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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 3130

[Docket No. BLM–2026–0133; A2407–014–004–065516, #O2509–014–004–125222; LLAK910000 L13100000.PP0000]

RIN 1004–AF57

National Petroleum Reserve in Alaska Production Site Development

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rule.

SUMMARY: The Bureau of Land Management (BLM) is proposing to streamline its decision-making process for authorizing the construction and operation of qualifying oil and gas production sites and their associated rights-of-way (ROWs) in the National Petroleum Reserve in Alaska (the Petroleum Reserve or NPR–A). This proposed rule would establish pre-defined criteria for defined and repeatable common activities with similar environmental effects that, when met by an applicant, would result in a streamlined permitting process for qualifying production sites.

DATES: Send your comments on this proposed rule to the BLM on or before November 9, 2026. The BLM is not obligated to consider any comments received after this date in making its decision on the final rule.

Information Collection Requirements: This proposed rule includes a new information-collection requirement that must be approved by the Office of Management and Budget (OMB). If you wish to comment on the proposed new information-collection requirement, please note that those comments should be sent directly to the OMB. The OMB is required to make a decision concerning the collection of information contained in this proposed rule between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment to the OMB on the proposed information-collection revisions is best assured of being given full consideration if the OMB receives it by October 8, 2026.

ADDRESSES: Submit your comments using one of these methods:

- *Mail, personal, or messenger delivery:* U.S. Department of the Interior, Director (630), Bureau of Land Management, 1849 C St. NW, Room 5646, Washington, DC 20240, Attention: 1004–AF57.
- *Federal eRulemaking Portal: https://www.regulations.gov.* In the Search-box, enter ''BLM–2026–0133'' and click the ''Search'' button. Follow the instructions at this website.

For Comments on Information—Collection Activities

Information-Collection Requirements: Written comments and suggestions on the proposed new information-collection requirement should be submitted by the date specified earlier in **DATES** to *www.reginfo.gov/public/do/PRAMain.* Find this specific information-collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function.

If you submit comments on these information-collection burdens, you should provide the BLM with a copy at one of the addresses shown earlier in this section so that we can summarize all written comments and address them in the final rulemaking. Please indicate ''Attention: Paperwork Reduction Act Comments (RIN 1004–AF57).'' Comments not pertaining to the proposed rule's information-collection burdens should not be submitted to OMB. The BLM is not obligated to consider or include in the Administrative Record for the final rule any comments that are improperly directed to OMB.

FOR FURTHER INFORMATION CONTACT: Peter Cowan, NPR–A Rulemaking Project Manager, telephone: 505–954–2016 or email: *NPR–A_Production_Site_Rule@blm.gov.* For questions relating to regulatory process issues, contact Faith Bremner at: 202–513–0775. Individuals in the United States who are deaf, blind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services for contacting Mr. Cowan. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

For a summary of the rule, please click on the Docket Details tab in docket number BLM–2026–0133 on *www.regulations.gov.*

SUPPLEMENTARY INFORMATION:

I. List of Acronyms

APD—Application for Permit to Drill
BLM—Bureau of Land Management
CFR—Code of Federal Regulations
COA—Condition of Approval
DOI—Department of the Interior
EIS—Environmental Impact Statement
E.O.—Executive Order
FLPMA—Federal Land Policy and Management Act
IAP—Integrated Activity Plan
MDP—Master Development Plan
MMPA—Marine Mammal Protection Act
NAGPRA—Native American Graves Protection and Repatriation Act
NEPA—National Environmental Policy Act
NHPA—National Historic Preservation Act
NPR–A—National Petroleum Reserve—Alaska
NPRPA—Naval Petroleum Reserves Production Act of 1976
NSO—No Surface Occupancy
OIRA—Office of Information and Regulatory Affairs
OMB—Office of Management and Budget
PRA—Paperwork Reduction Act
RFA—Regulatory Flexibility Act
RIA—Regulatory Impact Analysis
ROD—Record of Decision
ROP—Required Operating Procedure
ROW—Right-of-way
UMRA—Unfunded Mandates Reform Act
U.S.C.—United States Code

II. Public Comment Procedures

If you wish to comment on this proposed rule, you may submit your comments to the BLM by mail, personal or messenger delivery, or through *https://www.regulations.gov* (see the **ADDRESSES** section). Please make your comments on the proposed rule as specific as possible, confine them to issues pertinent to the proposed rule, explain the reason for any changes you recommend, and include any supporting documentation. Where possible, your comments should reference the specific section or paragraph of the proposal that you are addressing (for example, ''43 CFR

3139.11 Pads and Road Design''). The BLM is not obligated to consider or include in the administrative record for the final rule any comments received after the close of the comment period (see **DATES**) or comments delivered to an address other than those listed previously (see **ADDRESSES**).

Comments, including names and street addresses of respondents, will be available for public review at the address listed under ''**ADDRESSES**: *Mail, personal or messenger delivery*'' during regular hours (7:45 a.m. to 4:15 p.m. Eastern Time), Monday through Friday, except holidays. Before including your address, telephone number, email address, or other personal identifying information in your comment, be advised that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold from public review your personal identifying information, we cannot guarantee that we will be able to do so.

II. Background

On May 12, 2026, the BLM Alaska State Office received a ''Petition for Rulemaking to Create a Development Permit Program in the National Petroleum Reserve in Alaska'' (Petition) from the Alaska Oil and Gas Association, which is a professional trade association that represents companies involved in exploring, producing, transporting, and refining oil and gas in Alaska. The Petition, submitted on behalf of AOGA's member companies, outlines the need for a uniform and efficient permit approval process that would expedite the authorization and construction of production sites and associated rights-of-way, while maintaining robust environmental protections and mitigation measures. Drawing on nearly 3 decades of environmental impact analyses and regulatory experience in the NPR–A, the Petition proposes regulatory modifications designed to streamline permitting for projects with well-understood environmental effects, thereby advancing both Congressional intent for expeditious development under the laws governing the NPR–A and national energy policy objectives. The public can review the Petition on the BLM's website, *https://eplanning.blm.gov,* under NEPA number ''DOI–BLM–AK–0000–2026–0012–EIS.''

After considering the Petition, the BLM decided to undertake this rulemaking to streamline the decision-making process for certain defined and repeatable common activities with similar environmental effects in the Petroleum Reserve. The Department and the BLM have long recognized that existing processes for NPR–A development were often repetitive, duplicative, unpredictable, and unnecessarily burdensome and in need of streamlining. This rulemaking therefore advances improvements that the Department had already contemplated, before it received the petition, to reduce delays in decision making for oil and gas infrastructure in the Petroleum Reserve; to better implement the direction of the Naval Petroleum Reserves Production Act of 1976, as amended (NPRPA); and to expeditiously develop oil and gas resources within the NPR–A.

In addition, this rulemaking reflects the current Integrated Activity Plan (IAP), which provides the overarching management framework for the NPR–A, including land allocations, applicable lease stipulations, required operating procedures, and broad-scale environmental analyses that guide future leasing and development decisions. The 2025 IAP implements the direction in section 50105 of Public Law 119–21 that the BLM expeditiously restore and resume oil and gas lease sales under the NPR–A leasing program by holding at least five lease sales by 2035 in the areas designated for leasing in the 2020 IAP ROD and under the same lease terms and stipulations set out in that decision. As a result, the 2025 IAP established the conditions and expectations, consistent with the 2020 IAP ROD, under which oil and gas activities may proceed across much of the Petroleum Reserve, ensuring consistency, predictability, and appropriate resource protections. Note, however, that while the IAP provides the management direction for how leasing and development occur in the NPR–A, it does not by itself authorize exploration or development activities. This proposed rule relies on that framework, but goes further, by offering a streamlined permitting process for production site applications, aligning detailed project-level approvals with the IAP's programmatic direction.

The most recent example of the BLM's decision-making process to authorize oil and gas development in the Petroleum Reserve is the Willow Master Development Plan (MDP). After ConocoPhillips Alaska, Inc. requested that the BLM prepare the Willow MDP Environmental Impact Statement (EIS) on May 10, 2018, the BLM initiated the National Environmental Policy Act (NEPA) review by publishing a Notice of Intent to prepare an EIS on August 7, 2018 (82 FR 38725). Following a Record of Decision (ROD) in October 2020, litigation ensued, and the court ultimately vacated the ROD and remanded the matter to the BLM in 2021. The BLM then prepared a Supplemental EIS to address the District Court's decision. After completing the Supplemental EIS, the BLM then issued a new ROD approving the plan—which authorized development—in March 2023. Agency review of proposed development under the Willow MDP proceeded over an almost 5-year period that included the BLM's initial NEPA review, a change in administration, litigation that resulted in a supplemental EIS, and additional analysis before issuance of the final ROD in March 2023. By comparison, the streamlined process proposed in this rule would establish a 60-day decision window for qualifying production site applications, reflecting the BLM's intent to provide a more predictable and timely approval framework for development activities with well-understood environmental effects. This approach would reduce the delays in project permitting—demonstrated by the Willow MDP—by setting clear eligibility criteria for streamlined review; requiring all compliance steps and data up front, establishing strict timelines for BLM review and approval; and relying on an EIS, which is being developed as part of this rulemaking, to avoid repetitive NEPA analyses.

In support of this rulemaking, the BLM identified and reviewed the applicable oil and gas development environmental assessments and EISs completed within the NPR–A since 1998. The ePlanning website (*https://eplanning.blm.gov/*) contains a comprehensive list of environmental assessments and EISs completed within the NPR–A, which can be accessed by searching for the EIS supporting the rule under NEPA number ''DOI–BLM–AK–0000–2026–0012–EIS.'' By comparison, the streamlined process proposed in this rule would establish a 60-day decision window for qualifying production site applications, reflecting the BLM's intent to provide a more predictable and timely approval framework for development activities with well-understood environmental effects.

While the Willow project involves full field development of the most comprehensive type in the NPR–A to date, the review process and timeline are not atypical for other more modest development proposals with similar known environmental effects in the area. In particular, the BLM's experience approving the Greater Mooses Tooth 1 pad, supported by the Supplemental Environmental Impact Statement for the

Alpine Satellite for the Proposed Development Project (DOI–BLM–AK–0000–2013–0001–EIS), demonstrates that even smaller-scale projects may require extensive and time-consuming NEPA review, reinforcing the need to streamline decision-making for certain development activities. The proposed rule would reduce delays experienced in projects like Greater Mooses Tooth 1 by establishing clear eligibility criteria for streamlined review, requiring all compliance information up front, setting firm timelines for the BLM's review and approval, and relying on an EIS to avoid repetitive, project-specific NEPA analyses. The BLM published the *Notice of Intent to Prepare an Environmental Impact Statement for Production Site Development in the National Petroleum Reserve in Alaska* on May 19, 2026 (91 FR 29155), which initiated the BLM's EIS to evaluate the environmental effects of this rulemaking.

A. Naval Petroleum Reserves Production Act of 1976

President Warren G. Harding originally designated the area of the Petroleum Reserve in 1923 as Naval Petroleum Reserve No. 4, Executive Order No. 3797–A (Feb. 27, 1923). It was one of several naval petroleum reserves established in the aftermath of World War I intended to serve as an emergency oil supply for the U.S. Navy. Encompassing approximately 23 million acres of public land extending from the north slope of the Brooks Range to the Arctic Coast—an area nearly the size of the State of Indiana—the Petroleum Reserve's primary purpose was rooted in securing a domestic source of petroleum for national defense, rather than in resource preservation. Between 1944 and 1953, the Navy conducted exploratory programs in the Petroleum Reserve that discovered two small oil fields (Simpson and Umiat), one prospective oil field (Fish Creek), a gas field (South Barrow), and four prospective gas fields (Meade, Square Lake, Titaluk, and Wolf Creek). The Navy also pioneered numerous methods for oil exploration in the Arctic and collected a significant amount of scientific information regarding northern Alaska.

Motivated by private industry's 1968 discovery of oil at Prudhoe Bay and the increasing price of oil due to the embargo that started in 1973, Congress passed the NPRPA in 1976. The NPRPA transferred administrative jurisdiction over the Petroleum Reserve from the Secretary of the Navy to the Secretary of the Interior and redesignated the ''Naval Petroleum Reserve Numbered 4, Alaska'' as the ''National Petroleum Reserve in Alaska.'' At the time the NPRPA was enacted, the NPR–A remained largely unexplored and almost completely undeveloped (H.R. Rep. No. 94–156, at 3). Between 1974 and 1977, the Navy drilled seven test wells in the northeast corner of the NPR–A. These early explorations were significant undertakings that involved public funds, with a single test well costing the Federal Government approximately $100 million.

Congress recognized that accelerating exploration, that would eventually lead to production, of the NPR–A was vital to the national interest to assess the amount and location of the potential oil and gas available in the NPR–A, particularly considering the national need for energy independence. H.R. Rep. No. 94–81, at 8. Congress also acknowledged that the wildlife and other surface values in the NPR–A would have to be considered within the context that the NPR–A be managed for oil and gas exploration activities. Congress determined that the Secretary of the Interior is best qualified to make judgments regarding these other values. *Id.*

Congress provided certain directives within the NPRPA, including for the Secretary of the Interior to commence petroleum exploration within the NPR–A as soon as the administration of the NPR–A was transferred to the Interior Department. Congress further set forth the purpose that the development of the NPR–A be regulated in a manner consistent with the total energy needs of the Nation. The NPRPA established a management priority for oil and gas exploration activities within the NPR–A and, as a result, is considered a dominant-use statute.

