may be limited, restricted, or prohibited by the authorized officer pursuant to § 2361.1 of this subpart or otherwise, use authorizations are not required for (1) subsistence uses (e.g., hunting, fishing, and berry picking) and (2) recreational uses (e.g., hunting, fishing, backpacking, and wildlife observation).</p> <p><b>(c)</b> Applications for use authorizations shall be filed in accordance with applicable regulations in this chapter. In the absence of such regulation, the authorized officer may make such dispositions absence of such regulations, the author-of mineral materials and grant such rights-of-way, licenses, and permits as may be necessary to carry out his responsibilities under the Act.</p> <p><b>(d)</b> In addition to other statutory or regulatory requirements, approval of applications for use authorizations shall be subject to such terms and conditions which the authorized officer determines to be necessary to protect the environmental, fish and wildlife, and historical or scenic values of the Reserve.</p>	§ 2361.70 – Use authorizations	<p>(a) Use authorizations must be obtained from the authorized officer prior to any use within the Reserve. Only uses that are consistent with the purposes and objectives of the Act and these regulations will be authorized.</p> <p>(b) Except as may be limited, restricted, or prohibited by the authorized officer pursuant to §§ 2361.1 and 2361.2 or otherwise, use authorizations are not required for:</p> <p>(1) Subsistence uses (<i>e.g.</i>, hunting, fishing, and berry-picking); and</p> <p>(2) Non-commercial recreational uses (<i>e.g.</i>, hunting, fishing, backpacking, and wildlife observation).</p> <p>(c) Applications for use authorizations shall be filed in accordance with applicable regulations in this chapter. In the absence of such regulations, the authorized officer may consider and act upon applications for uses allowed under the Act.</p> <p>(d) In addition to other statutory or regulatory requirements, approval of applications for use authorizations shall be subject to such terms and conditions as the authorized officer determines to be necessary to protect the environmental, subsistence, recreational, fish and wildlife, historical, and scenic values of the Reserve and to assure maximum protection of significant resource values within Special Areas.</p>

<b>Existing Section</b>	<b>Existing Section Text</b>	<b>Proposed Section</b>	<b>Proposed Section Text</b>
§ 2361.3 – Unauthorized use and occupancy	Any person who violates or fails to comply with regulations of this subpart is subject to prosecution, including trespass and liability for damages, pursuant to the appropriate laws.	§ 2361.80 – Unauthorized use and occupancy	Any person who violates or fails to comply with regulations of this subpart is subject to prosecution, including trespass and liability for damages, pursuant to the appropriate laws.