



SERVING THE  
VILLAGES OF:  
BREVIG MISSION  
COUNCIL  
DIOMEDE  
ELIM  
GAMBELL  
GOLOVIN  
KING ISLAND  
KOYUK  
MARY'S IGLOO  
NOME  
SAVOONGA  
SHAKTOOLIK  
SHISHMAREF  
SOLOMON  
STEBBINS  
ST. MICHAEL  
TELLER  
UNALAKLEET  
WALES  
WHITE MOUNTAIN

March 9, 2018

Ms. Kelly Hammerle, Chief  
National Oil and Gas Leasing Program Development and Coordination Branch  
Bureau of Ocean Energy Management (VAM-LD)  
45600 Woodland Road, Sterling, VA 20166-9216

**Re: Kawerak Inc. Comments on the Draft Proposed Program (DPP) for the 2019-2024 National Outer Continental Shelf (OCS) Oil and Gas Leasing Program, Docket # BOEM-2017-0074-0001.**

Dear Ms. Hammerle,

Kawerak, Inc. (Kawerak) is the regional non-profit tribal consortium for the Bering Strait region<sup>1</sup>. Our Board of Directors is comprised of the Presidents / Chiefs of the 20 federally recognized tribes of the Bering Strait region, two (2) elders and the chairperson of the Norton Sound Health Corporation. Kawerak is providing comment to the Bureau of Ocean Energy Management's (BOEM) request for comments per the notice dated January 8, 2018. Kawerak appreciates the opportunity to make comments to BOEM and hopes our letter will help inform BOEM as it considers its Oil and Gas Leasing program.

Our communities rely heavily on subsistence hunting and fishing in the Bering Sea; for most people marine mammals, seabirds, and fish and shellfish are their main sources of food. The basins identified are where tribes from our region have harvested subsistence resources for millennia and where local people from our region fish and crab commercially. Our region is subject to extreme weather conditions, and disappearing winter ice which has caused disruptions to our longstanding lifestyle. A State disaster was declared for western Alaska in 2017<sup>2</sup> as a result of the December 2016 Storm which caused significant damage to coastlines and in local infrastructure.

Although the DPP notes that "safe and responsible exploration and development of offshore resources" are proposed it does not thoroughly address the current state of response preparedness in Alaska and our region.

Oil Spill response in Alaska is facilitated through the Alaska Regional Response Team (ARRT), comprised of various State and Federal Stakeholders through which local participation is minimized and which weighs heavy on our minds as we consider this DPP.

<sup>1</sup> [www.kawerak.org](http://www.kawerak.org)

<sup>2</sup> <https://gov.alaska.gov/newsroom/2017/02/governor-walker-declares-state-disaster-for-december-2016-storm-in-western-alaska/>

BOEM notes “Our goal is to contribute to the nation’s environmental, economic and recreational well-being through the completion of safe, sustainable projects.” BOEM further indicates “The results of partnerships are mostly felt at the local level, and that is the bedrock of much of our stakeholder outreach.” Participation at the local village level is not as good as it should be where stakeholder involvement is paramount.

As stated in our August 3, 2017 letter in response to BOEM’s Request for Information on the Preparation of the 2019-2024 National Outer Continental Oil and Gas Leasing Program, we urge you to exclude the Hope Basin, Norton Basin, St. Mathew Hall, and Navarin Basin Planning Areas from this and any future leasing programs. Kawerak does not support oil and gas leasing in the northern Bering Sea. In late January of this year, the Alaska Congressional delegation and Governor Walker also asked Secretary Zinke to remove these same Planning Areas from the 2019-2024 Proposed Program.

#### **Intent to Develop Draft Programmatic Environmental Impact Statement (EIS)**

Kawerak looks forward to reviewing the Draft Programmatic Environmental Impact Statement to ensure adequate and meaningful consideration of our indigenous way of life and environmental effects of such a large and aggressive leasing program.

Herein Kawerak will briefly address the eight (8) Outer Continental Shelf Lands Act Factors for initial consideration in the development of the Proposed Program and Draft Programmatic EIS:

#### **GEOGRAPHICAL, GEOLOGICAL, AND ECOLOGICAL CHARACTERISTICS**

Two tribes from our region litigated lease sales (*Native Village of Gambell, Native Village of Stebbins vs. Watt, N83-03-Civil*) and at that time argued many of the same points Kawerak has argued when it made comment to BOEM previously. Oil and gas leasing does not fit with our culturally important lifestyle and there is much to risk that potentially may impact our people, communities, subsistence resources and environment. The Bering Strait region is not prepared to address a major oil spill, Kawerak provided comment to the State of Alaska and U.S. Coast Guard during the Northwest Arctic Subarea Contingency Plan Revision and Alternative Planning Criteria comment periods advocating for more oil spill response assets but also painting the picture that because of our geography and remote village only 8 of 20 tribes in our region have oil spill response equipment available locally.