Within that context, the NPRPA also authorized the Secretary to promulgate such rules and regulations necessary and appropriate for the protection of environmental, fish and wildlife, and historical or scenic values within the Petroleum Reserve. Public Law 94–258, codified at 42 U.S.C. 6503(b). This provision provides the Secretary with discretion to protect surface resources within the Petroleum Reserve but not in contravention of the overriding purpose of the NPRPA to provide for the energy needs of the Nation.

The NPRPA as originally enacted also directed the Secretary to assure the maximum protection of significant subsistence, recreational, fish and wildlife, or historical or scenic value within special areas, as determined by the Secretary, but only insofar as that protection is consistent with the requirements of the NPRPA for the exploration of the Petroleum Reserve (42 U.S.C. 6504(a)). The BLM promulgated regulations soon after enactment of the NPRPA to govern management and protection of surface resources in the NPR–A that implement the direction in Act (43 CFR part 2360).

In promulgating this rule, the BLM has also been mindful that, under *Loper Bright Enterprises* v. *Raimondo,* 603 U.S. 369 (2024), a reviewing court will exercise independent judgment in determining whether this rule falls within the authority Congress conferred by the NPRPA. The rule is fully consistent with the statutory language and structure of the NPRPA. Section6506a(b) expressly delegates to the Secretary the discretion to determine what conditions, restrictions, and prohibitions are ''necessary or appropriate'' to mitigate reasonably foreseeable and significantly adverse effects on the surface resources within the Petroleum Reserve. Separately, section 6503(b) delegates to the Secretary the discretion to promulgate rules and regulations she deems ''necessary and appropriate'' to protect the Petroleum Reserve's environment, fish and wildlife, and historical or scenic values. Finally, section 6506a(o) expressly authorizes the Secretary to issue implementing regulations. Through this rule, the BLM is appropriately exercising the discretion in that delegated authority in a manner that gives effect to the NPRPA's dominant-use purpose without contravening the Secretary's additional statutory obligation to protect surface resources. Because the discretion exercised here is one Congress expressly conferred, this rule reflects the type of delegation that *Loper Bright* confirms, while ensuring that the BLM has acted within the bounds of that delegation.

B. Department of the Interior Appropriations Act, Fiscal Year 1981

In 1979, the BLM completed a comprehensive ''Study of the Reserve,'' as required by the NPRPA. The study determined the best overall procedures to be used in the development, production, transportation, and distribution of petroleum reserves in the NPR–A, the alternatives to those procedures, and the environmental consequences. The BLM submitted the results of that study to Congress.

In response, Congress amended the NPRPA through the Department of the Interior (DOI) Appropriations Act, Fiscal Year 1981, which directed the Secretary to conduct an expeditious program of competitive leasing of oil and gas in the NPR–A, while providing for such conditions, restrictions, and prohibitions as the Secretary deems appropriate to mitigate reasonably foreseeable and significantly adverse effects on the surface resources in the NPR–A (Pub. L. 96–514, tit. I, 94 Stat. 2957, 2964). The Fiscal Year 1981 Appropriations Act also exempted management of the NPR–A from two sections of the Federal Land Policy and Management Act of 1976, as amended (FLPMA): section 202 (43 U.S.C. 1712), which requires the BLM to prepare resource management plans to guide management of public lands; and section 603 (43 U.S.C. 1782), which required the BLM to complete wilderness reviews and describes the procedures for managing any lands recommended to Congress for wilderness designation pending congressional action. *Id.*

In doing so, Congress explained that exempting the NPR–A from FLPMA sections 202 and 603 was necessary because both sections would otherwise inhibit expeditious leasing. See H.R. Rep. No. 96–1147, at 33 (1980). This legislative history gives further support to the position that the purpose of the NPRPA is primarily to facilitate oil and gas leasing and associated activities and that the direction to protect surface values, both within and outside special areas, is a secondary purpose of the NPRPA. Moreover, the only provision of the NPRPA requiring an EIS (for the first lease sale after enactment) provides that an EIS is only needed ''if such is deemed necessary under the provisions'' of the NEPA—providing clear discretion to the Secretary to make such determination of the level of environmental review required. The NPRPA highlights specific areas (Utukok River, Teshekpuk Lake) as requiring ''maximum protection of surface values'' but also contains the limiting proviso that such protections must be ''consistent with the requirements of this Act for the exploration of the reserve.'' Finally, the Act contains provisions that, compared to other organic statutes pertaining to oil and gas exploration, leasing, and development implemented by the BLM, are unique; these include an expeditious leasing program, generous lease terms, and exploration incentives to ''encourage the greatest ultimate recovery of oil or gas, or in the interest of conservation . . ., '' 42 U.S.C. 6506a(k)(1)(A).

Combined with the original direction in the NPRPA, the 1981 Interior Appropriations Act amendments emphasize that Congress intended to dedicate management of the NPR–A to the primary purpose of supporting an expeditious program of oil and gas activities in the NPR–A, while providing the Secretary with discretion to take into consideration the protection of surface resource values as appropriate and consistent with that overriding purpose. *Id.* Because Congress dedicated management of the NPR–A to a single overriding purpose, the BLM's role centers on facilitating oil and gas development while applying protective measures only as consistent with that mandate. The IAP provides the framework BLM Alaska uses to manage surface resources in the NPR–A, identifying required operating procedures and stipulations that guide where and how development may occur. However, because it is not subject to section 202 of FLPMA, the IAP, which the BLM has long used to guide the management of the NPR–A, addresses a narrower range of uses than a FLPMA resource management plan and does not provide a framework for management under broader principles of multiple use and sustained yield. *See* 43 U.S.C. 1732(a). By establishing these protective measures up front, the IAP ensures that oil and gas activities proceed in a manner consistent with the NPRPA's dominant-use purpose while safeguarding key surface values.

C. Historical Development Within the NPR–A

Before development occurs, operators in the NPR–A generally undertake exploration activities to better understand potential oil and gas resources. These efforts usually include geophysical surveys, constructing temporary (seasonal) ice roads and pads, and drilling exploratory wells. This up-front work helps confirm the existence of oil and gas resources and informs the lessee in determining whether to pursue permanent development and production. In the NPR–A, exploration work is generally seasonal and temporary in nature, leaving behind little to no permanent infrastructure, and it occurs before—and indeed it is often carried out to inform—future development work that is the subject of this rule. As such, exploration work in NPR–A has always received its own standalone NEPA analysis. This analysis supports exploration-specific permitting actions which generally include applications for permits to drill (APD) with associated surface use plan of operations and ROWs. These approvals and their associated NEPA analyses, even though they involve the same geography of a potential future development proposal, are distinct from development level NEPA analyses.

For development level permitting, the BLM's decision-making process begins when an operator submits an initial APD (or sometimes, as in the case of Willow, a broader development proposal may precede the actual APD) for each permanent pad, along with any needed ROW applications. These applications outline the proposed infrastructure such as roads, pads, and wells. These early submissions establish the basic scope of the proposed project and initiate the BLM's review process.

Once the operator submits its applications, the BLM begins preparing the appropriate environmental documents to comply with the NEPA. Historically, the BLM has prepared an EIS for each development plan in the NPR–A, separate from the prior exploration-level NEPA documents which had likely been prepared in the same geographic area. The development EIS evaluates potential environmental effects and considers a range of alternatives. Concurrent with the EIS process, the BLM also completes required analysis and consultations under laws such as the Endangered Species Act (ESA), National Historic Preservation Act (NHPA), and the Alaska National Interest Lands Conservation Act (ANILCA). This environmental review phase has typically spanned several years and provided multiple opportunities for public input.

The NEPA process concludes when the BLM issues a ROD identifying the approved development alternative and outlining how the project may proceed under Federal law and management objectives. The operator then submits any remaining APDs and ROW applications, consistent with the approved plan. Because these are tiered to the development plan's EIS and ROD, no additional NEPA analysis is required. The BLM processes these permits under applicable regulations. The Mineral Leasing Act of 1920 (30 U.S.C. 226(p)) requires that APDs are issued within 30 days of receipt if the requirements under NEPA and all other applicable laws have been completed. Of the 72 APDs BLM Alaska has issued in the NPR–A over the last 10 years as development has been increasing, processing has taken an average of 32 days from receiving a complete application. In reviewing the NEPA preparation and subsequent permitting application processing time, the BLM Alaska State Office completes review and approval of full field development plans in approximately three to five years. For this reason, and as a result of Alaska's unique construction/project window as a result of weather, applicants often initiate their development plans/applications years in advance.

Following permit approval, on-the-ground work may begin. Construction of roads and pads typically occurs during winter, when frozen ground facilitates access and reduces surface impacts. Production-phase drilling usually begins following initial construction of at least some permanent gravel roads and pads, and the combined construction and drilling phases often extend over several years. Once drilling is complete and production facilities are operational, oil production begins. From permit approval through construction and to first oil, the post-NEPA development cycle in the NPR–A commonly spans up to 6 years.

Throughout development, operators continue technical work such as seismic data reprocessing, reservoir modeling, engineering design, and refining subsurface drilling plans.

III. Discussion of the Proposed Rule

A. Summary

The BLM proposes this more efficient means of project review and approval to ensure the Secretary better meets his NPRPA statutory direction for ''expeditious'' oil and gas leasing and development while also ensuring the BLM achieves the same level of protection of the surface values in the NPR–A. The proposed rule establishes a streamlined permitting process for qualifying oil and gas production sites in the NPR–A, focusing on projects located relatively near existing permanent infrastructure with well-understood environmental effects. It consolidates multiple approvals into a single coordinated review, requires all environmental compliance information up front, and sets firm timelines to expedite decision-making. The rule will be supported by a detailed EIS that evaluates the foreseeable impacts of qualifying projects, eliminating the need for repeated project-specific NEPA analyses. Overall, it aims to provide a predictable, efficient approval framework while maintaining appropriate protection for surface resources, subsistence, and environmental values.

As outlined above, the environmental review process has routinely been unpredictable, redundant, and excessively time consuming, with uncertain outcomes for the applicant and agency alike. Therefore, the logical focus of an effort at overall process improvement should be on streamlining and reducing redundancy in the environmental review process, leading to less regulatory burden and more predictable outcomes, while informing the decisionmaker of the environmental consequences of the action and maintaining compliance with the NPRPA, including necessary and appropriate mitigation measures, and other applicable law. The proposed rule would create a single, coordinated review process for qualifying production infrastructure located within 25 miles of existing permanent oil and gas infrastructure in the NPR–A, allowing applicants to proceed directly to submitting applications for permits to drill, ROWs, and associated authorizations. This 25-mile criterion applies to any permanent oil and gas infrastructure as defined in this rule, including infrastructure constructed after the rule is finalized. By allowing future infrastructure to serve as an anchor for streamlined review (whether that infrastructure qualified under this rule or underwent its own standalone NEPA and permitting processes), the rule enables a gradual westward progression of development from existing NPR–A facilities, without limiting eligibility only to infrastructure analyzed in prior NEPA documents.

This action responds to the Petition requesting a uniform, predictable process for development projects that share common, well-studied characteristics with existing NPR–A infrastructure. The proposed rule is supported by decades of environmental review and mitigation experience in the NPR–A. It has been developed in parallel with and will be analyzed by an EIS evaluating detailed information regarding the potential effects of the rule and the qualifying development activities expected to be authorized under its streamlined permitting process. The proposed rule also draws on the extensive analysis conducted in the Willow MDP and its accompanying EIS, which together represent the most comprehensive evaluation of development effects in the NPR–A to date. In addition, the 2025 IAP provides updated planning guidance, Required Operating Procedures (ROP), and surface-resource protections that further inform the environmental baseline supporting this predictable permitting framework.

The defined criteria for projects that may qualify for the streamlined permitting process in the proposed rule is intended to limit the application of this rule to projects that share common, well-studied characteristics and that are located adjacent to existing NPR–A infrastructure. By doing so, the BLM intends to tailor the scope of the environmental analysis supporting the proposed rule to those types of projects for which the BLM can better predict the potential environmental impacts in a manner that lends itself to a more detailed and specific environmental analysis than is available through an IAP.

In drafting the proposed rule, the BLM maintained the streamlined permitting concept suggested in the Petition but included additional safeguards and agency oversight. Compared to the Petition, the BLM's version adds stronger environmental and subsistence protections, clarifies Federal discretion in approving or modifying permits, and incorporates additional compliance requirements. Overall, the BLM proposal offers a faster, more predictable process than the current regulations while maintaining protections for land, wildlife, subsistence, and local communities. Additionally, the Petition requested that the BLM amend 43 CFR part 3160 (Onshore Oil and Gas Operations) by adding a new subpart 3166, titled ''Permitting Procedures for Production Sites in the National Petroleum Reserve in Alaska.'' The BLM decided instead to amend the regulations at 43 CFR part 3130, ''Oil And Gas Leasing: National Petroleum Reserve,'' to add a new subpart 3139, entitled ''Streamlined Permitting Procedures for Production Sites in the National Petroleum Reserve in Alaska.'' Since part 3160 contains nationwide onshore operating regulations that apply broadly across all BLM-managed oil and gas areas, the BLM decided that this proposed rule more appropriately aligned with part 3130, as it is the regulatory framework that specifically governs oil and gas activities in the NPR–A.

