

**NPR-A Working Group (WG) Monthly Teleconference
June 18, 2015
9:00-11:30 a.m.**

Attendance

Working Group members – Quorum present

Crawford Patkotak, Co-Chair, Arctic Slope Regional Corporation (ASRC)

John Hopson, Jr., Co-Chair

Hugh Patkotak, Sr., Wainwright, Olgoonik Corporation

John Boyle, NSB

Larry Burris, Nunamiut Corporation, Anaktuvuk Pass

Mayor Doug Whiteman, City of Atkasuk

Delbert Rexford, Ukpeaġvik Iñupiat Corporation

Mayor Bob Harcharek, Barrow

Others attending:

Stacey Fritz, BLM

Dave Yokel, BLM

Bridget Psarianos, BLM State Office

Roy Nageak, BLM Barrow Office

Sara Longan, Alaska DNR, Office of Project Management & Permitting

John Pearce, USGS

Jan Caulfield, facilitator for Regional Mitigation Strategy

Rusty Creed Brown, ConocoPhillips

Angela Noakes, Wildlife Conservation Society

Heather Dingman, NSB

Lois Epstein, The Wilderness Society

Rick ____ ????

Logistics & Scheduling:

- The reserved phone line was not adequate today (19 lines). WG members have been unable to connect. In future, BLM will make sure that the telephone line capacity is adequate. (Note that some non-WG members signed off of the call early to make more room on the line for WG members to call in.)
- In future – Schedule two hours for NPR-A WG meetings.
- The WG briefly discussed whether its monthly teleconferences must be open to the public. The April 2015 notes indicate that in-person WG meetings must be open, but that it wasn't a firm requirement for teleconferences. At that time, the WG determined to allow the public (non-WG members) to listen to the teleconferences.

Meeting Notes:

Crawford Patkotak – invited invocation by Roy Nageak.

Summary of Previous (May 21) Working Group teleconference

- On May 21, the WG approved the NPR-A Working Group Charter.

- New Section 5.3 added: “Identify and discuss recommendations by local residents and institutions regarding mitigation measures that BLM can apply to minimize impacts to resources, resource use and habitat.” This was suggested by Doreen Lampe, Inupiat Community of the Arctic Slope (ICAS).

BLM Update

- Regional Mitigation Strategy (RMS) meeting held May 30, 2015 in Nuiqsut. Both BLM national Director Neil Kornze and Alaska State Director Bud Cribley were in attendance. Native Village of Nuiqsut had invited BLM to meet with all entities in the community and general public. Four hour meeting was followed by community potluck. BLM will distribute a summary of the meeting by June 24. BLM is also creating a verbatim transcript of all comments by Nuiqsut residents.
- Looking for a date to have the next RMS meeting series in September. Noted that Subsistence Advisory Panel is scheduled on September 2-3 at NSB Assembly Chambers in Barrow. Would that week work for a two-day NPR-A WG meeting in Barrow, focused on the RMS?
 - After discussion, the WG settled on September 24-25 in Barrow. Stacey will investigate venue options and confirm choice with the co-chairs.
 - Crawford Patkotak – As soon as possible, confirm the location and send invitation to all WG members and see how they respond per their attendance.
 - Roy Nageak – Need to consider how much public input there would be at the WG meeting. Noted that in addition to Barrow or North Slope residents, there may be other public and agencies in attendance, as there was at the March 2015 workshop in Fairbanks. How much time to allow on the agenda for that?
 - Crawford Patkotak – Will have to give community members every opportunity to voice their concerns, in line with BLM’s approach to have the WG be inclusive and to hear all concerns from people. If we have a huge crowd, may have to put in time limits for comments to be able to manage.
 - Delbert Rexford – Recommend that “rules of engagement” be read to all participants, so it is understood that only relevant issues will be discussed.
 - Jan Caulfield – The RMS facilitators will work with NPR-A Working Group co-chairs on design of agenda and rules of engagement to address the above points.
 - Crawford Patkotak – BLM should also be going to each of the NPR-A villages to hold RMS meetings.

Role of NPR-A Working Group

NPR-A WG Fact Sheet

- Stacey Fritz reviewed the WG Fact Sheet, with focus on the “roles” section. Stacey will add Hugh Patkotak as official alternate for Olgoonik Corporation and Larry Burris as official representative for City of Anaktuvuk Pass.

Special Areas in NPR-A

- Delbert Rexford – Question about where there are “special areas” within the NPR-A.
- Dave Yokel - The three initial special areas in NPR-A were Utukok (calving), Teshekpuk Lake (waterfowl), Colville River (peregrine falcon). The designation does

not prevent exploration for oil and gas, but requires suitable measures to protect these resources. Kasegaluk Lagoon (marine mammals) and Peard Bay (shorebirds) have since also been designated as special areas.

