

LISA MURKOWSKI
ALASKA

COMMITTEES:
ENERGY AND NATURAL RESOURCES
CHAIRMAN
APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR,
ENVIRONMENT, AND RELATED AGENCIES
CHAIRMAN
HEALTH, EDUCATION, LABOR,
AND PENSIONS
INDIAN AFFAIRS

United States Senate

WASHINGTON, DC 20510-0203
(202) 224-6665
(202) 224-5301 FAX

December 29, 2016

510 L STREET, SUITE 600
ANCHORAGE, AK 99501-1956
(907) 271-3735

101 12TH AVENUE, ROOM 329
FAIRBANKS, AK 99701-6278
(907) 456-0233

800 GLACIER AVENUE, SUITE 101
JUNEAU, AK 99801
(907) 586-7277

805 FRONTAGE ROAD, SUITE 105
KENAI, AK 99611-9104
(907) 283-5808

1900 FIRST AVENUE, SUITE 225
KETCHIKAN, AK 99901-6059
(907) 225-6880

851 EAST WESTPOINT DRIVE, SUITE 307
WASILLA, AK 99654-7142
(907) 376-7665

By Electronic Mail

Bud Cribley
State Director
Bureau of Land Management, Alaska Region
U.S. Department of Interior
222 West 7th Avenue, #13
Anchorage, Alaska 99513

Re: National Petroleum Reserve-Alaska Draft Regional Mitigation Strategy

Dear Mr. Cribley:

I write to reiterate my opposition to the burdensome mitigation requirements being imposed by the Bureau of Land Management (BLM) in the National Petroleum Reserve-Alaska (NPR-A) and, more recently and specifically, to the agency's Draft Regional Mitigation Strategy (DRMS) for the reserve. I urge the BLM to promptly rescind the DRMS.

First, the premises of the DRMS are deeply flawed. The document seeks to address conditional impacts resulting from hypothetical development and requires advanced compensation for the sustainability and enhancement of environmental conditions. It is clear that the Federal Land Policy and Management Act (FLPMA) does not require this approach. In fact, I am sympathetic to arguments that imposing requirements such as those contemplated by the DRMS would violate the spirit, if not the letter, of FLPMA.

Second, the DRMS fails to establish predictability and transparency, which the President's Memorandum *Mitigating Impacts on Natural Resources from Development and Encouraging Private Investment* (2015 Memorandum) asserted would be key elements of updated mitigation policies. To the contrary, the DRMS identifies a series of mitigation goals and standards to which a developer may be required to aspire, and notes further that compensatory mitigation measures must be adaptable, in effect, until they produce success, even when external influences beyond the control of the developer negatively impede mitigation efforts. The DRMS does not establish accommodations for those external negative factors or limit the extent to which mitigation measures may need to be redesigned. The DRMS fails to account for existing, ongoing mitigation measures, and lacks any direction on how to navigate the multitude of plans, processes, and overlapping federal requirements relating to mitigation.

Finally, the DRMS reflects a disregard for the comments provided during the previous public comment period by the State of Alaska and others. Mitigation can be a useful measure for resource development in Alaska. However, the concerns I have raised here are similar to ones I

raised following the issuance of the 2015 Memorandum and in the two hearings I conducted addressing mitigation issues during the 114th Congress—affirming, again, that modifications being made to mitigation policies in Alaska are on the wrong track, will do more harm than good, and should be rescinded.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lisa Murkowski", written in a cursive style.

Lisa Murkowski
United States Senator