The BLM will also comply with consultation requirements under ESA section 7 with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service and NHPA section 106 with Alaska's State Historic Preservation Office. The EIS supporting this proposed rule will also include the subsistence evaluation and hearing procedures required under section 810 of ANILCA. The intent is that the proposed rule will identify requirements that would allow qualified production sites to comply with all applicable environmental compliance statutes. Because the EIS will still be under development when the NPRM is published, the BLM will release draft Chapters 1 and 2 to provide the public a meaningful opportunity to review the purpose and need, the range of alternatives, and the analytical framework that will guide the environmental review. These chapters contain the elements which could be adjusted based on comment and so directly influence the scope of the rule;

they describe the framework that the BLM will use to evaluate potential environmental impacts, subsistence considerations, and resource protections under the NPRPA. Chapters 3 and 4, which will be part of the Final EIS will address affected environment, environmental consequences, cumulative effects, required consultations, and responses to public comment. Although those later chapters will not be available during the NPRM comment period, they will apply established methods and data sources routinely used in NPR–A development analyses and will not introduce new concepts essential for understanding the proposed rule. By making the early chapters public at the NPRM stage and clearly describing the topics that will be addressed in later chapters, the BLM ensures that commenters have sufficient context to provide informed input while the agency continues developing the remaining EIS components.

The BLM encourages commenters to review the proposed rule and the draft EIS chapters together and to identify any conditions, restrictions, or requirements the BLM should consider as it refines both the EIS and the regulatory text. The BLM will publish the proposed rule and draft EIS Chapters 1 and 2 simultaneously and will accept comments on both, but comments will be collected separately. Comments on the proposed rule should focus on the regulatory framework and be submitted at *www.regulations.gov* through the process detailed in this preamble (see **ADDRESSES** earlier). Comments on the draft EIS chapters 1 and 2 should address the alternatives, scope of analysis, and potential environmental concerns the BLM should consider as it completes the environmental review process and be submitted through the BLM's ePlanning EIS website (*https://ePlanning.blm.gov*).

The proposed rule is consistent with the NPRPA, which dedicated management of the NPR–A to oil and gas leasing, exploration, development, and production, while allowing the Secretary of the Interior to impose conditions that protect surface resources so long as they remain consistent with that primary purpose.

Additionally, the proposed rule aligns with recent national energy policy directives, including Executive Order (E.O.) 14153, *Unleashing Alaska's Extraordinary Resource Potential,* and E.O. 14154, *Unleashing American Energy,* which direct the DOI to streamline permitting and reduce delays for energy development projects. The NPR–A Production Site Development rule advances these directives by establishing a predictable and expedited process for reviewing production site applications, thereby reducing administrative barriers and supporting responsible development of the NPR–A's significant energy resources. Consistent with E.O.14156, *Declaring a National Energy Emergency,* the rule is designed to enhance timely access to domestic energy supplies through improved procedural efficiency. The rule also reflects the objectives of E.O.14192, *Unleashing Prosperity Through Deregulation,* by identifying targeted revisions that remove unnecessary administrative burdens while maintaining requirements needed to ensure compliance with applicable environmental statutes.

B. Section-by-Section Discussion

First, the BLM proposes to revise the title for part 3130. Currently, the heading for part 3130 is ''Oil and Gas Leasing: National Petroleum Reserve, Alaska.'' In order to better reflect statutory language and the subparts, including the addition of a new subpart 3139 for the streamlined permitting procedures for production sites, the BLM is proposing to revise the heading of part 3130 to state, ''Oil and Gas Leasing Program: National Petroleum Reserve, Alaska.''

Second, the BLM has reflected the proposed changes to the authority section of part 3130 from the *Oil and Gas Leasing* proposed rule, 91 FR 38084 (6/24/2026), which would remove the citation to FLPMA in the authority statement. As background, E.O. 14270, *Zero-Based Regulatory Budgeting To Unleash American Energy,* directs the BLM to incorporate a sunset provision into regulations promulgated under FLPMA. While the Department's oil and gas leasing regulations refer to FLPMA for management of the land, this part is primarily established under the NPRPA and its authority for promulgating regulations. As a result, the BLM did not include a sunset date for these regulations. The BLM also proposes to update the authority section for part 3130 to reference the full NPRPA by replacing ''42 U.S.C. 6508'' with ''42 U.S.C. 6501, *et seq.*''

The BLM proposes to add 14 sections into the proposed subpart 3139 for streamlined decisions on oil and gas development in the NPR–A. The title for this subpart would be ''Streamlined Permitting Procedures for Production Sites in the National Petroleum Reserve in Alaska.'' Under the NPRPA, the BLM intends these proposed regulations to support an expeditious program of oil and gas development in the NPR–A, while still protecting the surface resource values as appropriate and consistent with that overriding purpose of the NPRPA.

The following discussion addresses each section of the proposed new subpart 3139.

Section 3139.1 Purpose

The BLM proposes this section to clearly identify the purpose of the new subpart. This provision is intended to inform readers that the proposed regulations in this subpart would establish a streamlined permitting process specifically for qualifying oil and gas sites, as well as associated ROWs, within the NPR–A. By including this statement of purpose, the BLM aims to ensure that the scope and application of the subpart are transparent and easily understood.

Section 3139.2 Objective

The BLM proposes this section to clearly articulate the objective of the new subpart. Consistent with the NPRPA, the objective of this rule is to promote orderly and efficient energy production from Federal oil and gas leases within the NPR–A. At the same time, the BLM must appropriately mitigate adverse effects on surface resources and subsistence activities. Therefore, this section specifies that development conducted under this subpart would be subject to necessary or appropriate conditions and restrictions designed to minimize such impacts. Clearly stating the objective ensures transparency regarding the intent and scope of the proposed regulations.

Section 3139.3 Definitions

The BLM proposes to include several definitions in this section to ensure clarity and consistency in the application of this subpart. In addition to the definitions already established in 43 CFR parts 2880, 3130, and 3160, this proposed rule adds definitions for ''Applicant,'' ''Approval,'' ''Integrated activity plan (IAP),'' ''Pad,'' ''Permanent oil and gas infrastructure,'' ''Production site,'' and ''Required operating procedure (ROP).''

The proposed definition of ''Applicant'' would clarify that only an NPR–A leaseholder or a designated operator may apply for an approval under this subpart. This ensures that applicants would have an existing legal interest and operational responsibility for Federal oil and gas development within the NPR–A.

The proposed definition of ''Approval'' would describe the BLM's authorization of the construction and operation of a production site. Depending on the project, an approval may consist of one or more APDs (with an associated surface-use plan of operations), one or more ROW grants, or both. This definition is intended to streamline the permitting process by allowing applicants to pursue combined or multiple approvals under a single regulatory framework.

The proposed definition of ''Integrated activity plan (IAP)'' would describe the type of land use management plan developed by the BLM to guide the appropriate management of BLM-administered lands and minerals within the NPR–A. As discussed above, the Fiscal Year 1981 Appropriations Act exempted management of the NPR–A section 202 of FLPMA (43 U.S.C. 1712), which requires the BLM to prepare resource management plans to guide management of public lands. Because of that exemption and that the NPRPA is a dominant-use statute, the IAP is not developed as a resource management plan and does not consider sustained yield and multiple use. While the IAP analyzes a range of possible future BLM management practices for NPR–A in a manner similar to that done in a resource management plan and is conducted consistent with NEPA regulations, it historically addresses a narrower range of management than a FLPMA resource management plan (*e.g.,* it makes no decisions on opening lands to hard rock or coal mining because the lands within the Petroleum Reserve are withdrawn from those uses). This definition is intended to be consistent with the term historically used in past IAPs, including the definition used in the glossary of the current IAP on page 9.

The proposed definition of ''Pad'' is intended to be the common term used to describe the location upon which an operator can drill wells in the NPR–A. This proposed definition is consistent with the term ''pad'' used in the glossary of the current IAP on page 5.

The proposed definition of ''Permanent oil and gas infrastructure'' would describe the facilities that establish the geographic parameters to allow applications to qualify for submission under this proposed rule in 43 CFR 3139.4(b). In crafting this definition, the BLM sought to ensure that only enduring, pad-based production facilities serve as anchors for proposed production sites. To qualify, these facilities would remain in place for more than one winter season and would be integral to ongoing production operations. For roads, the BLM would anticipate that only roads or pipelines connected to producing pads would qualify based upon the language that the roads would be ''supporting ongoing production activities.'' For example, an applicant could not propose three separate 25-mile roads to stretch 75 miles into the NPR–A without also including the construction of pads and drilling of wells. The definition intentionally excludes facility types that are temporary, seasonal, or otherwise outside the scope of the development footprint for the pad and supporting transmission lines or roads. This definition would exclude the following: material sites such as sand and gravel, exploration wellheads, seawater treatment plants, ice roads, ice pads, and over-summering ice pads for exploration purposes—even when pads are designed for use in successive winters. These exclusions would reflect the BLM's determination that such features do not exhibit the permanence, functional characteristics, or environmental profile necessary to define the established production corridors and developed nodes on which this rule relies. By limiting ''permanent oil and gas infrastructure'' to production pads, production facilities, pipelines, and certain all-season gravel road connections, the definition would support a consistent application of the 25-mile eligibility criterion and would reinforce the rule's focus on authorizing development only when environmental conditions, operational impacts, and mitigation strategies are well understood and appropriately bounded.

The proposed definition of ''Production site'' would identify the types of infrastructure that may qualify for streamlined review under this rule. A production site would include the facilities and infrastructure necessary to produce and transmit Federal oil and gas resources to market, such as gravel pads and roads, wells, and pipelines. Although the term ''Production site'' may appear to refer solely to facilities directly involved in oil and gas production, the BLM intentionally defines the term more broadly to include roads, pipelines, and other infrastructure necessary to transmit production to market. This approach aligns with existing BLM permitting practices, in which an APD commonly includes associated roads and pipelines located on the lease or unit. Retaining the term ''Production site'' therefore provides consistency with established regulatory usage while ensuring that the streamlined approval process applies to the complete footprint required to support production activities. The BLM is requesting comments on changes to the production-site definition that may allow broadening or tightening the production-site definition to ensure the definition is appropriate for the streamlined approval process proposed under this rule.

Finally, the proposed definition of ''Required operating procedure (ROP)'' would mean the identified requirements in the IAP that must be carried out during proposal implementation and is based on laws, regulations, E.O.s, BLM planning manuals, policies, instruction memoranda, and applicable planning documents. The BLM derived this proposed definition from the term ROP used in the glossary of the current IAP on page 14.

Section 3139.4 Qualified Production Sites

The BLM proposes this section to identify the criteria that an application must meet to qualify as a production site eligible for streamlined review under this subpart. These criteria are designed to ensure that activities processed under this rule fall within the scope of development analyzed in the EIS and other environmental reviews and consultations conducted in conjunction with this rulemaking. The criteria will be informed by the public comments received on the proposed rule and the draft EIS Chapters 1 and 2. By establishing clear eligibility requirements, the BLM intends to confirm that proposed activities have been sufficiently analyzed to meet the agency's obligations under applicable environmental statutes.

Paragraph (a) would require that an application meet the definition of ''Production Site'' in § 3139.3. This would ensure that only the types of development contemplated in the EIS may be considered under this proposed streamlined process.

Paragraph (b) would require that the application demonstrate that the entire location of the production site is located within 25 miles of existing permanent oil and gas infrastructure. In evaluating this distance, the BLM considered current lease holdings and found that a 25-mile limit would allow five lessees to qualify under this subpart, compared to only three lessees at a 15-mile limit. The BLM selected 25 miles to ensure that the streamlined permitting process is not initially limited to only a few operators, while still focusing development in areas where environmental conditions and impacts are well understood and where permanent, year-round roads and pipelines already support ongoing production. To provide clarity and ensure consistent application of this criterion, the BLM intends the 25-mile measurement to begin at the outer edge of existing permanent oil and gas infrastructure, such as the edge of a production pad or the edge of an all-season gravel road connected to year-round pipelines. The entire footprint of the proposed production site must fall within this 25-mile boundary. This approach would ensure that qualifying projects remain tightly linked to established, year-round infrastructure where environmental conditions and impacts are well understood. The BLM would not consider legacy well locations as ''permanent oil and gas infrastructure.'' Permanent oil and gas infrastructure would only include locations that are connected to year-round roads and pipelines. This limitation would focus streamlined permitting on areas where environmental conditions and impacts are well understood and where development can occur with reduced incremental disturbance. The BLM requests comment on whether the 25-mile limitation should be expanded or reduced, including how any adjustment would affect environmental impacts and operational flexibility or whether paragraph (b) should be adjusted to include only the nearest point of the project.

Paragraph (c) would require that an application includes either wells or infrastructure necessary to transport production from existing or proposed wells. This requirement would limit the use of the streamlined process to projects tied directly to oil and gas production. The BLM could potentially expand this paragraph to specify components that would not be considered a part of production sites, such as runways for airplanes or housing for workers. The BLM requests comments related to this section on if and how the definition of production site should be narrowed or broadened to support streamlined decision making in the NPR–A under this proposed rule.

Paragraph (d) would clarify that production sites located within lands designated as No Surface Occupancy (NSO) in the applicable IAP are generally not eligible for streamlined permitting of surface infrastructure, except for NSO areas where essential road and pipeline crossings are allowed in the IAP. The IAP provides the management framework for surface-resource protections and land allocations in the NPR–A, including NSO designations. Because NSO areas prohibit permanent surface-disturbing infrastructure, development proposed within those areas would not meet the criteria for predictable, well-understood effects that form the basis of this streamlined permitting process. Projects within NSO lands therefore remain subject to standard permitting and project-specific NEPA review, outside the scope of this rule's coordinated and expedited procedures. For those lands closed to new infrastructure except for essential roads and pipeline crossings under the IAP, the BLM would allow roads and pipelines to be located in those lands and be permitted under the proposed rule. The BLM will verify eligibility by comparing this spatial information in the complete APD or complete ROW application to the official NSO boundaries using current IAP maps and geospatial datasets maintained by the BLM Alaska State Office.