- Delbert Rexford – Concern about any restrictions on hunting; special areas are a “red flag”.
- Dave Yokel – There are no hunting restriction anywhere in the NPR-A due to BLM plans or regulations, and no restrictions on use of roads/areas for subsistence hunting.
- Crawford Patkotak – Need to find right balance within NPR-A for responsible development and continued subsistence use in the area, with a “lessons learned” approach.
- John Boyle – In the past, the North Slope Borough (NSB) has expressed concern over the size of some of the special areas, particularly Teshekpuk Lake. NSB Wildlife Department felt this area was too large, included areas not exceptional in wildlife values. The WG could identify areas that we feel do not warrant this type of extra regulation and make those recommendations to the BLM so the areas can be open for other uses.
- Bob Harcharek – Concurr; the restrictions are too stringent. Are taking away economic opportunities for many people up there, especially in the Teshekpuk area.
- Stacey Fritz – The WG Charter recognizes a role for the WG with regard to protection of surface values, such as through their recommendations regarding special area designations.
- Crawford Patkotak – Can also work on this through the North Slope Leadership group, make a proposal to the NPR-A WG for consideration.

Role of NPR-A WG in RMS – To whom does BLM give deference?

- John Boyle – Regarding the RMS process, he wants to hear from BLM what is the role of NPR-A WG in the content of the RMS and the ultimate disposition of the GMT1 mitigation funds.
- Dave Yokel – Will forward that question “up the chain” to the State Office for response.
- Crawford Patkotak – It is important that the RMS process be clear, not divisive. Concern that when critical issues are being considered, there is often effort to create division, confusion and separation of the different communities. Need to work to unify our communities as much as we can, as we move forward.
- Dave Yokel – The federal government has to listen to all of the stakeholders in an issue, as public lands are owned by all citizens of the United States. However, it is understood that not all viewpoints can be met in a decision and BLM has to reach the right balance.
- John Hopson, Jr. – The key question is: Who are the “true stakeholders”? Need to clearly define who has the highest level of influence? Who receives the deference?
- John Boyle – Issue that has created confusion is that the \$8M compensatory mitigation fund related to Greater Mooses Tooth 1 (GMT1) were predicated on findings on major impacts to subsistence to the village of Nuiqsut. It doesn’t make sense that outside stakeholders or organizations would have the same amount of input on the disposition of those funds, as would the NPR-AWG and the village of Nuiqsut. The decision on use of the GMT1 compensatory mitigation funds is separate from decisions regarding the RMS for future development. On May 30, the

people of Nuiqsut expressed a desire for infrastructure, things that would better their lives – these have to be addressed by local NS residents. He recognizes that when you get beyond these types of community impacts, there is a role for other stakeholders in that discussion.

- Delbert Rexford - Sat on City Council when the NPR-A Impact Mitigation Fund was enacted. The NSB had to sue the State of Alaska to make sure those funds went to the communities most directly impacted by the NPR-A development. We need to look at that model – mitigation funds need to go to the most directly impacted communities.
- Crawford Patkotak - The local communities need to have deference on the use of mitigation funds, to address the needs of our communities. It is about self-determination. Noted that GMT1 is mostly owned by the Arctic Slope Regional Corporation (ASRC), but will be used as lead in to future NPR-A development. Future development is a good thing, but when the resource being developed are owned by shareholders of ASRC, this is further reason that the funds are mitigation for local communities. Should not spread those mitigation funds out more broadly.
- Hugh Patkotak – In future, need to have the deference “lean toward” locals. We are the ones who are going to be impacted onshore and offshore. Need to be strong in our words. Listen to everyone, but give greater deference to North Slope residents.
- John Boyle – Agree. Regarding impacts brought about by federal projects, the connection to the “outside” world are pretty tenuous, but the impacts to the people living in the villages are substantial. Local people need substantial voice and influence on the development of the RMS and the disposition of funds from future projects, so people bearing the greatest burden have the highest influence.

RMS Terminology

- Crawford Patkotak – At Fairbanks workshop, brought up the need to clarify the terms and definitions of terms in the RMS. This is critical to avoiding confusion. This needs to be done before the next RMS meetings. Examples: “stakeholders”, “compensatory mitigation”, “region”.

Role of NPR-A Subsistence Advisory Panel

SAP Fact Sheet

- The SAP was established in 1998 and has been reaffirmed in every Record of Decision (ROD) in the NPR-A since then. The main purpose of the SAP is for industry to present planned oil and gas projects in the NPR-A, to make local people aware and to solicit recommendations regarding how to avoid or minimize subsistence impacts. The oil and gas industry is required to present this information to the SAP.
- In early 2012, the SAP expanded their purview to also include non-industry activities, such as research.

Relationship of SAP and NPR-A WG

- John Hopson, Jr. – What is the status of the idea of disbanding the SAP and having those roles taken on by the NPR-A WG, given there are elected representatives on the WG that can take over those responsibilities?

