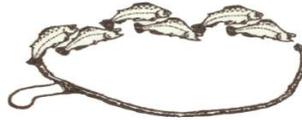




Native Village of Saint Michael

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June 13, 2019

BLM Anchorage Field Office  
Attn: BSWI RMP  
4700 BLM Road  
Anchorage, AK 99507

**RE: Bureau of Land Management (BLM), Bering Sea –Western Interior, Resource Management Plan (RMP) and Environmental Impact Statement (EIS)**

To Whom It May Concern:

Kawerak is the regional tribal consortium composed of 20 federally recognized tribes in the Bering Strait region with its main office in Nome, Alaska. We have reviewed the BLM Bering Sea – Western Interior RMP and EIS and our comments on the document are below.

**Comments regarding Chapter 1. Introduction**

BLM claims the Draft RMP EIS was developed in coordination with local governments and Alaska Native tribes. There is little evidence of coordination of local governments and tribes and their concerns being incorporated into the Draft RMP EIS. There is evidence that meetings occurred but it is incorrect to say that the Draft RMP EIS was developed with coordinated efforts due to the lack of documentation of comments given by local governments and tribal council representatives. Community meetings for the Bering Sea portion of the Draft RMP EIS occurred during two meetings-one held in 2013 and another held in 2015; both meetings were held in Unalakleet.

During a 2013 scoping meeting held in Unalakleet a comment was made that residents need clean water and air to support subsistence resources. Residents noted that trail use is occurring across Native Allotments and some allottees don't want those trail uses to occur. Residents also noted that they rely on BLM lands for subsistence. Region residents expressed concern that non-local interests will harm the lands if they are developed for mining stemming from concerns related to the selling of Native Allotments. Region residents reiterated these concerns in a 2015

public meeting and additionally expressed that BLM lands should be preserved, not just conserved.

BLM's preferred Alternative C ignores the concerns raised by residents in 2013 and 2015. Similar concerns were raised during the April 2019 public meeting held in Unalakleet on the Draft RMP EIS.

## **Purpose and need for the RMP**

BLM claims the Draft RMP EIS will reevaluate, with public involvement, existing conditions, resources, and uses, reconsider the mix of new resource allocations and management decisions designed to balance use and the protection of resources pursuant to the Federal Land Policy and Management Act (FLPMA) and applicable law, and resolve multiple-use conflicts or issues between resource values. BLM's preferred Alternative C will increase user conflict by designating large areas of land open to mineral development despite opposition from residents. There is little potential for mineral development with the Bering Sea portion of the RMP. A thorough overview of the mineral potential may be had from reviewing the United States Geological Service's Resource Data File. Information about that review is later in this comment letter.

### **1.2.1 Overview**

The Bering Sea portion of the overview is devoid of information about the communities and historic uses near and within the western portion of the Draft RMP EIS.

### **1.2.3 Land Tenure Ownership**

BLM makes little mention of the vast number of Native Allotments within the area being considered in the BSWI Draft RMP EIS. More information about the importance of Native Allotments is included later in this comment letter.

## **Scoping and Planning**

Scoping and planning for the Draft RMP EIS was poor. It included only two meetings within the Bering Sea portion of the Draft RMP EIS that we assume make up the bulk or entirety of coordination work. BLM notes that during scoping it received 49 comment letters and 60 form letters. BLM and the Federal Register do NOT list the comments made for scoping therefore it is impossible for the public to know how the BLM incorporated, considered or ignored scoping issues related to scoping issues. That lack of transparency is frustrating. Kawerak does not believe that BLM incorporated those comments made during coordination or scoping from the limited but specific material from outreach meetings. For the open comment period ending June

13, 2019 BLM and the Federal Register do NOT list comments made by the public. That additional lack of transparency is not conducive to the public process and harms public trust.

### **Table 1-1 Resource Issues Identified During Scoping**

Kawerak appreciates the list of scoping issues. However a table alone does not allow the public to understand what the scope of the issues were or if BLM understands what the scope was when it listed them. Scoping as noted previously is poor for this Draft RMP EIS. The listings do not convey the myriad aspects of the scoping issue and based upon the treatment of scoping issues throughout the Draft RMP EIS, BLM ignored implementation of scoping issues or describing them.

When BLM developed the alternatives it did not address local concerns within the framework of the scoping summaries, or provide more detail BLM merely let the scoping reports speak for themselves. Even though BLM references the scoping reports BLM does not describe how those reports provide more detail and there is no connection to the scoping list or myriad aspects of the scoping to address impacts and alternatives.

### **1.7 Cooperative Agency Consultation and Coordination**

Coordination with Cooperating Agencies only allows a very small window for coordination amounting to 4 days before the Record of Decision is made. That timeframe is NOT adequate for meaningful involvement and consultation.