The proposed rule anticipates that § 3139.4 would establish a set of objective criteria that applicants must satisfy for a production site to qualify under subpart 3139. The existing criteria in the regulatory text will be refined in response to the environmental impact parameters, resource considerations, and project design elements evaluated in the EIS being prepared in support of this rulemaking. The criteria could include items such as confirming proximity to existing permanent infrastructure, verifying that proposed facilities match the types of development modeled in the EIS, and documenting that anticipated impacts remain within the bounds evaluated for the rule. The BLM is also contemplating limiting the number of facilities that could be approved under this rule or limiting production sites that qualify under this rule to those proposed on lands outside special areas in the NPR–A. As the BLM develops the EIS analysis, it will refine the criteria that may be used to determine which proposed projects will qualify under the rule to ensure that qualifying production sites remain within the scope of impacts evaluated for the rule and that no new circumstances or potential effects fall outside the bounds considered in the EIS. The BLM requests comment on this criteria-based approach; whether additional safeguards or criteria should be incorporated to improve clarity and predictability. The purpose of these criteria would be to identify and address potential permitting challenges early in the process, improving efficiency while ensuring environmental and subsistence protections are maintained. The BLM is also soliciting comments on whether there are other limitations that should be placed on applications or development under this rule.

Section 3139.5 BLM Review and Approval of a Production Site

The BLM proposes this section to establish a clear, predictable, and streamlined process for reviewing and approving production-site applications under this rule. This section would set firm timelines for the BLM's initial review and completeness determinations, applicant response periods, and issuance of a decision by the BLM to ensure that qualifying projects would provide applicants with greater certainty while maintaining the BLM's ability to verify that proposed production sites meet the proposed definition in §§ 3139.3 and 3139.4 and comply with applicable environmental and operational standards.

Paragraph (a) would require an applicant to clearly request review under subpart 3139 when submitting an APD or a ROW application. The BLM anticipates that applicants would identify this request prominently on the face of the application to ensure that BLM staff would promptly recognize the applicable review process while still receiving all information required for a complete submission.

Paragraph (b) would require the BLM to review each application to determine whether it meets the proposed definition of a ''Production site'' in § 3139.3, qualifies under proposed § 3139.4, and is complete under proposed § 3139.6. Under paragraph (c), if any of these criteria are not met, the BLM would be required to notify the applicant in writing within 21 days of receipt of the application. The BLM would provide the applicant with the specific grounds of disqualification and each item of missing information. This early screening step would help ensure that only eligible projects proceed into the streamlined approval process.

Paragraph (d) would require an applicant to submit the missing information within 30 days of receiving the BLM's notification that the application is incomplete. If the applicant does not provide the required information within that timeframe or request an extension of time within 30 days, the BLM would return the application unapproved. The applicant may resubmit a new application, which would restart the review timeline.

Paragraph (e) would require the BLM to issue an approval, or an approval with conditions, within 60 days of receiving a complete application. In the event of a conflict between this 60-day timeframe and any regulatory timeframe associated with individual components of a complete application that provides a shorter timeframe, this 60-day timeframe will prevail. As described previously, depending on the project, an ''approval'' may consist of one or more APDs (with an associated surface-use plan of operations), one or more ROW grants, or both. Once an application satisfies the criteria in this subpart, the BLM's decision would be limited to issuance of approval or an approval with conditions. The BLM requests comment on whether this timeframe is appropriate. Although a complete application may meet the proposed procedural requirements of § 3139.6, the BLM would still be required to verify that the project qualifies as a production site under §§ 3139.3 and 3139.4. In some cases, this could leave only a short period to address un-qualified production site-related issues after the applicant responds to an incompleteness notification. Establishing a full 60-day period would provide the BLM with sufficient time to conduct a review, confirm eligibility, and ensure that the proposed production site meets the proposed technical and environmental parameters contemplated under this proposed streamlined process.

Finally, paragraph (f) would clarify that, in issuing approvals under this section, the BLM would comply with existing regulatory requirements at existing §§ 3162.3–1(g), 2804.25, and 2884.20(a) through (c). This would ensure consistency with established procedures governing APDs and ROWs and would reaffirm that the streamlined process under subpart 3139 would not replace or diminish these existing obligations. Instead, this provision would integrate the streamlined decision-making structure into the broader regulatory framework that governs on-the-ground development activities.

Section 3139.6 Contents of a Complete Application

The BLM proposes this section to clearly define the required information for a complete application under subpart 3139. The BLM would not require applicants to submit additional information beyond the requirements of this section. A complete application is essential for the BLM to determine whether a proposed production site meets the eligibility criteria in proposed § 3139.4 and complies with existing applicable environmental and operational standards. If an application were to lack one or more required elements, the BLM would notify the applicant and provide 30 days to supply the missing information. If the applicant does not respond within that timeframe, the BLM would return the application unapproved. This approach would ensure efficient review while maintaining the rigor necessary to support responsible development in the NPR–A.

Paragraph (a) would require the application to identify the size and location of the proposed gravel pad. Although this information is already submitted under existing APD and ROW requirements, restating it in proposed subpart 3139 would ensure that it is prominently included for the BLM's initial completeness review.

Paragraph (b) would require the applicant to identify the anticipated number of wells to be drilled from the proposed pad. While the BLM could determine this from submitted APDs, including it directly in the subpart 3139 application ensures that the agency can efficiently evaluate the scope of the proposed production site.

Paragraph (c) would require the application to demonstrate compliance with the current NPR–A IAP, including the ROPs and the conditions and restrictions to mitigate adverse impacts in §§ 3139.9 through 3139.14. The application would only need to comply with the NPR–A IAP in effect when the application is submitted. This would ensure that any proposal submitted under the proposed streamlined process would be fully aligned with the environmental protections and operating standards identified through the IAP process. The BLM anticipates that future IAPs may modify these requirements and has therefore proposed flexible incorporation language at § 3139.9. The BLM requests public comments on whether subpart 3139 should be limited to only applications made under the 2025 IAP and include a sunset provision based upon the 2025 IAP or whether subpart 3139 should also account for future IAPs as well.

Paragraph (d) would require applicants to submit all underlying APDs and ROW applications, as applicable. These existing requirements would remain fully in effect under subpart 3139, and the streamlined process could not proceed without complete APD or ROW submissions under 43 CFR subparts 2804, 2884, 3162, and 3171. The BLM identified the requirement to add compliance with subpart 3171 to ensure the applicant complies with all downhole requirements set by the BLM for well construction and integrity. This proposed rule does not address the downhole design of wells. Instead, the complete application under § 3139.6(d)(1) must include a complete APD. The APD would not be deemed complete if there are outstanding concerns with the well's design or construction.

Paragraph (e) would ensure that applicants provide sufficient data for the completion of the cultural resource review and consultation process required under section 106 of the National Historic Preservation Act before submitting an application. During this early completion of the section 106 process, the applicant and their cultural resource consultants would work with the BLM to secure permits and authorizations, define the APE, conduct field surveys, consult with the SHPO and federally recognized Tribes, identify historic properties, and, if necessary, finalize agreement documents required to mitigate adverse effects to historic properties. Conducting and completing the section 106 process prior to submitting an application would allow the BLM to comply with heritage resource statutory requirements without delaying the permitting timeline in the proposed rule. This would support the rule's broader goal of streamlining agency review and decision-making by ensuring that all necessary information is available, and statutory requirements are finalized, at submission. This would reduce the need for delays owing to revisions and would ensure that development proceeds in compliance with Federal historic preservation requirements.

Paragraph (f) would require applicants to provide sufficient data for the BLM to complete a Plan of Action under the Native American Graves Protection and Repatriation Act (NAGPRA) prior to filing an application, if the proposed project is likely to result in a discovery of Tribal ancestral human remains or cultural items. Oil and gas development in the NPR–A may encounter NAGPRA human remains and cultural items. A Plan of Action (POA) is required for the disposition of all NAGPRA materials that have been encountered on Federal lands since 1990, whether prepared ahead of time or following an inadvertent discovery. If a POA is not prepared ahead of time, construction and development can be delayed until completion of regulatory-required consultations and the signing of a POA. Completing a POA prior to submitting an application would ensure that these statutory and regulatory requirements are met and provides clarity upon the inadvertent discovery of NAGPRA materials for applicants, the BLM, and affected Tribes. This requirement would support the proposed rule's goal of streamlining review and preventing delays during construction, and it strengthens the

Federal Government's commitment to consultation and co-stewardship with Tribes.

The BLM proposes adding paragraph (g) to ensure applicants supply the biological information and survey data needed to ensure compliance with section 7 of the Endangered Species Act. Completion of wildlife and habitat surveys prior to application submittal would allow the BLM and the U.S. Fish and Wildlife Service to evaluate potential effects to listed species and critical habitat more quickly and with greater accuracy. This requirement would align with the rule's purpose of creating a more predictable permitting process by ensuring that applications include adequate environmental information at the outset. Providing this information early would reduce delays, would support conservation of threatened and endangered species, and would allow the BLM to make decisions that fully comply with ESA obligations.

The BLM considered requiring applicants to demonstrate completion of the MMPA process to obtain a letter of authorization for incidental take. However, the BLM elected to not include MMPA since it is an applicant driven process. The Fish and Wildlife Service has a 5-year MMPA incidental take regulation that covers the area and many of the operators and their activities in the NPR–A. The BLM requests comments on whether the BLM should propose a paragraph, similar to paragraph (g) for MMPA.

Finally, the BLM requests comment on whether additional elements should be included to ensure that applications submitted under this rule contain sufficient environmental, technical, and operational information and the appropriate timing for consultation. For example, specific surveys or monitoring data might warrant inclusion as part of the complete-application requirements to support the streamlined review process.

Section 3139.7 Effect of Approval

The BLM proposes this section to clarify the regulatory effect of an approval issued under subpart 3139. This section would explain how an approval functions within the broader legal framework that governs oil and gas development in the NPR–A, including how it would interact with the existing regulations in part 2800, *Rights-of-Way Under the Federal Land Policy And Management Act;* part 2880, *Rights-of-Way Under the Mineral Leasing Act;* part 3160, *Onshore Oil and Gas Operations;* and subpart 3171, *Approval of Operations.* In addition, this section would explain the process for modifying an approved production site. Overall, § 3139.7 is intended to provide applicants with regulatory certainty while ensuring that the BLM continues to meet its environmental and operational oversight responsibilities.

Paragraph (a) would provide that an approval under § 3139.4 would obviate the need for additional approvals of a production site under the NPRPA and under 43 CFR parts 2800, 2880, and 3160, and subpart 3171. This paragraph is intended to confirm that all necessary authorizations for constructing and operating the production site would be encompassed within the approvals issued under this subpart. Therefore, by consolidating these authorities, the BLM would establish a unified permitting mechanism while maintaining compliance with the applicable statutory framework.

Paragraph (b) would allow an applicant to modify a production site by following the same procedures used to obtain the initial approval under proposed § 3139.4. This would ensure that modifications would undergo the same qualification and completeness review as the original application before benefiting from the streamlined process. The paragraph would also complement § 3139.8(d), which requires that any changes to an approved APD or ROW must still be submitted to and approved by the BLM as required under parts 2800, 2880, and 3160. Therefore, the applicant must request changes to APD and ROW approvals as required by the other parts; however, the applicant would still need to comply with the requirements in subpart 3139.

The EIS being prepared in support of this rulemaking will establish an analyzed design envelope that encompasses the reasonably foreseeable environmental effects associated with constructing and operating qualified production sites in the NPR–A. The BLM has already initiated preparation of the EIS, as announced in the Notice of Intent published in the **Federal Register** on May 19, 2026 (91 FR 29155). Paragraph (c) would clarify that when the BLM determines under § 3139.5 that an application qualifies under this subpart, the agency would be confirming that the anticipated impacts of the proposed production site fall within that analyzed design envelope. Because the EIS would fully evaluate those effects, no additional project-level NEPA analysis would be required for the BLM to issue its approval. This approach is intended to provide predictability and efficiency while ensuring that the scope of the EIS is sufficiently broad to encompass all activities eligible under the rule.

The BLM is also requesting comments on whether certain provisions in the existing regulations under parts 2800, 2880, 3160, or 3170 should not apply. For example, § 3162.3–1(h) establishes specific timelines and procedural requirements for reviewing APDs. These procedural requirements may conflict with the completeness and approval process created in proposed §§ 3139.5 and 3139.6, which would include defined timeframes (21 days, 30 days, and 60 days) tailored specifically for the streamlined NPR–A production site review process. The timeframes within subpart 3139 would supersede any conflicting timeframes in the regulations; therefore, the BLM does not believe the timeframes in § 3162.3–1(h) apply under this proposed rule; however, we request comments on whether that should be specified in the final regulatory text.

Finally, the BLM is soliciting comment on whether this rule should include a specific limit on the number of applications that may be approved and whether there are any other limitations that should be placed on the scope or extent of applications or development approved under this rule.

Section 3139.8 Conditions on Approvals

The BLM proposes this section to clarify the conditions that apply to all production sites approved under this subpart. These conditions are intended to ensure that development authorized through the streamlined permitting process remains consistent with the underlying lease terms, the ROPs and stipulations in the IAP, and other environmental protections and operational standards that apply in the NPR–A. This section would also establish a timeframe for initiating construction and outlines how the BLM may apply additional conditions of approval or require subsequent modifications. Together, these provisions would ensure that while the permitting process would be streamlined, the BLM would maintain adequate oversight to minimize environmental impacts and ensure compliance with governing regulations.