- Crawford Patkotak – WG is here to work with BLM and to find a way for BLM to be as efficient and effective as possible. When you look at the make-up of the SAP and the NPR-A WG, it seems that these two groups could be consolidated.
- Dave Yokel – Both the SAP and the NPR-A WG were established through decisions of the land use planning process. Both are provided for in RODs.
- Bridget Psarianos – To change the past decision, would have to amend the ROD. BLM is currently required by the Secretary of the Interior maintain and work with both of those panels.
- Stacey Fritz – The WG could send a resolution to the Secretary of Interior requesting that the change be made, for her consideration.
- John Hopson – Would fav- Resolution or formal letter to send to Secretary of the Interior and Director of BLM, to recommend that the SAP be dissolved and its purpose and role be taken on by the NPR-A WG.
- Crawford Patkotak – Agrees, because the so groups are so interconnected. Need processes that allow us to move forward in a reasonable and fair manner. There has to be a way for these two groups to be somehow meshed.
- Doug Whiteman – Since both groups were created by different RODs, the SAP and the WG both have standing and can both make recommendations at this point. The WG does not supersede the SAP. Dialog between the two would be important here, on whether to integrate the two. The conversation needs to begin there.
- John Hopson – The SAP only includes the Tribal governments and the NSB. With the NPR-A WG you also add in the influence of the cities and the corporations, as well as the Tribal governments. This provides a broader voice and influence on advice given to BLM on subsistence.
- Hugh Patkotak – Does not like that the groups are only “advisory”. Better to pursue co-management.
- Crawford Patkotak – Need to reach out to the SAP and see what the best way forward is going to be. Regarding co-management, would have to specify what area(s) are involved. Agree that the NPR-A WG has representation by elected officials that represent the whole region. That is powerful, since everyone has a seat at the table.
- Stacey Fritz – The WG could request that this be put on the agenda for the next SAP meeting.
- Crawford Patkotak – The SAP is mainly the tribal organizations, that don’t always see eye-to-eye with the other organizations on the North Slope. The SAP was designed and created as the first way that BLM was trying to reach out to communities. As time went on, the NPR-A WG was created as a better way to reach out and work with residents of the North Slope, to make sure that BLM is working with a group that has decision-makers at the table. We are inundated with meetings; need to be efficient and effective, from a “lessons learned” process.
- Stacey Fritz – Reminder that the federal government has an obligation to have a government-to-government consultation with Tribal governments. The SAP meetings are considered to be government-to-government meetings. If the WG were to integrate the SAP, this would need to be addressed in its Charter and rules.
- John Hopson – Of the SAP’s eight members, only two are presidents of Tribal entities. In his view, a SAP does not qualify as government-to-government consultation. BLM must come to the community and meet with the Tribal leaders.

Recommends that a resolution to disband the SAP and incorporate its role into the NPR-A WG be presented at a face-to-face WG meeting – where the Tribal presidents would bring it back to their villages for debate and consideration.

- Stacey Fritz – Clarified that BLM does not mean to imply that the SAP takes care of all of its government-to-government consultation requirements. It is just one way to consult. Any Tribe or corporation can request government-to-government consultation with BLM on an issue.
- Delbert Rexford – What agencies do for government-to-government consultation is often inadequate. There is a need for clear definition of what is meant by tribal consultation by each agency. Just holding a meeting or giving a report is not enough.
- Crawford Patkotak – Going to the SAP will not move this forward constructively. The WG needs to consider a resolution to send to BLM.
- Hugh Patkotak – Wainwright has a trilateral agreement on how the Tribe, local government, and corporation work together on behalf of the community. Nuiqsut also has one. These are models for discussion.
- Crawford Patkotak – Works in some communities; in other communities, not working. North Slope Leadership Team is also intended to provide this type of venue for resolution of issues and self-determination within the region.

Topics identified for future NPR-A WG work or consideration:

1. NPR-A special areas – boundaries and potential adjustments
2. Resolution or formal letter to Secretary of the Interior and Director of BLM, to let them know the WG's request regarding about who BLM should give deference on disposition of mitigation funds
3. Resolution or formal letter to Secretary of the Interior and Director of BLM, to recommend that the SAP be dissolved and its purposes and roles be taken on by the NPR-A WG.

Next NPR-A Working Group teleconference – July 16, 2015, 9-11 a.m.

Community Issues – Stacey Fritz polled each community re: whether they have any comments to bring up to the NPR-A WG

- Barrow – Delbert asked for a matrix that compares the role of WG with what might be possible roles under co-management
- ASRC
 - Each community needs to request that BLM come to their villages to discuss the RMS.
 - Regarding human health concerns – In Nuiqsut, heard lots of concern about pollution and people's health. The statements that are made need to be responded to with the facts that show that industry is not causing adverse health impacts. Urge BLM and this WG to work together to address these issues.
- Anaktuvuk Pass – no longer on the call
- Atqasuk, NSB, Wainwright – nothing more at this time
- Kaktovik, Nuiqsut, Point Hope, Point Lay, ICAS – not on the call

Teleconference adjourned 11:48 a.m.