#### **EQUITABLE SHARING**

Kawerak believes the Draft Proposed Program is extraordinarily weak in the discussion of equitable sharing. The Inuit Circumpolar Council, in which Kawerak is a member, has identified 10 critical issues in equitable sharing principles across the Arctic when it

comes to development in the Arctic<sup>3</sup>, which Kawerak notes are also gaps in how local communities are treated. If oil and gas exploration were to occur in any of the BOEM Planning Areas Kawerak is opposed to, it is likely that little adjacent onshore coastal sharing measures would be spread to places beyond Nome. Jobs in our rural villages outside of Nome are scarce and proximity of supply to consumers of energy is a complicated socio-economic network that has historically not involved the rural communities closest to potential supply sources. There is no sharing of revenues as the Federal Government and industry are the primary beneficiaries while our tribes and tribal members receive no cost sharing, yet we will bear the brunt of any potential disaster.

### **REGIONAL AND NATIONAL ENERGY MARKETS**

Kawerak believes the cost to develop oil and gas resources in the BOEM Planning Areas we have commented on are overly cost prohibitive when considerations for our cultural use and commercial and subsistence fisheries are taken into consideration. Oil and gas exploration and development is simply not compatible with the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area.<sup>4</sup> The area provides for a global market of fish to feed to the world and sustains small scale subsistence and commercial fisheries that keep our small sustainable local economies alive.

### **OTHER USES OF THE OCS**

The Draft Proposed Program did not adequately discuss the other uses of the OCS. Kawerak is fully prepared to discuss those when an EIS is developed.

### **INDUSTRY INTEREST**

There has been no expressed interest or exploration for oil and/or gas in the Hope Basin, Norton Basin, St. Mathew Hall, and Navarin Basin Planning Areas since the early 1980's<sup>5</sup>.

### **LAWS, GOALS, AND POLICIES OF AFFECTED STATES**

Kawerak is prepared to discuss laws, goals and policies of the State of Alaska and those of our tribes to help inform this factor. The Governor of the State of Alaska and the Alaska Congressional Delegation have indicated that the focus should be in areas with the greatest potential and to consider the voice of local people.<sup>6,7</sup>

<sup>3</sup> [http://iccalaska.org/wp-icc/wp-content/uploads/2016/01/Inuit-Arctic-Policy-June02\\_FINAL.pdf](http://iccalaska.org/wp-icc/wp-content/uploads/2016/01/Inuit-Arctic-Policy-June02_FINAL.pdf), peace and development, PG 20

<sup>4</sup> <https://www.npfmc.org/wp-content/PDFdocuments/fmp/BSAI/BSAIfmp.pdf>

<sup>5</sup> <https://www.boem.gov/Historical-Alaska-Region-Lease-Sales/>

<sup>6</sup> <https://gov.alaska.gov/newsroom/2016/12/governor-walker-responds-to-white-house-announcement-on-arctic-oil-and-gas-leasing/>

<sup>7</sup> [https://www.murkowski.senate.gov/press/release/delegation-urges-interior-to-keep-chukchi\\_beaufort-and-cook-inlet-in-new-offshore-program-](https://www.murkowski.senate.gov/press/release/delegation-urges-interior-to-keep-chukchi_beaufort-and-cook-inlet-in-new-offshore-program-)

## **ENVIRONMENTAL SENSITIVITY AND MARINE PRODUCTIVITY**

The Northern Bering Sea is home to a vast array of marine resources. New information is developing that is showing a dramatic shift in harmful algal blooms within the Bering Strait region.<sup>8</sup> There is also newly developing information to show that human zoonotic pathogens may be entering the biological system of large whales<sup>9</sup> and there is potential impact to other northern Bering Sea marine mammals from ship discharges.

## **ENVIRONMENTAL AND PREDICTIVE INFORMATION**

Kawerak looks forward to BOEM's preparation of information for this factor. Kawerak has no information to offer BOEM at this time since BOEM is likely to consider factors and stressors in relation to comments it received for this DPP and/or any new information. In consideration of potential sources for stressors or associated potential impacts Kawerak lists the following topics for consideration of any potential EIS and encourage BOEM's treatment of them in an EIS:

1. Cumulative and Environmental Justice Impacts
2. Changing Fish and Fish Habitat in the Northern Bering Sea
3. Marine Debris
4. Ecological and Human Atlases for Prediction of Impacts
5. Changing Water Chemistry / Change in Cryosphere