Paragraph (a) would require that all approved production sites comply with applicable lease terms, lease stipulations, and the relevant ROPs from the 2025 IAP. These instruments establish the baseline environmental, subsistence, and operational protections that apply to oil and gas development in the NPR–A. Although proposed subpart 3139 would streamline the approval process for production sites, it would not alter these foundational requirements. This provision would ensure that the protections and planning framework already established through the NPR–A leasing program and the IAP remain applicable to any development authorized under this subpart.

Paragraph (b) would require construction of an approved production site to begin no later than 4 years after the date of approval, with construction defined as the first day of construction activity—occurring within the boundaries of the NPR–A—associated with installation of the gravel pad or the access road. The BLM proposes a 4-year period because it matches the standard term for an approved APD at 43 CFR 3171.14(a). This would provide consistency between the existing APD framework and the streamlined approval process that would be established under this proposed subpart. This requirement would ensure that authorized development proceeds in a timely manner. A defined start-construction window would help the BLM ensure that site-specific environmental conditions have not materially changed since approval. If construction were delayed beyond this period, the BLM may need to reevaluate the project before it could proceed. The BLM also requests comment on the BLM's definition as to the start of construction, which the proposed rule currently defines as "the first day of activity, occurring within the boundary of the NPR–A, to construct the pad or the access road."

Paragraph (c) would clarify that the BLM may apply site-specific conditions of approval (COAs) to APDs and site-specific terms and conditions to ROWs where necessary to mitigate surface or downhole impacts associated with the production site. This would reflect longstanding BLM practice under parts 2800, 2880, and 3160, under which COAs and ROW terms are tailored to address environmental, technical, or subsistence considerations unique to each project. Although subpart 3139 would streamline the decision-making process, it would not limit the BLM's ability to impose appropriate mitigation measures. Instead, this provision would ensure that the streamlined process would incorporate the same protective tools normally available under the BLM's existing authorities.

Paragraph (d) would require that any changes to an approved permit be requested and approved by the BLM in accordance with existing regulatory requirements in parts 2800, 2880, and 3160. This provision would reinforce that modifications to an APD or ROW granted under subpart 3139 would still be required to follow established procedures for amending BLM-issued authorizations. While applicants could seek modifications through the streamlined path in proposed § 3139.4, this provision would clarify that the BLM retains full authority to review and approve changes through standard regulatory processes whenever necessary. This would help maintain consistency between subpart 3139 approvals and the BLM's broader permitting and operational oversight responsibilities.

Section 3139.9 Conditions and Restrictions To Mitigate Adverse Effects

The BLM proposes this section to specify that the applicant would comply with the IAP's ROPs and identify the overarching conditions and restrictions that all applicants would be required to follow to mitigate adverse effects from oil and gas development in the NPR–A. The BLM identified additional mitigation measures from the conditions applied to development under the Willow MDP and other requirements applied to existing development within the NPR–A. The BLM plans to further analyze the rule conditions and restrictions in the EIS supporting this rule, and the BLM will most likely refine the conditions and restrictions further based upon public comments received on the draft Chapters 1 and 2 of the EIS and on the proposed rule. Together, these measures would satisfy the mitigation directives in sections 6504(a) and 6506a(b) of the NPRPA, including the direction that oil and gas exploration and development "be conducted in a manner which will assure the maximum protection of such surface values to the extent consistent with the requirements of this Act for the exploration of the reserve."

In addition, the BLM proposes to incorporate the existing ROPs from the IAP with § 3139.6(c) and 3139.9. Therefore, to remove duplication, the BLM did not include the ROPs in the proposed sections on conditions and restrictions to mitigate adverse effects, even though NPR–A lessees and designated operators would still need to comply with the ROPs from the IAP.

This section would also establish a process through which the authorized officer may approve deviations or exemptions where appropriate. Consistent with similarly motivated longstanding practice under the IAP framework, this would ensure that the rule would remain responsive to technological advances, site-specific conditions, and the evolving environmental context of the NPR–A. The applicant would need to request an exemption or deviation from the conditions and restrictions for the BLM to consider. The BLM proposes three specific bases for such flexibility. Under proposed paragraph (a), the BLM could grant an exemption or deviation if a substitute measure would be equally or more effective in mitigating adverse effects. This provision would allow the BLM to adopt improved mitigation measures as new data or community input becomes available. Under proposed paragraph (b), the BLM may approve a deviation if technological advancements render a specific condition unnecessary. Under proposed paragraph (c), the BLM may grant an exemption when the condition is not applicable to the proposed production site. The BLM would make a decision on these requests within 30 days. This framework would provide regulatory stability while allowing the BLM to apply the most current and effective mitigation tools available.

The BLM reviewed the Petition and elected to reorganize this last section into multiple themed sections to boost clarity. The BLM requests comments on how it should organize the conditions and restrictions. The BLM organized the proposed rule's conditions and restrictions to focus on development; however, the BLM also considered organizing the conditions and restrictions based upon the surface resource values being protected by each condition and restriction. Since some conditions and restrictions would protect multiple surface resource values, the BLM elected to organize the conditions and restrictions as proposed.

Finally, the BLM requests feedback on whether the proposed requirements sufficiently address site-specific environmental, cultural, and subsistence considerations. Should additional conditions or restrictions beyond those outlined in the Willow MDP provisions be incorporated into this rulemaking? Does the BLM need to consider other conditions or restrictions to ensure maximum protection of Special Areas or other particularly sensitive resources? Ultimately, the BLM seeks input on any further measures that should be evaluated to enhance safeguards and minimize impacts associated with production site development.

Section 3139.10 General Conditions and Restrictions

The BLM proposes the following general conditions and restrictions to ensure that projects approved under this proposed section effectively mitigate adverse effects and support responsible development in the NPR–A. The BLM based many of the conditions and restrictions identified in this provision on the design features in the Willow MDP's 2023 record of decision, which can be found on the BLM's ePlanning website at *https://eplanning.blm.gov* under the NEPA Number of ''DOI–BLM–AK–0000–2018–0004–EIS.'' In the Willow MDP, the BLM adopted many applicant-proposed design features as part of its decision. Design features are impact-reducing actions or designs that the proponent committed to in their permit applications and supporting documents. After review, the BLM decided to carry forward these specific design features into the proposed rule.

In addition to the requirements identified here, all production sites must also comply with the IAP's ROPs, which apply independently and are not repeated in this section. These proposed provisions would reflect the agency's experience managing development in the NPR–A and are designed to address predictable environmental and subsistence-related concerns in a clear, structured manner.

The BLM proposes to include paragraph (a) to protect cultural resources. The BLM identified this requirement in Willow MDP Design Feature No. 78.

The BLM proposes to include paragraph (b) to protect wetlands, vegetation, birds, terrestrial mammals, and marine mammals. The BLM identified this requirement in Willow MDP Design Feature No. 21.

The BLM proposes to include paragraph (c) to protect birds and terrestrial mammals. The BLM identified this requirement in Willow MDP Design Feature No. 50.

The BLM proposes to include paragraph (d) to protect birds and terrestrial mammals. The BLM identified this requirement in Willow MDP Design Feature No. 55.

The BLM proposes to include paragraph (e) to protect cultural and paleontological resources. The BLM identified this requirement in Willow MDP Design Feature No. 65.

The BLM proposes to include paragraph (f) to protect subsistence and sociocultural systems. The BLM identified this requirement in the IAP ROPs H–1 and H–4 and Willow MDP Design Feature No. 68 and 69. The BLM seeks comment on how best to structure the process to ensure applicants effectively engage affected communities, Tribes, and Alaska Native corporations within the North Slope.

The BLM proposes to include paragraph (g) to address local community concerns. The BLM identified this requirement in Willow MDP Design Feature No. 75. The BLM broadened the statement in the rule to ensure it could apply across the NPR–A for all local community residents.

The BLM proposes to include paragraph (h) to protect subsistence and sociocultural systems. The BLM identified this requirement in Willow MDP Design Feature No. 77. The BLM proposes to require permittees under this rule to provide access to NPR–A leaseholders and designated operators to facilitate future development across the NPR–A.

The BLM proposes to include paragraph (i) to ensure coordinated use of transportation corridors and other production-related infrastructure, thereby reducing surface disturbance and minimizing impacts to resources and uses within the NPR–A. Ensuring that certain oil and gas infrastructure is co-located will reduce disturbance within the NPR–A, diminishing impacts to resources and uses in the NPR–A. This paragraph would ensure that all NPR–A lessees and designated operators would collocate or share, as much as feasible, their road, pipeline, and associated infrastructure to reduce the impact of future development in the NPR–A.

The BLM welcomes public feedback on the proposed general conditions and restrictions included in this section. Are there additional measures the agency should include to further reduce impacts or improve clarity? What would be the basis or rationale for adding them? Alternatively, are any of the proposed requirements unnecessary, overly burdensome, or duplicative? The BLM requests specific comments on whether these conditions would strike the right balance between environmental protection, subsistence considerations, and operational feasibility.

Section 3139.11 Pad and Road Design

The BLM proposes the following pad and road design conditions and restrictions to ensure that projects approved under this section would effectively mitigate adverse effects and support responsible development in the NPR–A. In addition to the proposed pad- and road-design requirements identified here, all production sites would also be required to comply with the IAP's ROPs, which apply independently and are not repeated in this section. These proposed provisions would reflect the agency's experience managing development in the NPR–A and are designed to address predictable environmental and subsistence-related concerns in a clear, structured manner.

The BLM proposes to include paragraph (a) to protect soils, permafrost, gravel resources, wetlands, vegetation, birds, and terrestrial mammals. The BLM identified this requirement in Willow MDP Design Feature No. 37.

The BLM proposes to include paragraph (b) to protect soils, permafrost, gravel resources, wetlands, vegetation, birds, and terrestrial mammals. The BLM identified this requirement in Willow MDP Design Feature No. 39.

The BLM proposes to include paragraph (c) to protect wetlands, vegetation, birds, and terrestrial mammals. The BLM identified this requirement in Willow MDP Design Feature No. 43 as an outgrowth from the IAP ROP C–2.

The BLM proposes to include paragraph (d) to protect fish. The BLM identified this requirement in the IAP ROP E–5 and Willow MDP Design Feature No. 26.

The BLM proposes to include paragraph (e) to protect soils, permafrost, gravel resources, water resources, wetlands, vegetation, and birds. The BLM identified this requirement in Willow MDP Design Feature No. 27.

The BLM proposes to include paragraph (f) to protect water resources, wetlands, vegetation, fish, and birds. The BLM identified this requirement in Willow MDP Design Feature No. 23.

The BLM proposes to include paragraph (g) to protect water resources, wetlands, vegetation, and fish. The BLM identified this requirement in Willow MDP Design Feature No. 28.

The BLM proposes to include paragraph (h) to protect soils, permafrost, and gravel resources. The BLM identified this requirement in Willow MDP Design Feature No. 34.

The BLM proposes to include paragraph (i) to protect soils, permafrost, gravel resources, air quality, visual resources, water resources, wetlands, vegetation, fish, birds, terrestrial mammals, and public health. The BLM identified this requirement in Willow MDP Design Feature No. 36.

The BLM proposes to include paragraph (j) to protect soils, permafrost, and gravel resources. The BLM identified this requirement in Willow MDP Design Feature No. 42.

The BLM proposes to include paragraph (k) to protect subsistence and sociocultural systems. The BLM identified this requirement in Willow MDP Design Feature No. 72.

The BLM welcomes public feedback on the proposed pad and road design conditions and restrictions included in this section. Are there additional measures the agency should include to further reduce impacts or improve clarity? What would be the basis or rationale for adding them? Alternatively, are any of the proposed requirements unnecessary, overly burdensome, or duplicative? The BLM requests specific comments on whether these conditions would strike the right balance between environmental protection, subsistence considerations, and operational feasibility.

Section 3139.12 Pipeline and Utility Design

The BLM proposes the following pipeline and utility design conditions and restrictions to ensure that projects approved under this section would effectively mitigate adverse effects and support responsible development in the NPR–A. In addition to the pipeline- and utility-design requirements identified here, all production sites would also be required to comply with the IAP's ROPs, which apply independently and are not repeated in this section. These proposed provisions would reflect the agency's experience managing development in the NPR–A and are designed to address predictable environmental and subsistence-related concerns in a clear, structured manner.

The BLM proposes to include paragraph (a) to protect birds, wetlands, and vegetation. The BLM identified this requirement in Willow MDP Design Feature No. 9.

The BLM proposes to include paragraph (b) to protect birds. The BLM identified this requirement in Willow MDP Design Feature No. 54.

The BLM proposes to include paragraph (c) to protect birds, wetlands, vegetation, terrestrial mammals, and spill risk. The BLM identified this requirement in Willow MDP Design Feature No. 11.

The BLM proposes to include paragraph (d) to protect soils, permafrost, gravel resources, water resources, wetlands, and vegetation. The BLM identified this requirement in Willow MDP Design Feature No. 31.

The BLM proposes to include paragraph (e) to protect soils, permafrost, and gravel resources. The BLM identified this requirement in Willow MDP Design Feature No. 44.

The BLM proposes to include paragraph (f) to protect visual resources, birds, terrestrial mammals, marine mammals, and subsistence and sociocultural systems. The BLM identified this requirement in Willow MDP Design Feature No. 59.