### **2.5.2 Areas of Critical Environmental Concern (ACEC)**

BLM excluded nominated ACEC's from analysis because they did not meet the criteria under 43 CFR 1610.7-2(a). Excluding nominated ACEC's even though they might not have met the criteria for establishment does not fit well with the scoping documents which placed a high value on ACEC establishment. Table 1 of the Bering Sea Western Interior RMP ACEC Report shows that 9,638,861 acres of ACEC were nominated while only 1,884,376 ACEC acres exist. The high interest to nominate ACEC's outweigh precluding them from analysis because the essential character of local opinion must be resolved within the various public outreach reports. Local people care deeply about preserving wild and scenic places and want more ACEC's established. Within the ACEC report numerous essential components of ACEC were found to exist. Though in some cases ACEC nominations were not implemented that does not preclude some sort of analysis, especially in consideration of the vast public opinion to nominate ACEC's. In some cases the nominator could have provided additional information but it appears that when BLM evaluated relevant values it essentially 'threw up its hands' in many cases and conducted no or little internal considerations such as in the case of the Golsovia ACEC nomination. BLM determined that the Golsovia nomination had no relevant natural processes or systems. A google search on Golsovia River reveals 8,480 website hits as of this writing. It seems peculiar that BLM was unable to find evidence of natural processes or systems when it appears there is ample

evidence of natural processes or systems. Excluding nominated ACEC's that were not approved from analysis is frustrating because tribes are concerned about important watersheds and environments. BLM could have incorporated analysis of ACEC nominations that weren't approved into additional alternatives.

## **2.6 Considerations in Selecting a Preferred Alternative**

Kawerak sincerely hopes that the BLM does not select its preferred Alternative C. Additional evidence is furnished throughout this letter as to why another alternative meets the needs of local people.

### **2.7.1 – 2.7.22 Resources by Alternative**

The BSWI land under consideration is a vast roadless area that is extremely remote and very difficult to access. In Sections 2.7.1 through 2.7.22 BLM describes potential management and mitigation of management decisions, coordination with State of Alaska, Department of Environmental Conservation, adherences to numerous and highly complex Federal Laws, and monitoring of impacts. Simply put all of that management, mitigation and monitoring would be extremely difficult and may depend on voluntary reporting. There is considerable evidence elsewhere in the Bering Strait region that even administered reporting of development activities fails to achieve desired management objectives or standards. Nome's offshore leasing program is an excellent example of negative impacts to local lands which may apply to the BSWI.

### **3.2.13 Wilderness Characteristics**

The Bering Sea portion of the BSWI RMP has vast amounts of wilderness. The criteria used by the BLM – that an area must be 5,000 acres or 7.8 square miles in size to be considered for 'wilderness' status - is an extremely low threshold to evaluate from. Arctic flora and fauna require much larger areas of wilderness for continued viability. BLM RMP guidance found in 43 CFR 1610, BLM RMPs and amendments must be consistent, to the extent practical, with officially approved tribal governments. BLM has not demonstrated how any of the alternatives meet or are compatible to tribal government's notions of wilderness. Unalakleet residents proposed and abided by a moose moratorium which is NOT mentioned in the DRAFT RMP EIS but was mentioned during scoping. The moratorium was a tribally led management action within Game Management Unit 22A that shows the great concern local residents have for subsistence resources and habitat even though it meant delaying and prohibiting an aspect of their subsistence lifestyle.

### **Community Focus Zones (CFZ)**

Two sizes of CFZ's are proposed for consideration depending on the alternative considered 5 miles and 10 miles. The idea of a CFZ was mentioned during the April 2019 Unalakleet public

outreach meeting and it was noted that 10 miles is extremely small. A CFZ of 10 mile radius is only slightly larger than the wilderness level threshold of 5,000 acres mentioned in other portions of the Draft RMP EIS. Kawerak's social science work has shown that much larger areas are used for subsistence. Essentially entire ecoregions are intimately known and multiple watersheds are considered within the framework of tribal focus zones.

Over 60 federally recognized tribes enjoy life within the Bering Sea-Western Interior planning area with government to government consultation privileges with agencies of the United States. The BLM-managed land in the planning area is the traditional land used by indigenous communities for thousands of years, ecosystem services from this land supports the wild-food economy vital to Tribal communities. Many Tribes nominated local watersheds for protection in the planning process. BLM's Preferred Alternative C does not recommend significant protections for nominated watersheds. This clearly sends the message that planning area communities do not matter. Tribes ask BLM to give serious consideration to the following tribal concerns and make changes in the final plan to create greater balance and provide protections for Tribal nominations.

### **Failure to Provide Notice to Impacted Communities**

BLM has failed to provide adequate outreach or information about the Bering Sea-Western Interior plan to impacted Norton Sound communities located outside the planning area but downstream from the watershed included in the plan. Those communities are Koyuk, Shaktoolik, and Elim. The undersigned Tribes request BLM meet with all Norton Sound Tribes to listen to their concerns and issue a supplemental draft RMP/EIS to respond to these concerns

### **Public Hearings**

In BLM's public hearings in planning area communities, BLM consistently did not allow time nor adequately invite or nurture planning area community comments; both during Alternatives Concepts public meetings and the EIS public hearings. In fact, BLM's ANILCA 810 public hearings, meant to gain input from planning area residents on findings in the EIS of significant impacts on subsistence resources, were so poorly administered that BLM achieved very few public comments despite the great expense of transporting a BLM team of at least 5 people to every planning area public meeting. In several communities no comments were given at all because the offer of a 'public hearing' came 3 ½ to 4 hours into the meeting and people needed to get back to their daily lives. BLM staff would read a formal ANILCA 810 paragraph and state the ANILCA 810 public hearing was open but never clearly explained the agency was interested in hearing people's concerns about the positive findings of significant impacts to subsistence resources.