## **OIL SPILL RESPONSE**

The Bering Strait region is not prepared for a massive oil spill as few of our communities have oil spill response equipment. We have already felt the impact of oil spills in our region.<sup>10</sup>

Section 5.3.2 of the DPP is not inclusive enough of the broad array of subsistence uses that occur in the region. Our indigenous residents rely upon marine mammals, and seabirds to a significant extent and the costs calculations though they are complex must take into consideration our use of marine mammals and seabirds not just fishing. BOEM notes the following on page 5-20

*Additionally, an oil spill in the Mid-Atlantic Planning Area could threaten recreational activities, but a spill of equal magnitude in the Arctic potentially would not have the same effect on activities such as recreational fishing and beach visitation because fewer people participate in these activities in the Arctic. As such, the OECM will show a greater reduction in social welfare in the Mid-Atlantic Planning Area when compared to the*

---

<sup>8</sup> <https://alaskaseagrant.org/2017/11/22/what-caused-39-walruses-to-wash-ashore-dead-in-western-alaska/>

<sup>9</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5452619/>

<sup>10</sup> [https://dec.alaska.gov/spar/PPR/response/sum\\_fy14/131211301/131211301\\_index.htm](https://dec.alaska.gov/spar/PPR/response/sum_fy14/131211301/131211301_index.htm)

*Arctic even though the Arctic would incur other costs such as damages to subsistence harvests.*

Kawerak is not aware of a study or otherwise which could substantiate the quote above. Since BOEM did not footnote or cite the source for that information, Kawerak requests BOEM provide the source for the information.

#### **RECOMENDATION #1**

#### **Remove the Hope, Norton, St. Mathew Hall, and Navarin Basin Planning Areas from the Draft Proposed Program.**

Under the National Outer Continental Shelf Oil and Gas Leasing Program the Secretary must determine potential oil and gas leasing programs that will best meet national energy needs. Our comment letter is made with the best interests of our tribes and the needs of rural communities in mind. Kawerak has documented these interests and needs over several decades.

We believe that none of the planning basins will ever be likely to meet national energy needs but, rather, will put at risk very important global marine resources such as fish, marine seabirds and mammals that inhabit the northern Bering Sea, and which are vital for high latitude ocean productivity. The planning basin areas are vitally important to indigenous people and rural Alaskan communities and must be protected<sup>11</sup>. Kawerak has participated in several well thought-out risk analyses in the past several years and collected an enormous amount of information which we have compiled into well-regarded synthesis documents. Our Board of Directors supported the oil and gas lease withdrawals that were made in Executive Order 13754 which established the Northern Bering Sea Climate Resilience Area. Over several decades, as we have been advocating for tribes, several issues have become quite clear through our community-based work. For example:

Tribes desire no discharge of any kind into our waters, even if discharge may be legally done.

Oil spills regularly happen, and activities (such as leasing) that increase the likelihood of a major oil spill are too great a risk.

Increasing ship traffic is already having impacts on marine mammals; ship strikes and noise impacts must be fully mitigated.

---

<sup>11</sup> J. Raymond-Yakoubian, 2016. Conceptual and institutional frameworks for protected areas and the status of indigenous involvement: Considerations for the Bering Strait Region of Alaska. In T. Herrmann and T. Martin (Eds.), *Indigenous Peoples' Governance of Land and Protected Territories in the Circumpolar Arctic*. Springer: Switzerland. Pp: 83-103.

Based upon the full suite of risks of an oil and gas leasing program, and in light of increased shipping already taking place, Kawerak believes there is much at stake and that the risks associated with oil and gas leases should be eliminated. There are many potential negative consequences<sup>12</sup> of increased ship traffic. Kawerak's policy recommendations on shipping have sought to protect our lifestyle<sup>13</sup> and its fragile ecosystems. On a much deeper political level we believe we have a distinct<sup>14</sup> perspective that must guide federal decision-making.

Over the last several years Kawerak hosted a series of *Bering Strait Voices* workshops in Nome<sup>15,16,17</sup> which were gatherings of local residents and ocean policy experts. Those gatherings reiterated the concerns above and reinforced our belief that it is necessary to fully estimate risks and not underestimate the potentially great impact to our ecosystems and people.

Concerns about negative cultural impacts and impacts to our low income and minority population, were considerations when participants in our workshops made profound statements about the risks associated with leasing, exploration and development activities. It is no secret that longstanding disproportionate impacts have occurred to Alaska Native people; these Environmental Justice factors must be taken into consideration. The region's unemployment rate, which is astonishingly higher than other parts of the nation, means that food from the land and sea are vital for food security.