The BLM welcomes public feedback on the proposed pipeline and utility design conditions and restrictions included in this section. Are there additional measures the agency should include to further reduce impacts or improve clarity? What would be the basis or rationale for adding them? Alternatively, are any of the proposed requirements unnecessary, overly burdensome, or duplicative? The BLM requests specific comments on whether these conditions would strike the right balance between environmental protection, subsistence considerations, and operational feasibility.

Section 3139.13 Spill Prevention and Remediation

The BLM proposes the following spill prevention and remediation conditions and restrictions to ensure that projects approved under this section would effectively mitigate adverse effects and support responsible development in the NPR–A. In addition to the proposed spill prevention and remediation requirements identified here, all production sites would also be required to comply with the IAP's ROPs, which would apply independently and are not repeated in this section. These provisions would reflect the agency's experience managing development in the NPR–A and are designed to address predictable environmental and subsistence-related concerns in a clear, structured manner.

The BLM proposes to include paragraph (a) to protect all resources. Spill prevention protects all resources the BLM manages by reducing risks to human health and safety and minimizing harmful effects to subsistence resources, fish and wildlife, and the broader surface environment. The BLM identified this requirement in Willow MDP Design Feature No. 95.

The BLM proposes to include paragraph (b) to protect all resources. Spill prevention protects all resources the BLM manages by reducing risks to human health and safety and minimizing harmful effects to subsistence resources, fish and wildlife, and the broader surface environment. The BLM identified this requirement in Willow MDP Design Feature No. 38. This would ensure that the permittees install pipeline crossings with insulation and design features, which would inhibit heat transfer to permafrost, contain fluids in the event of a pipeline leak, and provide structural integrity to the pipeline crossing.

The BLM proposes to include paragraph (c) to protect all resources. Spill remediation protects all resources the BLM manages by reducing risks to human health and safety and minimizing harmful effects to subsistence resources, fish and wildlife, and the broader surface environment. The BLM identified this requirement in the IAP ROP A–4 and Willow MDP Design Feature No. 100.

The BLM proposes to include paragraph (d) to protect all resources. Spill prevention protects all resources the BLM manages by reducing risks to human health and safety and minimizing harmful effects to subsistence resources, fish and wildlife, and the broader surface environment. The BLM identified this requirement in Willow MDP Design Feature No. 102.

The BLM proposes to include paragraph (e) to protect all resources. Spill remediation protects all resources the BLM manages by reducing risks to human health and safety and minimizing harmful effects to subsistence resources, fish and wildlife, and the broader surface environment. The BLM identified this requirement in Willow MDP Design Feature No. 106.

The BLM welcomes public feedback on the proposed spill prevention and remediation conditions and restrictions included in this section. Are there additional measures the agency should include to further reduce impacts or improve clarity? What would be the basis or rationale for adding them? Alternatively, are any of the proposed requirements unnecessary, overly burdensome, or duplicative? The BLM requests specific comments on whether these conditions would strike the right balance between environmental protection, subsistence considerations, and operational feasibility.

Section 3139.14 Operational Conditions and Restrictions

The BLM proposes the following operational conditions and restrictions to ensure that projects approved under this section would effectively mitigate adverse effects and support responsible development in the NPR–A. In addition to the operational conditions and restrictions identified here, all production sites would also be required to comply with the IAP's ROPs, which would apply independently and are not repeated in this section. These provisions would reflect the agency's experience managing development in the NPR–A and are designed to address predictable environmental and subsistence-related concerns in a clear, structured manner.

The BLM proposes to include paragraph (a) to protect wetlands and vegetation by using single season ice roads to support winter construction. The BLM identified this requirement in Willow MDP Design Feature No. 5.

The BLM proposes to include paragraph (b) to protect all resources. As ice roads and pads do not cause permanent disturbance to the permafrost, this paragraph will protect all resources in the NPR–A. The BLM identified this requirement in Willow MDP Design Feature No. 10.

The BLM proposes to include paragraph (c) to protect water resources; wetlands and vegetation; fish; birds; terrestrial mammals; marine mammals; subsistence and sociocultural systems; and public health. The BLM identified this requirement in the Willow MDP Design Feature No. 20.

The BLM proposes to include paragraph (d) to protect soils, permafrost, and gravel resources; water resources; wetlands and vegetation. The BLM identified this requirement in Willow MDP Design Feature No. 31.

The BLM proposes to include paragraph (e) to protect birds; terrestrial mammals; subsistence and sociocultural systems. The BLM identified this requirement in Willow MDP Design Feature No. 58.

The BLM proposes to include paragraph (f) to protect subsistence and sociocultural systems. The BLM identified this requirement in Willow MDP Design Feature No. 76.

The BLM proposes to include paragraph (g) to protect air quality and public health. The BLM identified this requirement in Willow MDP Design Feature No. 85.

The BLM proposes to include paragraph (h) to reduce the natural gas emissions from oil and gas facilities by requiring the use of electric solenoids or instrument air driven pneumatics. The BLM identified this requirement in Willow MDP Design Feature No. 122.

The BLM welcomes public feedback on the proposed operational conditions and restrictions included in this section. Are there additional measures the agency should include to further reduce impacts or improve clarity? What would be the basis or rationale for adding them? Alternatively, are any of the proposed requirements unnecessary, overly burdensome, or duplicative? The BLM requests specific comments on whether these conditions would strike the right balance between environmental protection, subsistence considerations, and operational feasibility.

IV. Procedural Matters

A. Regulatory Planning and Review (E.O. 12866, E.O. 13563)

E.O. 12866 provides that the Office of Information and Regulatory Affairs (OIRA) within the OMB will review all significant rules. This rulemaking would result in an annual effect on the economy of $100 million or more. OIRA has determined that this proposed rule is significant under section 3(f)(1) of E.O. 12866. The Proposed Rule is expected to lead to benefits and costs through three mechanisms including reduced environmental review costs, increased development and production, and increased demand for leases. Eliminating the need to develop an EIS for individual projects is estimated to result in cost savings to either the BLM or the developer, depending on who would incur the cost of preparing the analysis. Increased supply of oil may impact the market price for oil and related products resulting in changes to consumer and producer surplus. Increased development and production resulting from the Proposed Rule is expected to result in increased production-related government revenues, which would be transfers from industry to the U.S. treasury or the State of Alaska. Greater levels of development and reduced Design Features may increase disturbance-related costs stemming from impacts on subsistence resources and public safety. Finally, the Proposed Rule would reduce costs and uncertainty for leaseholders to develop their leases. This would increase the value of current undeveloped leases and the demand for new leases in future lease sales.

E.O. 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the Nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The E.O. directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.

For more detailed information, refer to the regulatory impact analysis (RIA) prepared for this proposed rule. The RIA has been posted in the docket for the proposed rule on the Federal eRulemaking Portal: *https://www.regulations.gov.* In the Searchbox, enter Docket number ''BLM–2026–0133'', click the ''Search'' button, open the Docket Folder, and look under Supporting Documents.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) (RFA) requires that Federal agencies prepare a regulatory flexibility analysis for rules subject to the notice-and-comment rulemaking requirements under the Administrative Procedure Act (5 U.S.C. 500 *et seq.*) if the rule would have a significant economic impact, whether detrimental or beneficial, on a substantial number of small entities. Refer to 5 U.S.C. 601–612. Congress enacted the RFA to ensure that government regulations do not unnecessarily or disproportionately burden small entities. Small entities include small businesses, small governmental jurisdictions, and small not-for-profit enterprises.

The BLM has prepared an initial regulatory flexibility analysis to determine if this rule would result in significant economic impact on a substantial number of small entities. Small businesses that are most likely to be impacted by the Proposed Rule are those holding oil and gas leases in the NPR–A. Through a search of publicly available information and on-the-ground knowledge, the BLM estimates that six of the ten businesses holding leases in the NPR–A may be small entities according to the size standards. Identification is uncertain as employment numbers and annual receipts for some companies are unavailable. There may be indirect impacts on businesses that provide goods and services to leaseholders such as construction contractors, engineering firms, and transportation firms. The BLM identified the number of small firms operating in Alaska in several oil and gas supporting industries. In addition, five government jurisdictions in the area are small.

After an initial one-time familiarization cost, the Proposed Rule would reduce costs and time needed for approving oil and gas development projects in the NPR–A, which would benefit leaseholders and operators and could indirectly benefit small government jurisdictions. The BLM has estimated the potential economic impacts to small entities using best available information. Based on this analysis, the BLM does not expect the Proposed Rule to have a significant adverse economic impact on a substantial number of small entities, but small businesses could benefit by capturing a share of the revenue from increased production. Please refer to the RIA for more information. At this stage, the BLM does not expect there to be a significant adverse economic impact on a substantial number of small entities;

nevertheless, the BLM solicits comments from potentially affected small entities on the Initial Regulatory Flexibility Analysis. The BLM is working with SBA's Office of Advocacy to ensure that small business impacts are properly assessed and considered according to the Regulatory Flexibility Act. Please refer to the RIA for more information.

C. Unleashing Prosperity Through Deregulation (E.O. 14192)

DOI has examined this proposed rulemaking and has tentatively determined that it is consistent with the policies and directives outlined in E.O. 14192, ''Unleashing Prosperity Through Deregulation.'' This proposed rule, if finalized as proposed, would promote prudent financial management and alleviate unnecessary regulatory burdens. Therefore, the BLM expects the rule to be an E.O. 14192 deregulatory action.

D. Unfunded Mandates Reform Act (UMRA)

This proposed rule would not impose an unfunded mandate on State, local, or tribal governments, or the private sector of more than $100 million per year. The rule would not have a significant or unique effect on State, local, or Tribal governments or the private sector as there is no direct implementation of action as a result of this rule. A statement containing the information required by the UMRA (2 U.S.C. 1531 *et seq.*) is not required.

E. Governmental Actions and Interference With Constitutionally Protected Property Right—Takings (E.O. 12630)

This proposed rule would not cause a taking of private property or otherwise have takings implications under E.O. 12630. Therefore, a takings implication assessment is not required. The proposed rule would add a new permitting subpart into part 3139. The proposed provisions in this rule would not cause a taking of private property because the operations that would be subject to these rules are already subject to existing lease terms, which expressly require that subsequent lease activities must be conducted in compliance with subsequently adopted Federal laws and regulations.

This proposed rule conforms to the terms of the existing leases and applicable statutes and, as such, the rule is not a government action capable of interfering with constitutionally protected property rights. Therefore, the BLM has determined that the rule would not cause a taking of private property or require further discussion of takings implications under E.O. 12630.

F. Federalism (E.O. 13132)

Under the criteria in section 1 of E.O. 13132, this proposed rule would not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement. A federalism impact statement is not required.

The proposed rule would not have a substantial direct effect on the States, on the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the levels of government. It would not apply to States or local governments or State or local governmental entities. The rule would affect the relationship between operators, lessees, and the BLM, but it would not directly impact the States. Therefore, in accordance with E.O. 13132, the BLM has determined that this proposed rule would not have sufficient federalism implications to warrant preparation of a federalism assessment.

G. Civil Justice Reform (E.O. 12988)

This proposed rule complies with the requirements of E.O. 12988. Specifically, this rule:

(a) Meets the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation; and

(b) Meets the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

H. Consultation and Coordination With Indian Tribal Governments (E.O. 13175 and Departmental Policy)

The Department strives to strengthen its government-to-government relationship with Indian Tribes through a commitment to consultation with Indian Tribes and recognition of their right to self-governance and Tribal sovereignty. Further, it is the policy of the Department to recognize and fulfill its obligations to consult with ANCSA Corporations on the same basis as Indian Tribes under E.O. 13175.

The BLM evaluated this proposed rule under the Department's consultation policy and under the criteria in E.O. 13175 to identify possible effects of the rule on federally recognized Indian Tribes and Alaska Native Claims Settlement Act (ANCSA) Corporations. The NPR–A contains several communities that include Alaska Native Tribes and ANCSA Corporations and also involves a regional Alaska Native Tribal Government and a regional ANCSA Corporation. Nuiqsut is the community closest to current development in the NPR–A, that, along with the additional communities within the NPR–A of Atqusuk, Wainwright, and Utqiagvik that experience—directly or indirectly—the beneficial and adverse effects of oil and gas development.

Therefore, the BLM has provided an opportunity for consultation with Tribes and ANCSA Corporations during scoping of the Notice of Intent for the EIS and will continue to provide an opportunity for consultation with Tribes and ANCSA Corporations. The Tribes and ANCSA Corporations may request individual consultation regarding the proposed rule throughout the rulemaking process. The BLM will fully consider the views of Tribes and ANCSA Corporations in the final rule.

I. Paperwork Reduction Act

The Paperwork Reduction Act (PRA) (44 U.S.C. 3501–3521) generally provides that an agency may not conduct or sponsor and, notwithstanding any other provision of law, a person is not required to respond to a collection of information, unless it displays a currently valid OMB control number. Collections of information include any request or requirement to obtain, maintain, retain, or report information to an agency, or disclose information to a third party or to the public (44 U.S.C. 3502(3) and 5 CFR 1320.3(c)).

This proposed rule contains a new information-collection requirement that is subject to review by OMB under the PRA. OMB has approved the existing information-collection requirements contained in 43 CFR part 3130 under OMB control number 1004–0196. The proposed new information collection requirement along with the resulting public reporting burdens are outlined below.