### **Complexity of the plan and failure to provide plain-language information**

The RMP is complex, and has a *Flesch Reading Level* of 18.7 and *Flesch Kincaid Grade Level* of 15.1. The *Flesch* index rating indicates the material is "very confusing" and is best understood by people with at least a college education. The complexity of the material requires input from diverse scholars on the various subjects posed in the RMP. This expertise is not available to most planning area communities.

### **Lack of adequate distribution of plan hard copies**

BLM provided few paper copies of the BLM RMP and has required the public to download the materials from the BLM website. Village internet connectivity is limited. Because of the size of the material downloads of the RMP sections it is many times impossible to download the material for viewing. This is a very significant barrier to local planning area residents' understanding of the plan and ability to comment on the plan.

### **Failure by BLM to respond to Tribes' Cooperating Agency requests**

By August of 2018, over 12 planning area Tribes had formally requested Cooperating Agency status with the Bureau of Land Management for the Bering Sea-Western Interior Resource Management Plan. BLM failed to address Tribes' requests for Cooperating Agency status, delaying a response to communities for over 9 months. BLM released the Draft Resource Management Plan for the Bering Sea Western Interior (RMP) on March 13<sup>th</sup> and even today, several Tribes still have not heard from BLM concerning their request for Cooperating Agency status despite the impending public comment period deadline on June 13, 2019. Because Tribes' requests for Cooperating Agency status gained no response, Tribes lost the critical opportunity to comment on the Draft RMP. Despite promises by Department of Interior officials, 60 days into the Draft RMP public comment period, only 3 of these Tribes had received Cooperating Agency status. BLM did send letters offering 'consultation', never addressing Tribes' requests for Cooperating Agency status which only lead to confusion. Going forward, BLM needs be a good-faith collaborator and act more responsively to Tribes' official requests, addressing Tribes decisions without manipulation or avoidance.

Government entities possessing a jurisdiction by law or special expertise are eligible to become Cooperating Agencies. Bering Sea-Western Interior Tribes requesting Cooperating Agency status are qualified and eligible to participate in the development of Environmental Impact Statements (EIS) as Cooperating Agencies by virtue of special expertise and longstanding traditional knowledge about these specific lands, for which there is limited western science and digital data. Tribal knowledge of the cultural and natural environments of the areas are essential for the BLM to consider in its process of evaluating consequences of proposed actions on public lands that may affect Tribal interests. The BLM and their third-party contractors do not possess this knowledge - the Tribal governments stand alone in possessing this special expertise.

The Council on Environmental Quality (CEQ) requires, as a matter of policy, that Federal agencies must affirmatively offer tribal, State, and local agencies formal cooperating agency status when appropriate. Some Tribes were approved for Cooperating Agency status, so why not the others? No reasonable explanation or justification has been offered by the BLM about the random affirmation of select Tribes in Cooperating Agency status. The reason (if there is one) and determination of extending or declining Cooperating Agency status should also be included in the administrative record. CEQ requires that agencies must consider all requests from eligible entities and if the request is denied BLM must state the reasons in the EIS.

### **Failure by BLM to provide an anthropologist on the planning team**

No other BLM planning area in the United States has more resident Tribes than the Bering Sea-Western Interior Resource Management Plan's planning area. BLM did not provide a trained anthropologist on the planning team to evaluate impacts on indigenous people's traditional use of the land being planned and so did not include an evaluation of the proposed plan's impacts on the wild-food economy in addition to its evaluation regarding the cash economy.

### **No Alaska Native persons on planning team**

BLM failed to include any Alaska Native people on its planning team, even though nearly all residents of the planning area are Alaska Native peoples.

### **No Tribal Liaison**

BLM Alaska failed to provide a Tribal Liaison function for outreach and basic communication to Tribes from the Notice of Intent for Scoping in 2013 through the Draft RMP for the Bering Sea-Western Interior Resource Management Planning process. Without a functional Tribal Liaison in Alaska, it has burdened planning area staff with the full responsibility of Tribal outreach. Many Tribal communities had little to no communication from BLM between 2016 and late 2018, despite having millions of acres of BLM land surrounding the communities.

### **Burden of proof for Relevance and Importance**

For nominations of Areas of Critical Environmental Concern (ACEC), the burden of proof to justify relevance and importance falls on the nominator. Inadequate information and support is provided to nominators by BLM concerning the requirement for nominations to be 'more-than-regionally important'. Consequently, many Tribally-nominated ACECs were not judged by BLM to meet this subjective relevance and importance standard despite local knowledge and extensive anthropologic evidence and data supporting the extent of relevance to more than the local region.

### **Secretarial Order 3355 effects on Tribes**

Requirements under Secretarial Order 3355 for fast-tracking and streamlining National Environmental Policy Act's Environmental Impact Statements is having the effect of severely limiting access to BLM for consultation and time for Tribes to meet as Cooperating Agencies with BLM to consider final plan language. The current timeline allows only 7 days for Cooperating Agency meetings after distribution of the Summary Report from the Draft RMP. A great environmental injustice will be done if the current schedule is not modified and lengthened to allow reasonable consultation and Cooperating Agency meeting time. There are no pressing development projects that require the completion of this RMP on a fast-tracked basis. The undersigned Tribes demand BLM extend the timeline for the planning process to allow at least 90 days for at least two meetings with each Cooperating Agency Tribe to consider draft final plan language. Secretarial Order 3355 does not abrogate the agency's lawful obligations to Tribes.