## **RECOMENDATION #2**

**Kawerak encourages the incorporation of indigenous knowledge into BOEM's decision making.**

Indigenous knowledge can provide, comparative, complimentary, and supplemental<sup>18</sup> information that will lead to better decision making. A crucial step toward that goal will require BOEM to make meaningful efforts to reach out to communities which should, at minimum, involve the following: 1. Initiation of formal tribal consultation with all tribes that may be impacted, 2. Initiation of public meetings in the affected areas; 3. Attendance

---

<sup>12</sup> [oceanconservancy.org/wp-content/uploads/2017/06/Arctic-Vessel-Traffic-Report-WEB-2.pdf](http://oceanconservancy.org/wp-content/uploads/2017/06/Arctic-Vessel-Traffic-Report-WEB-2.pdf)

<sup>13</sup> [www.kawerak.org/forms/nr/Final%20Ice%20Seal%20and%20Walrus%20Policy.pdf](http://www.kawerak.org/forms/nr/Final%20Ice%20Seal%20and%20Walrus%20Policy.pdf)

<sup>14</sup> [iccalaska.org/wp-icc/wp-content/uploads/2016/01/Inuit-Arctic-Policy-June02\\_FINAL.pdf](http://iccalaska.org/wp-icc/wp-content/uploads/2016/01/Inuit-Arctic-Policy-June02_FINAL.pdf)

<sup>15</sup> [www.kawerak.org/forms/nr/MP%20Bering%20Strait%20Voices%20on%20Arctic%20Shipping%20final%20report.pdf](http://www.kawerak.org/forms/nr/MP%20Bering%20Strait%20Voices%20on%20Arctic%20Shipping%20final%20report.pdf)

<sup>16</sup> [www.kawerak.org/forms/nr/BSVAS%20report2016.pdf](http://www.kawerak.org/forms/nr/BSVAS%20report2016.pdf)

<sup>17</sup> [www.kawerak.org/forms/nr/Bering%20Strait%20Voices-%20Vision%20for%20Action%20Summit%20Report.pdf](http://www.kawerak.org/forms/nr/Bering%20Strait%20Voices-%20Vision%20for%20Action%20Summit%20Report.pdf)

<sup>18</sup> J. Raymond-Yakoubian, 2016. Conceptual and institutional frameworks for protected areas and the status of indigenous involvement; Considerations for the Bering Strait Region of Alaska. In T. Herrmann and T. Martin (Eds.), *Indigenous Peoples' Governance of Land and Protected Territories in the Circumpolar Arctic*. Springer: Switzerland. Pp: 83-103.



at local meetings of tribes or municipalities to better understand local issues; 4.  
Development of a method to assess the effectiveness of tribal and community outreach.

#### Kawerak's Definition of Traditional Knowledge

*“Traditional Knowledge (TK) is a living body of knowledge which pertains to explaining and understanding the universe, and living and acting within it. It is acquired and utilized by indigenous communities and individuals in and through long-term sociocultural, spiritual and environmental engagement. TK is an integral part of the broader knowledge system of indigenous communities, is transmitted intergenerationally, is practically and widely applicable, and integrates personal experience with oral traditions. It provides perspectives applicable to an array of human and non-human phenomena. It is deeply rooted in history, time, and place, while also being rich, adaptable, and dynamic, all of which keep it relevant and useful in contemporary life. This knowledge is part of, and used in, everyday life, and is inextricably intertwined with peoples' identity, cosmology, values, and way of life. Tradition – and TK – does not preclude change, nor does it equal only 'the past'; in fact, it inherently entails change.”<sup>19</sup>*

#### CONCLUSION

There is a stark lack of indigenous knowledge referenced in the Draft Proposed Program (DPP). Kawerak and other tribal organizations have previously shared a wealth of information with BOEM and the Department of Interior that is not included or referenced. This causes a hardship upon the public to better understand the potential impacts of this DPP and places a tremendous burden upon the public to provide comment. Kawerak offers for inclusion and consideration the vast knowledge and information available at <http://www.kawerak.org/socialsci.html> to better inform this decision making process. For the record Kawerak is opposed to oil and gas leasing and exploration in the Hope, Norton, St. Mathew Hall, and Navarin Basin Planning Areas

If you have questions please feel free to contact Austin Ahmasuk, Marine Advocate at (907) 443-4368 or e-mail [marine.advocate@kawerak.org](mailto:marine.advocate@kawerak.org). Thank you for your time and consideration.

Sincerely,  
KAWERAK, INC.



Melanie Bahnke, President

---

<sup>19</sup> Raymond-Yakoubian, Julie, Brenden Raymond-Yakoubian and Catherine Moncrief. 2017. The incorporation of traditional knowledge into Alaska federal fisheries management. *Marine Policy* 78: 132-142.