1. New Information Collections

43 CFR 3139.5. Contents of a Complete Application Under Subpart 3139

Any applicant may request an approval by filing an APD or ROW application with BLM's regional state office in Alaska and request approval under this subpart. These requests are optional and the applicant can still apply under the existing APD (OMB Control Number 1004–0220) and/or ROW (SF–299/OMB Control Number 0596–0249). The applicant would only need to provide the new additional information if applying under the streamlined decision process in the proposed rule. The proposed new additional information for an application under § 3139.5 includes:

- the size and location of the proposed pad;
- the number of wells anticipated on the proposed pad;
- demonstrated compliance with the requirements of the current NPR–A IAP, including the required operating procedures, and compliance with the Conditions and Restrictions to Mitigate Adverse Impacts in §§ 3139.9 to 3139.14;
- any applicable information required by subparts 3162 and 3171 (OMB Control Number 1004–0220);
- any applicable information required by subpart 2884 for issuance of a pipeline ROW and subpart 2804 for any other ROW (SF–299);
- demonstration that the applicant has complied with the requirements for completing section 106 of the National Historic Preservation Act (1966, as amended; 54 U.S.C. 306108) and its implementing regulations at 36 CFR part 800;
- demonstration that the applicant has complied with the requirements for completing a Plan of Action under the NAGPRA (1990, as amended; 25 U.S.C. Chapter 32) and its implementing regulations at 43 CFR 10.4(b); and
- demonstration that the applicant collaborated with the BLM to support section 7 consultation under the requirements of the Endangered Species Act of 1973 (16 U.S.C. 1531–1544).

The above new information collection requirement would not revise information collected for an APD or a ROW. It would be additional optional information to accompany an application under subpart 3139. This additional new information will support the streamlined decision-making process outlined in this proposed rule for oil and gas development within the NPR–A.

1. Summary of Burden Changes

Currently, there are 24 annual responses, 223 annual burden hours, and $1,320 annual non-hour cost burdens approved under OMB Control Number 1004–0196. The new information collection requirements in § 3139.5 of this proposed rule are estimated to add 1 annual response and 10 annual burden hours resulting in a total of 25 annual responses and 233 annual burden hours. The non-hour cost burdens would remain unchanged.

The resulting new estimated total information collection burdens for OMB Control Number 1004–0196 are provided below.

Title of Collection: Oil and Gas Leasing: National Petroleum Reserve—Alaska (43 CFR part 3130).

OMB Control Number: 1004–0196.

Form Numbers: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Participants in the oil and gas leasing program within National Petroleum Reserve—Alaska.

Total Estimated Number of Annual Respondents: 25.

Total Estimated Number of Annual Responses: 25.

Estimated Completion Time per Response: Varies from 30 minutes to 80 hours, depending on activity.

Total Estimated Number of Annual Burden Hours: 233.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion.

Total Estimated Annual Non-hour Burden Cost: $1,320.

If you want to comment on the information-collection requirements of this proposed rule, please send your comments and suggestions as indicated in the **DATES** and **ADDRESSES** sections as previously described.

J. National Environmental Policy Act

The BLM is preparing an EIS for the proposed rule in accordance with the NEPA. You may review the draft chapters 1 and 2 of the EIS at *https://eplanning.blm.gov.* The NEPA Number is DOI–BLM–AK–0000–2026–0012–EIS. In the EIS, the BLM will evaluate the environmental effects of the proposed rule, and reasonably foreseeable actions that could be authorized pursuant to the rule, on BLM-managed lands in the NPR–A. The BLM will consider reasonably foreseeable effects on subsistence resources and uses; wildlife and habitat, including caribou, polar bear, migratory birds, and fish; surface water, wetlands, and permafrost; air quality; noise; cultural and historic resources; visual resources; and socioeconomic conditions. The BLM will prepare an EIS before we publish a final rule.

The EIS for this rulemaking is analyzing four alternatives. Under the no action alternative, the BLM would continue using the existing permitting framework, relying on project-specific NEPA reviews without streamlined approvals. Another alternative will reflect the proposed rule. Under a third alternative, streamlined permitting would be more limited, applying only to satellite pads under narrower geographic conditions, with additional design features and mitigation requirements, longer timelines for construction initiation, and a hard cap of 14 production pads that could be approved under the rule. Under the final alternative, streamlined permitting eligibility would expand to a broader set of facility types and a wider geographic area, with shorter construction initiation timelines and no additional design features beyond existing IAP requirements, resulting in the greatest development potential among the action alternatives. The BLM has considered but dismissed other alternatives that did not meet the purpose and need or were otherwise impracticable; these are briefly described in draft Chapters 1 and 2 of the EIS. The BLM will publish the proposed rule and draft EIS Chapters 1 and 2 simultaneously and will accept comments on both, but comments will be collected separately. Section 1.3(d) of the DOI NEPA Handbook provides that the public comment period for draft environmental assessment or environmental impact statement associated with a rulemaking ''should generally run concurrently with the public comment period for the proposed rule.'' However, publication of a draft environmental document is not mandated by NEPA, the DOI NEPA regulations, or the DOI NEPA Handbook. Instead, Section 3.3 of DOI NEPA Handbook allows the BLM to publish ''draft, pre-decisional materials as in the bureau's judgment may assist in fulfilling its responsibilities under NEPA.'' Consistent with the President's direction in E.O. 14153, *Unleashing Alaska's Extraordinary Resource Potential,* E.O. 14154, *Unleashing American Energy,* and E.O. 14156, *Declaring a National Energy Emergency,* to reduce obstacles to energy development in Alaska with all due haste, the BLM is publishing drafts of Chapters 1 and 2 of the environmental impact statement in order to ensure the public has a chance to provide comment on the purpose and need and alternatives being considered, while not delaying publication of the proposed rule. Comments on the proposed rule should focus on the regulatory framework and be submitted at *www.regulations.gov* through the process detailed in this preamble (see **ADDRESSES** earlier). Comments on the draft EIS chapters 1 and 2 should address the alternatives, scope of analysis, and potential environmental concerns the BLM should consider as it completes the environmental review process and be submitted through the BLM's ePlanning EIS website (*https://ePlanning.blm.gov*).

The BLM has also considered *Seven County Infrastructure Coalition* v. *Eagle*

County, 605 U.S. 168 (2025), which held that NEPA requires an agency to evaluate the reasonably foreseeable effects of an action but does not require the agency to evaluate effects of separate projects that are remote in time or place, fall outside the agency's regulatory authority, or depend on the independent action of third parties. Because the Approval process established in § 3166.5 is the mechanism by which BLM authorizes construction and operation of Production Sites—rather than a preliminary step preceding a later site-specific NEPA review—the EIS being prepared in support of this rule will analyze the reasonably foreseeable effects of Production Sites subject to the streamlined approval process under this rule. That analysis, however, does not extend to the downstream effects which are separate in time and place from, and outside the BLM's regulatory authority over, the Production Sites that are subject to the streamlined approval process of this rule. *See Id.; Center for Biological Diversity* v. *United States BLM,* 141 F.4th 976 (9th Cir. 2025); 16 DM 1 section 6.1(k) (providing a definition of ''effects'').

The BLM would appreciate comments that identify alternatives or criteria, conditions, restrictions, or other requirements that could be incorporated into alternatives to be considered in the EIS.

K. Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use (E.O. Order 13211)

Under E.O. 13211, agencies are required to prepare and submit to OMB a Statement of Energy Effects for significant energy actions. This statement is to include a detailed statement of ''any adverse effects on energy supply, distribution, or use (including a shortfall in supply, price increases, and increase use of foreign supplies)'' for the action and reasonable alternatives and their effects.

Section 4(b) of E.O. 13211 defines a ''significant energy action'' as ''any action by an agency (normally published in the **Federal Register**) that promulgates or is expected to lead to the promulgation of a final rule or regulation, including notices of inquiry, advance notices of proposed rulemaking, and notices of proposed rulemaking: (1)(i) that is a significant regulatory action under E.O. 12866 or any successor order, and (ii) is likely to have a significant adverse effect on the supply, distribution, or use of energy; or (2) that is designated by OIRA as a significant energy action.''

Any changes in oil or gas production estimated to result from the rule's enactment would increase the total U.S. gas production and U.S. oil production from the increased production in the NPR–A. For these reasons, we do not expect the proposed rule to adversely impact the supply, distribution, or use of energy. As such, the rulemaking is not a ''significant energy action'' as defined in E.O. 13211.

L. Clarity of This Regulation (E.O.s 12866, 12988, and 13563)

We are required by E.O.s 12866 (section 1(b)(12)), 12988 (section 3(b)(1)(B)), and 13563 (section 1(a)), and by the Presidential memorandum of June 1, 1988, to write all rules in plain language. This means that each rule must:

(a) Be logically organized;
(b) Use the active voice to address readers directly;
(c) Use common, everyday words and clear language rather than jargon;
(d) Be divided into short sections and sentences; and
(e) Use lists and tables wherever possible.

If you feel that we have not met these requirements, send us comments by one of the methods listed in the **ADDRESSES** section. To help the BLM revise the proposed rule, your comments should be as specific as possible. For example, you should tell us the numbers of the sections or paragraphs that you find unclear, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

M. Ensuring Lawful Governance (E.O. 14219)

E.O. 14219 requires agencies to prioritize the executive branch's limited enforcement resources on regulations that are authorized by constitutional Federal statutes. In accordance with this directive, the BLM conducted a review of its proposed rule and concluded that it does comply with the NPRPA and does not undermine the national interest.

N. Zero-Based Regulatory Budgeting (E.O. 14270)

E.O. 14270 requires the BLM to incorporate a sunset provision into regulations promulgated under the Mining Act of 1872, FLPMA, and the Energy Policy Act of 2005. While 43 CFR part 3130 references FLPMA at 43 U.S.C. 1733 and 1740, these regulations are primarily established under the NPRPA and its authority for promulgating regulations. As a result, the BLM did not include a sunset date for this proposed rule and proposes to remove any reference to FLPMA from part 3130's authority.

However, the BLM is also considering whether to include a sunset provision for subpart 3139. As previously noted, the BLM could link this rule directly to the 2025 IAP and specify that subpart 3139 would sunset when the existing 2025 IAP is replaced or superseded. The BLM requests comment on if or how the BLM should apply a sunset provision. Potential benefits may include ensuring that this streamlined permitting process remains consistent with future IAP decisions, reducing the need for later revisions, and providing a clear regulatory endpoint. Potential costs could include reduced long-term predictability for operators, the potential need for new rulemaking when future IAPs are issued, and administrative effort associated with transitioning to updated regulatory frameworks. Commenters are encouraged to address whether a sunset provision would support or hinder implementation of the NPRPA and the effective management of development in the NPR–A.

43 CFR Chapter II

List of Subjects in 43 CFR Part 3130

Alaska, Government contracts, Mineral royalties, Oil and gas exploration, Oil and gas reserves, Public lands-mineral resources, Reporting and recordkeeping requirements, Surety bonds.

For the reasons set out in the preamble, the BLM proposes to amend 43 CFR part 3130 as follows:

PART 3130—OIL AND GAS LEASING: NATIONAL PETROLEUM RESERVE, ALASKA

■ 1. Revise the heading for part 3130 to read as follows:

PART 3130—OIL AND GAS LEASING PROGRAM: NATIONAL PETROLEUM RESERVE, ALASKA

■ 2. Revise the authority citation for part 3130 to read as follows:

Authority: 42 U.S.C. 6501, *et seq.*

■ 3. Add subpart 3139 to part 3130 to read as follows:

Subpart 3139—Streamlined Permitting Procedures for Production Sites in the National Petroleum Reserve in Alaska

Sec.
3139.1 Purpose.
3139.2 Objective.
3139.3 Definitions.
3139.4 Qualified production sites.
3139.5 BLM review and approval of a production site.

§ 3139.1 Purpose.

The regulations in this subpart provide a permitting process specific to the construction and operation of qualifying oil and gas production sites and associated rights-of-way in the National Petroleum Reserve in Alaska (''NPR–A'').

§ 3139.2 Objective.

The objective of this subpart is to promote orderly and efficient energy production from Federal lands in the NPR–A, subject to conditions and restrictions intended to mitigate adverse effects on surface resources and subsistence activities.

§ 3139.3 Definitions.

Except as provided herein, the definitions in parts 2880, 3130, and 3160 of this title apply to this subpart. As used in this subpart, the term:

Applicant means, at the time of application, an NPR–A leaseholder or designated operator that applies for an approval under this subpart.

Approval means the BLM's approval of an application for construction and operation of a Production Site, which includes (as applicable) BLM's issuance of a permit to drill (with a surface use plan of operations) or a right-of-way grant.

Integrated activity plan (IAP) means the type of land use management plan developed by the BLM to guide appropriate management of BLM-administered lands and minerals within the NPR–A.

Pad means a drilling site, usually constructed of local materials, such as gravel.

Permanent oil and gas infrastructure means structures, facilities, and linear features associated with oil and gas production or transportation that occupy land for more than one winter season and are integral to ongoing production operations. Permanent oil and gas infrastructure includes: production pads; facilities directly supporting oil or gas production; pipelines used to transport oil, gas, or produced fluids; and all-season gravel roads supporting ongoing production activities.

Production site means the infrastructure necessary to allow the production or transmission to market of Federal oil and gas resources in the NPR–A, consisting of gravel pads and roads; wells (inclusive of producers, injectors, and disposal wells); pipelines; and other infrastructure as required to produce or transmit Federal oil and gas resources.

Required operating procedure (ROP) means the identified requirements in the IAP that must be carried out during proposal implementation and is based on laws, regulations, executive orders, BLM planning manuals, policies, instruction memoranda, and applicable planning documents.