### **BLM's Lawful Requirements for Tribal Consultation**

The purpose of tribal consultation under the Federal Land Policy Management Act (FLPMA) and the National Environmental Policy Act (NEPA) is to identify potential conflicts between proposed actions and tribal interests as well as avoid, reduce or resolve impacts through the planning process. BLM Handbook 1780-1 Improving and Sustaining BLM-Tribal Relations, states that "Tribal consultation must take place at key points in the NEPA process". The Handbook lists the key points including 'when an assessment of impacts is projected', 'at the Final EIS' and, 'before the final decision is rendered'. The fast-tracked, accelerated schedule under Secretarial Order 3355 does not abrogate the agency responsibilities and lawful consultation requirements.

### **One Cooperating Agency Tribe in Draft Plan**

There are over 60 Tribes in the Bering Sea-Western Interior planning area. BLM's lack of outreach to Tribes is evident in the agency listing only one Tribe, Chuathbaluk, as a Cooperating Agency in creation of the Draft RMP. Tribes received no information from BLM concerning how Tribes could become a Cooperating Agency nor what the advantage was to tribes in doing so. Tribes noted that BLM has been uncooperative regarding Cooperating Agency matters for Tribes.

### **Process Conclusions**

Environmental Justice principles require the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. *Fair Treatment* principles require that no group of people should bear a disproportionate burden of environmental harms and risks, including those resulting from the negative environmental consequences of industrial, governmental, and commercial operations or programs and policies. *Meaningful Involvement* principles require that (1) potentially affected community members

have an appropriate opportunity to participate in decisions about a proposed activity that will affect their human health or environment; (2) the public's input can influence the regulatory agency's decision; (3) the concerns of all participants involved will be considered in the decision-making process; and (4) the decision-makers seek out and facilitate the involvement of those potentially affected. Because of the above list of process considerations and failures, we conclude *Environmental Justice* principles have not been met by BLM in the Bering Sea Western Interior planning process and attest that BLM's failures have rendered the planning process unjust for planning area Tribal communities.

### **Subsistence**

The Alaska National Interest Lands Conservation Act (ANILCA) provides direction on how BLM must undertake the planning process, especially regarding subsistence and Wild and Scenic Rivers. Alaska National Interest Lands Conservation Act Section 810 recognizes that subsistence uses are a critical public interest and provides a framework to consider and protect subsistence uses in BLM's decision-making process. Section 810 does not "prohibit all federal land use actions which would adversely affect subsistence resources but sets forth a procedure through which such effects must be considered and provides that actions which would significantly restrict subsistence uses **can only be undertaken if they are necessary and if the adverse effects are minimized.**"<sup>1</sup>(Emphasis added.)

### **Issues Concerning Plan Alternatives**

BLM's Bering Sea-Western Interior Resource Management Plan (RMP) and Draft Environmental Impact Statement (EIS) rejects tribal nominations for Areas of Critical Environmental Concern to protect important, productive watersheds from mining. This decision to reject ACECs should be reversed to prohibit mining development in this remote and pristine region to protect the relevant and important cultural and traditional values revered by local communities and affirmed in BLM's Areas of Critical Environmental Concern Report on Relevance and Importance. From public meetings thus far it appears tribes have asked BLM to primarily adopt measures in Alternative B to establish High Value Watersheds and Areas of Critical Environmental Concern in which mining is prohibited to protect the relevant and important values BLM's ACEC Report on R & I and the important cultural and traditional values Tribes seek to protect.

### **Right-of-Way Avoidance**

Tribes request High Value Watersheds and ACECs have right-of-way avoidance for fiber optics and cell towers, and right-of-way exclusion for roads, transmission lines and pipelines to protect

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<sup>1</sup> Amoco Production Co. v. Village of Gambell, Alaska, 480 U.S. 531, 544 (1987).

relevant, important, cultural and traditional watershed values while allowing for communication improvements which may bring sustainable economic opportunity to the region.

### **No Surface Occupancy**

Tribes appreciate that Preferred Alternative B and C prohibits surface disturbance in High Value Watersheds from oil and gas development to protect relevant and important values nominated by Tribes in ACECs and asks BLM to continue this provision in the final plan.

### **Low Mineral Potential Finding**

BLM staff presentations to tribal governments revealed the agency's reasoning in opening 13.4 million acres of BLM-managed land in the Bering Sea-Western Interior area to mining development is the area is designated by BLM to have 'low mineral potential'. BLM has verbally forwarded the erroneous conclusion that with 'low mineral potential' no mining will occur. This flawed reasoning flies in the face of widely accepted land use planning principles and defies simple logic. Accepted land use planning principles advise that land use management decisions should be made because a use and impacts of the proposed use have been evaluated and mitigated; and is deemed to be the highest and best use of the land. Such is not the case in the Bering Sea-Western Interior, in fact the opposite is spelled out in BLM's Report on Relevance and Importance in which outstanding values are detailed for all accepted Tribally-nominated watersheds. BLM has not evaluated mining impacts in these important nominated watersheds to determine if impacts from mining can be mitigated to an acceptable level to protect relevant and important watershed values. Simple logic tells us that if an area is open to mining, mining will occur there. From the public meetings tribes have asked BLM to close High Value Watersheds and Areas of Critical Environmental Concern to mining, as in Alternative B, because migration and spawning areas for anadromous and local fish species – as well as cultural and traditional values for planning area communities – are dependent on clean water for wellbeing and thriving populations that could be severely damaged by mining. Opening public lands that are known to have low potential to mining and oil and gas development provides an avenue for bad actors to game the system at the expense of other land management priorities.

### **Failure to Meet Multiple Use Mandate**

BLM's decision in Preferred Alternative C to open all but 1% of the planning area to mining gives sole use of the planning area to mining interests and fails to meet BLM's mandate for multiple use and sustained yield. BLM's final plan should create better balance for uses other than mining by providing protections from mining for Tribally-nominated watersheds and ACECs as in Alternative B. Allowing mining in the entire planning area without proposing protections from mining for more than 1% of the planning area is not balanced nor does it recognize conservation as one of the legitimate 'multiple uses'. Mining would substantially interfere with the dominant other uses and values of the land — the wild food economy, recreation, camping, tourism, scenery viewing, fisheries, cultural resources.

## **Adaptive Management**

BLM speaks about Adaptive Management throughout Alternative C, its Preferred Alternative, but never explains what that means, nor has the agency explained this concept at Planning Area Public Meetings.

## **Monitoring**

Tribes request collaboration with BLM and suggest local people be hired to monitor BLM land to monitor for climate change and adaptive management.

## **Subsistence and Wilderness Characteristics**

The preservation of wilderness characteristics on BLM managed public lands is consistent with the theme of conservation of habitat for wild food resources. These two themes in land planning are in agreement with the rural, subsistence way-of-life. The preference among rural Alaskans is to maintain habitat for the conservation of subsistence economies to continue the village way-of-life. The conservation of boreal forests habitats is generally in agreement with wilderness values. Therefore, the preservation of wilderness values conforms to the sustainability of low-population density rural villages' wild food harvesting preference on federal land for federally qualified subsistence users through ANILCA.

## **Cooperative Management**

Tribes request Cooperative Management of traditional use areas now managed by BLM and request notification by BLM of Tribes for any permits applied for on this traditional land.

## **ANCSA Public Land Orders**

Tribes wish BLM to retain Public Land Orders in High Value Watersheds and ACECs, in addition to closing these areas to mining, to provide layered protections for the traditional and culturally important values.

**Indigenous inhabitants comprise an overwhelming majority within the RMP and are quite concerned about the impact of the RMP upon the lands and people who live within the RMP.**

It is well documented and undisputed in the



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**FIGURE 1, ESKIMO MAN PADDLING NEAR STEBBINS, OCTOBER 1914**

archeological record that Alaska Native Indigenous people were the first inhabitants of Alaska. Indigenous people settled along coastlines and major river systems and along smaller streams and tributaries in between.<sup>2</sup>

Indigenous perspective and input is mandated by Presidential Executive Order 13175. A meeting to gain that tribal perspective took place on April 22, 2019. Kawerak was asked to be a part of the Tribal Consultation as an observer and is providing input via this memorandum to Native Village of Elim, Native Village of Koyuk, Native Village of Shaktoolik, Native Village of Unalakleet, Native Village of Saint Michael, and Stebbins Community Association and their Alaska Native Claims Settlement Act Village Corporations.

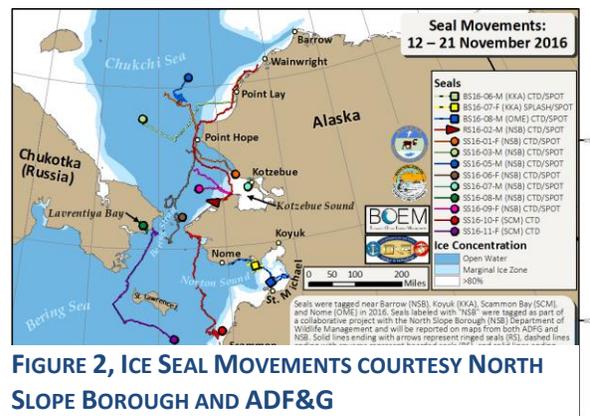
### Subsistence

Subsistence is vital to the indigenous people of the RMP area.<sup>3,4</sup> Kawerak’s Subsistence Program has been working with tribes and indigenous hunters in the region to advocate on behalf of subsistence users since the 1970’s. Subsistence advocacy is extraordinarily difficult, as there is never enough time to advocate on all issues and politics. As the “political winds” change from administration to administration the threats to subsistence activity change as well making issues more complex, difficult to track, and require an immense amount of time to communicate those important issue to tribes to receive their feedback.

*“Without subsistence, Alaska Native peoples would die spiritually, die emotionally, and eventually die physically. There is no issue more important to achieving racial harmony in this state than protecting the subsistence way of life for rural Alaskans.”<sup>5</sup>*

Governor of Alaska Tony Knowles

Marine mammals are harvested and used extensively for subsistence and materials within the RMP area, they are highly migratory and exist in abundance within the RMP area.