§ 3139.4 Qualified production sites.

A qualified production site must meet the following requirements:

(a) The proposed infrastructure must meet the definition of a production site in § 3139.3;

(b) The entire location of the proposed production site must be within 25 miles of existing permanent oil and gas infrastructure;

(c) The production site must include wells, or infrastructure to transport production from existing or proposed wells; and

(d) The proposed production site must be located entirely outside lands designated as no surface occupancy in the IAP for the NPR–A, unless essential road or pipeline crossings are allowed by the IAP.

§ 3139.5 BLM review and approval of a production site.

(a) Any applicant may request approval by filing an application for permit to drill (APD) or right-of-way (ROW) application with the BLM Alaska state office and explicitly stating in the application that the request is for approval under subpart 3139.

(b) The BLM will review the application to determine whether:

(1) It meets the definition of a production site in § 3139.3;

(2) It qualifies for permitting as a production site under § 3139.4; and

(3) It is complete as set forth in § 3139.6.

(c) If the BLM determines that the application does not meet the definition of a qualified production site, does not qualify for permitting as a production site under § 3139.4, or the application is not complete, the BLM will notify the applicant of the specific grounds of disqualification and each item of missing information in writing within 21 days of receipt of the application.

(d) If the applicant does not provide the completed application, or request an extension, within 30 days of receipt of the BLM's notification that the application is not complete, the BLM will return the application unapproved.

(e) If, after the review conducted under paragraph (b), the BLM determines that the application meets the definition of a production site, qualifies for a production site under these regulations, and the application is complete, the BLM must issue an approval or an approval with conditions within 60 days of the date of receipt of a complete application. This 60-day timeframe will prevail over any other regulatory timeframe associated with individual components of a complete application (listed in § 3139.6) that provides a shorter timeframe.

(f) In issuing approvals under this section, the BLM will comply with §§ 3162.3–1(g), 2804.25, and 2884.20(a), (b), and (c) of this title, as applicable.

§ 3139.6 Contents of a complete application.

A complete application must include the following information, and the BLM will not require applicants to submit additional information beyond the requirements of this section:

(a) The size and location of the proposed pad;

(b) The number of wells anticipated on the proposed pad;

(c) Demonstration that the application is in compliance with the requirements of the current NPR–A Integrated Activity Plan (IAP) when submitted, including the required operating procedures (ROPs), and will comply with the conditions and restrictions to mitigate adverse impacts listed in §§ 3139.9 to 3139.14;

(d) One or both of the following, as appropriate:

(1) A complete APD for a well as required by subparts 3162 and 3171;

(2) A complete ROW application as required by subpart 2884 for issuance of a pipeline ROW and subpart 2804 for any other ROW.

(e) Sufficient data to allow the BLM to comply with the requirements for completing section 106 of the National Historic Preservation Act (1966, as amended; 54 U.S.C. 306108) and its implementing regulations at 36 CFR part 800;

(f) Sufficient data to allow the BLM to comply with the requirements for completing a Plan of Action under the Native American Graves Protection and Repatriation Act (1990, as amended; 25 U.S.C. Chapter 32) and its implementing regulations at 43 CFR 10.4(b) if the proposed project is likely to result in a discovery of Tribal ancestral human remains or cultural items; and

(g) Demonstration that the applicant provides the information necessary for the BLM to comply with its section 7 consultation requirements under the Endangered Species Act of 1973 (16 U.S.C. 1531–1544).

§ 3139.7 Effect of approval.

(a) An approval under § 3139.4 constitutes approval of a production site under the Naval Petroleum Reserves Production Act of 1976, and will not require further review or approval under parts 2800, 2880, or 3160, or subpart 3171 of this title.

(b) An applicant may only modify a production site by following the procedures in § 3139.4.

(c)The BLM's determination under § 3139.5 that a proposed production site qualifies under this subpart confirms that the environmental effects of constructing and operating the site fall within the scope of impacts analyzed in the EIS prepared for this rulemaking. No additional project-level NEPA analysis or documentation is required for the BLM to issue its approval under this section.

§ 3139.8 Conditions on approvals.

(a) Approved production sites must comply with all applicable lease terms, IAP lease stipulations, and relevant ROPs from the IAP.

(b) Construction of a production site approved under this subpart must begin no later than 4 years after the date of approval. Construction is deemed to begin the first day of activity to construct a pad or the access road occurring within the boundary of the NPR–A.

(c) The BLM may apply site-specific conditions of approval to the APDs or terms and conditions of approval to the ROW that reflect necessary measures for both surface and downhole development within the NPR–A.

(d) Any changes to the approved APD or ROW must be requested of and approved by the BLM as required under parts 2800, 2880, and 3160.

§ 3139.9 Conditions and restrictions to mitigate adverse effects.

The applicant will comply with all conditions and restrictions to mitigate adverse effects, as set forth in the IAP's ROPs and §§ 3139.10 through 3139.14, which satisfy the requirements of sections 6504(a) and 6506a(b) of the NPRPA. If requested by the applicant, the authorized officer may grant exemptions from, or deviations to, the applicable conditions and restrictions set forth in these sections or the IAP's ROPs. The BLM will make a decision on these requests within 30 days. The authorized officer may grant these requests if:

(a) A substitute condition or restriction is equally or more effective in mitigating adverse effects;

(b) Advances in technology have rendered the condition or restriction for which a deviation or exemption is requested unnecessary; or

(c) The condition or restriction for which a deviation or exemption is requested is otherwise not applicable to the approved production site.

§ 3139.10 General conditions and restrictions.

The applicant will comply with the following general conditions and restrictions to mitigate adverse effects:

(a) Protect cultural resources sites with a 500-foot avoidance buffer;

(b) Design infrastructure placement that considers wildlife habitat types, using best available data;

(c) Design facilities to minimize nesting, denning, or sheltering opportunities for ravens, raptors, and foxes;

(d) Provide the BLM authorized officer with a geographic information system (GIS) compatible infrastructure location information to facilitate agency monitoring and assessment of wildlife movements through the project area construction and operations;

(e) Use the results of cultural and paleontological resource surveys to inform project design and facilities placement and avoid known cultural and paleontological resources during ground-disturbing activities and ice road construction;

(f) Before submitting an application, provide project information to, and offer to meet with, affected communities, Tribes, and Alaska Native corporations within the North Slope and document those engagement efforts in the application.

(g) Apply non-discriminatory hiring policies to ensure fair access for all qualified candidates, including Alaska Natives or local hires;

(h) Provide reasonable use of project roads to local community residents for access to subsistence areas and NPR–A leaseholders and designated operators for permitted NPR–A leaseholder activities; and

(i) Provide for reasonable and equitable access and use of transportation corridors approved and built under this subpart for all NPR–A lessees and designated operators, including co-location or shared use of roads, pipelines, and other transportation or production-related infrastructure, where such access can be accommodated without compromising safety, environmental protections, or existing operational commitments.

§ 3139.11 Pad and road design.

The applicant will comply with the following conditions and restrictions to mitigate adverse effects when constructing pads and roads:

(a) Implement strict guidelines for travel on ice roads to avoid tundra damage, including ice road driver training, speed and weight limits, and road edge delineators along both sides of roads;

(b) Design ice roads that are a minimum of 6 inches thick to eliminate or minimize impacts to wetlands and tundra during winter construction;

(c) Route ice roads to avoid shrub areas and large areas of tussock tundra;

(d) Design fish-passage culverts in consultation with the Alaska Department of Fish and Game;

(e) Install cross-drainage culverts as needed to maintain natural surface drainage to mitigate the risk of sheet flow interruption and thermokarsting;

(f) Place gravel roads perpendicular to the general flow direction when crossing natural drainages to maintain the existing flow patterns and characteristics;

(g) Place bridges and river crossings at narrow river sections to avoid gravel fill and minimize the number of piers/pilings placed below ordinary high water.

(h) Elevate on-pad heated buildings or structures using pilings, to prevent or reduce heat transfer to underlying soils and preserve the thermal integrity of the permafrost;

(i) Implement dust control measures for gravel roads and pads to reduce fugitive dust that can settle on vegetation or snow and increase thermal conductivity;

(j) Use sufficient thickness for gravel pads and roads to maintain a stable thermal regime by insulating the underlying tundra and offsetting the loss of insulating effect caused by the compression of the vegetated tundra beneath the gravel; and

(k) Include subsistence tundra access ramps and pullouts on gravel roads, with locations based on community input, to allow local residents access to the areas adjacent to roadways.

§ 3139.12 Pipeline and utility design.

The applicant will comply with the following conditions and restrictions to mitigate adverse effects when constructing pipelines and installing utilities.

(a) Suspend communications and power cables from horizontal support members atop vertical support members to avoid additional fill associated with utility poles;

(b) Minimize the electrocution hazard by suspending electrical distribution lines from pipe racks or burying cables off pad instead of using overhead lines;

(c) Design pipelines to minimize redundant parallel pipelines;

(d) Use ice roads and pads to install vertical support members for pipelines;

(e) Construct pipelines above-ground to minimize permafrost impacts; and

(f) Use a muted (*i.e.,* non-reflective) coating on pipelines to avoid glare.

§ 3139.13 Spill prevention and remediation.

The applicant will comply with the following conditions and restrictions to mitigate adverse effects from spills.

(a) Build and operate pipelines with the best available technology for detecting and preventing corrosion or mechanical defects to minimize impacts related to point source pollution from oil spills or leaks;

(b) Install pipeline equipment to minimize spill risk at major stream crossings;

(c) Immediately and completely clean up all spills, recovering 100 percent of spilled material for recycling when possible;

(d) Equip and maintain oil-spill response equipment intended for use in winter conditions for effective use in Arctic conditions (*i.e.,* in a manner to prevent the freezing or icing of the equipment); and

(e) Designate a trained spill response team and hazardous-materials response team, consisting of trained volunteer spill and hazardous materials response personnel on site.

§ 3139.14 Operational conditions and restrictions.

The applicant will comply with the following conditions and restrictions to mitigate adverse effects during operations.

(a) Construct gravel roads, pads, and pipelines during the winter season, supported by access via ice roads;

(b) Use ice roads and pads to support construction, including using ice pads for construction camps, equipment staging, gravel stockpiles, and construction activities at bridge crossings;

(c) Inject produced water into the reservoir and do not discharge it to surface lands, surface waters, or marine waters;

(d) Ensure drill cuttings are temporarily stored on ice and removed prior to spring breakup;

(e) Align pipe racks adjacent to pipeline racks so vertical support members are in line to reduce obstructions to caribou and subsistence user movements;

(f) Ensure current communications protocols for helicopters, fixed-wing aircraft, and marine-vessel traffic are adequate to address local community concerns about traffic-related impacts to subsistence activities;

(g) Equip vehicles with block heaters and plug-in vehicle engines when temperatures are −30 °F or above to avoid idling, conserve fuel, and reduce emissions; and

(h) Use electric solenoids or instrument air driven pneumatics instead of natural gas driven pneumatics.

Lanny E. Erdos,

Director, Office of Surface Mining, Reclamation, and Enforcement, Exercising Authority of the Assistant Secretary—Land and Minerals Management.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 2

[ET Docket No. 26–169; FCC 26–51; FR ID 364887]

Unleashing Unlicensed Spectrum for Direct-to-Device

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Federal Communications Commission (Commission or FCC) issues a Notice of Proposed Rulemaking proposes to expand opportunities for direct-to-device (D2D) communications by permitting certain unlicensed devices to communicate with satellites on a non-interference basis. Building on recent market growth and new industry investment in D2D technologies, the NPRM explores adding satellite allocations in specific unlicensed bands, clarifying that equipment may operate within spacecraft, and establishing a flexible regulatory framework that preserves incumbent operations while enabling continued innovation. The Commission seeks comment on technical, licensing, and policy considerations to support expanded D2D connectivity and ensure coexistence with existing services.

DATES: Comments are due on or before November 9, 2026 and reply comments are due on or before December 7, 2026.

ADDRESSES: Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated in the **DATES** section above. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). You may submit comments, identified by ET Docket No. 21–232, by any of the following methods:

- *Electronic Filers:* Comments may be filed electronically using the internet by accessing the ECFS: *https://www.fcc.gov/ecfs*.
- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing.
- Filings can be sent by hand or messenger delivery, by commercial courier, or by the U.S. Postal Service. All filings must be addressed to the Secretary, Federal Communications Commission.
- Hand-delivered or messenger-delivered paper filings for the Commission's Secretary are accepted between 8:00 a.m. and 4:00 p.m. by the FCC's mailing contractor at 9050 Junction Drive, Annapolis Junction, MD 20701. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial courier deliveries (any deliveries not by the U.S. Postal Service) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
- Filings sent by U.S. Postal Service First-Class Mail, Priority Mail, and Priority Mail Express must be sent to 45 L Street NE, Washington, DC 20554.
- *People with Disabilities:* To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530.

FOR FURTHER INFORMATION CONTACT: Hugh L. Van Tuyl of the Office of Engineering and Technology at *Hugh.VanTuyl@fcc.gov* or (202) 418–7506.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Notice of Proposed Rulemaking (NPRM),* in ET Docket No. 26–169, FCC 26–51, adopted on August 6, 2026, and released on August 7, 2026. The full text of this document, is available for public inspection and can be downloaded at *https://docs.fcc.gov/public/attachments/FCC-26-51A1.pdf.* Alternative formats are available for people with disabilities (Braille, large print, electronic files, audio format) by sending an email to *fcc504@fcc.gov* or calling the Commission's Consumer and