**FIGURE 2, ICE SEAL MOVEMENTS COURTESY NORTH SLOPE BOROUGH AND ADF&G**

<sup>2</sup> Edward William Nelson, The Eskimo About Bering Strait, Washington Government Printing Press, 1900

<sup>3</sup> Naves, L. C., Keating, J.M., Alaska Subsistence Harvest of Migratory Birds and Eggs, 2004-2017 Date Book, Alaska Migratory Bird Co-Management Council, Special Publication No. 2019-04, Alaska Department of Fish and Game, March 2019

<sup>4</sup> Ahmasuk, A., Trigg, E., Bering Strait Region Local and Traditional Knowledge Pilot Project; A Comprehensive Subsistence Use Study of the Bering Strait Region, North Pacific Research Board, Kawerak, Incorporated, July 2007

<sup>5</sup> Alaska Advisory Committee to the U.S. Commission on Civil Rights, Racism’s Frontier: The Untold Story of Discrimination and Division in Alaska, April 2002

*“Balancing habitat conservation and responsible development of public land resources ensures the best outcome for the people and wildlife that rely on these lands.”<sup>6</sup>*

Brian Steed, Deputy Director for Policy & Programs Bureau of Land Management

U.S. Department of the Interior

BLM should empower community-level decision making in social, economic and development issues but has shown that it has not encouraged local community level decision making with this Draft RMP EIS.

### **Public Comment Period Extension**

Kawerak’s immediate and urgent request was to extend the public comment period an additional 30 days to July 13, 2019. On April 12, 2019 Kawerak joined tribal representatives in asserting that BLM should consider extending the public comment period to end July 13, 2019. The RMP Volumes 1-3 comprise 1,504 pages, plus 24 fact or summary sheets that amount to slightly over 101MB. The RMP reports which provide additional background comprise an additional 2,159 pages that amount to 173 MB for a total digital volume of 274MB or 3,687 pages. Because of the enormity of the material the 90 day comment period does not provide adequate time to review the materials. Kawerak provided the following Justification for 120 day Public Notice Requirement and Public Comment Period:

“The RMP is complex, Volume 1: Executive Summary, Chapters 1 – 3, Appendices A – L, alone indicates a *Flesch Reading Level* of 18.7 and *Flesch Kincaid Grade Level* of 15.1. The *Flesch* indices indicates the material is “very confusing”. The complexity of the material requires input from diverse scholars on the various subjects posed within the RMP and additional traditional knowledge commentary which is not presented in the RMP. Village internet connectivity is limited and because of the size of the material, downloads of the RMP sections may stall village computers and cause frustration which might lead to complacency in commenting.” BLM responded to the joint request in a letter dated May 24, 2019 and indicated the public comment deadline remains as June 13, 2019 without any additional explanation.

### **Tribes and Cooperating Agency Status**

BLM is considering cooperating agency status to those tribes who requested it. Two CEQ memorandums guide the BLM when dealing with cooperating agencies, one distributed in 1999 and another in 2000. BLM also entered into MOU’s with Cooperating Agencies as early as 2013. Each cooperating agency has entered into one of those MOU’s for this RMP. A 4 day timeline has been reserved for cooperating agency status review. “[BLM’s] *project*

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<sup>6</sup> Statement of Brian Steed Deputy Director for Policy & Programs Bureau of Land Management U.S. Department of the Interior House Committee on Natural Resources Subcommittee on National Parks, Forests, and Public Lands Hearing on The 2020 President’s Budget Request April 10, 2019

*schedule/timeline is accelerated in order to meet Secretarial Order 3355<sup>7</sup>, Streamlining NEPA. It impacts our [BLM's] overall schedule and document review timeframes are a part of that.*"<sup>8</sup>

### **1999 Memorandum Guidance on Cooperating Agencies**

*"Agencies are reminded that cooperating agency status neither enlarges nor diminishes the Decision making authority of either federal or non-federal entities. However, cooperating agency relationships with state, tribal and local agencies help to achieve the direction set forth in NEPA to work with other levels of government "to promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans," Considering NEPA's mandate and the authority granted in federal regulation to allow for cooperating agency status for state, tribal and local agencies, cooperator status for appropriate non-federal agencies should be routinely solicited."*<sup>9</sup>

### **2000 Memorandum Guidance on Cooperating Agencies**

*"ensure that all federal and non-federal cooperating agencies are identified on the cover sheet of each Environmental Impact Statement (EIS) prepared by your agency. In his Memorandum of July 28, 1999, George T. Frampton, Jr., the CEQ Chair, urged all agencies to more actively solicit the participation of state, tribal and local governments as cooperating agencies in implementing the environmental impact statement process under the National Environmental Policy Act (NEPA). Agencies are now implementing this policy and we expect that there will be more states, tribes and localities involved as cooperating agencies."*<sup>10</sup>

Engaging BLM as a cooperating agency can be a powerful tool to achieve desired results but will require effort and must allow for tribes to edit cooperating agency memorandums of understanding. Presently the option to edit or revise MOU's to the tribes satisfaction is limited. The BSWI RMP is presently being guided by decisions which came from Secretarial Order 3355 which has fast-tracked review and included numerous development alternatives. If BLM allows time in the process for Cooperating Agencies to meet for longer than the 4 days tribes might be able to achieve desired outcomes.

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<sup>7</sup> [https://www.doi.gov/sites/doi.gov/files/uploads/3355\\_-\\_streamlining\\_national\\_environmental\\_policy\\_reviews\\_and\\_implementation.pdf](https://www.doi.gov/sites/doi.gov/files/uploads/3355_-_streamlining_national_environmental_policy_reviews_and_implementation.pdf)

<sup>8</sup> Jorjena Barringer Project Manager, BLM, Personal communication, April 15, 2019

<sup>9</sup> George T. Frampton, Jr., Acting Chair, Council on Environmental Quality, Memorandum For Heads of Federal Agencies, Designation of non-Federal Agencies to be Cooperating Agencies in Implementing the Procedural Requirements of the National Environmental Policy Act, July 28, 1999

<sup>10</sup> HORST G. GRECZMIEL, Associate Director for NEPA Oversight, IDENTIFYING NON-FEDERAL COOPERATING AGENCIES IN IMPLEMENTING THE PROCEDURAL REQUIREMENTS OF THE NATIONAL ENVIRONMENTAL POLICY ACT, MEMORANDUM FOR DEPUTY/ASSISTANT HEADS OF FEDERAL AGENCIES, September 25, 2000

## Not using current science on climate change

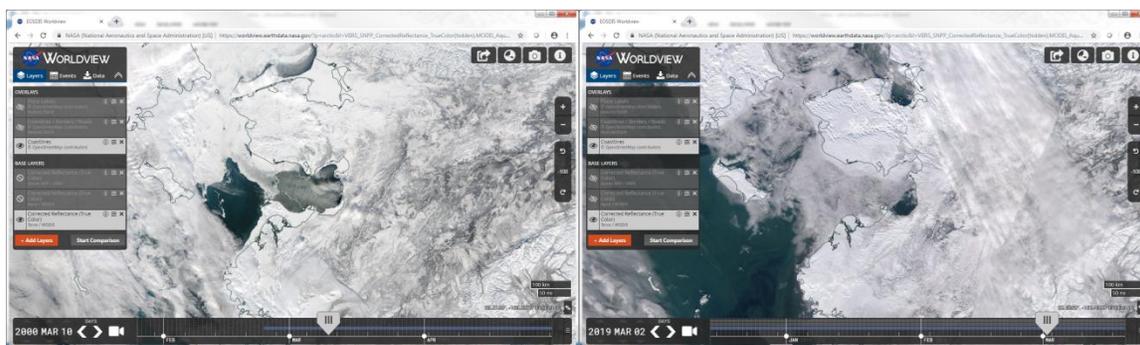
The Bering Sea-Western Interior RMP evaluates climate change in the planning area based on the 3<sup>rd</sup> National Climate Assessment approved in May of 2014; not the most current National Climate Assessment number four released in November of 2018. Additionally, the plan uses the medium trajectory for climate warming when Alaska has been determined to be on the high climate warming trajectory. The plan also states an opinion that there is uncertainty about climate change when we know the uncertainty about climate change is not whether it is happening but whether or not human beings will impose measures to reduce greenhouse gas emissions.

*"Guided by Yupik and Inupiaq values and traditions, we will continue to build sustainable capacity to uphold our spiritual and cultural traditions and relationships, by inspiring healthy choices, and protecting our natural resources to ensure food security for our future generations. We proactively adapt to climate and other changes experienced by our people."<sup>11</sup>*

2016 Vision, Bering Strait Voices Vision of Action Summit, October 2016

2000

2019



source: <https://worldview.earthdata.nasa.gov/>

In 2018 the Bering Sea cold pool which had been documented for a period of record for 37 years<sup>12</sup> vanished. The transformation of the northern Bering Sea into a warmer regime will have consequences for northern Bering Sea communities.<sup>13</sup>

*"Alaska's marine fish and wildlife habitats, species distributions, and food webs, all of which are important to Alaska's residents, are increasingly affected by retreating and thinning arctic summer sea ice, increasing temperatures, and ocean acidification. Continued warming will*

<sup>11</sup> <https://kawerak.org/wp-content/uploads/2018/04/BSVAS-report2016.pdf>

<sup>12</sup> <https://www.popsci.com/alaska-bering-sea-climate-change#page-2>

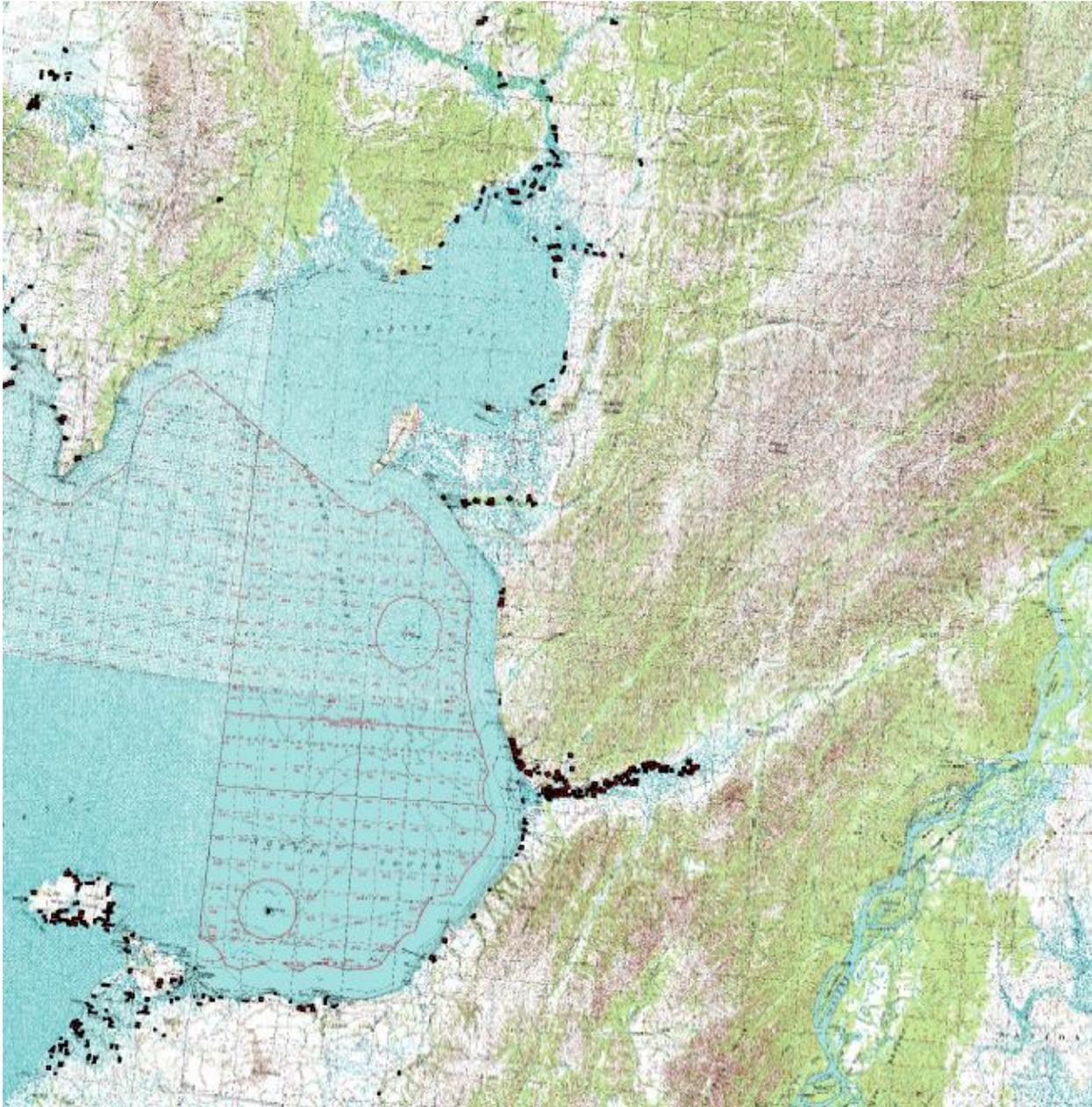
<sup>13</sup> <https://www.sciencenews.org/article/bering-sea-ice-disappearing-arctic-ecosystems>

*accelerate related ecosystem alterations in ways that are difficult to predict, making adaptation more challenging.*"<sup>14</sup>

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<sup>14</sup> U.S. Global Change Research Program, 4<sup>th</sup> National Climate Assessment 2018

## Native Allotments within the RMP are Important for Cultural Identity and Alaska Native Use and Occupancy



*Figure 3, map courtesy Kawerak Land Management Services*

In 1906, Congress passed a law allowing Alaska Natives to acquire 160-acre allotments. Native Allotments were conveyed to Alaska Natives according to the Native Allotment Act of May 17, 1906 and is under the administrative jurisdiction of the Federal Government.

Native Allotments were selected for their subsistence value, cultural value, and other values by persons who made an application prior to December 18, 1971. BLM knew the importance of

Native Allotments as they worked with Natives and walked the land to make sure the correct acreage and selection was available.

There are 355 Native Allotments within the RMP for a total of 34,789.69 Acres.

People selected lands to use as their seasonal camp grounds, this entitles them to make fish racks, smoke houses, and cabins. People camp during all seasons all year round to access resources to feed their families, or those in need. Many people do not have the funds to buy boats, or snow go's to do some subsistence activities so they walk.

Alaska Native people raise children far up rivers, inland, away from communities, so they can camp, chop wood, cut fish, hunt river animals, pick berries, roots, greens, and hunt bird eggs, and numerous different birds, teaching our children our way of life and survival. Cabins on Native Allotments are cultural schools. Its where spiritually Alaska Native people can hear the water and streams flow, the birds chirping, moose noises, wolves howling, fish jumping, and a breath of fresh air. It's where we spend the most quality time with our families. Native Allotments are a place Alaska Natives can be, camp or live, a place to pass on to our children and children's children. Subsistence is the Alaska Native way of living. If harm comes to the animals in the air, sea, rivers, streams, or land it impacts everyone today and in the future.

By opening up the 26.5 million acres to mining, as in the preferred Alternative C, introduces all the risks of exploration and development of non-renewable resources to extractive industries and introduces toxins that could damage the Alaska Native way of life. Those potential impacts would take away Alaska Natives' identity and what Alaska Natives are reliant upon. Alaska Native health and nutrition depends on our land and animals. The greenery from the roots under the ground, willows, and berries comprise part of our daily diet; highly important is the fact that plants are medicine. Much sustenance comes from lands within the RMP.

Alaska Natives harvest, process, distribute, and consume millions of pounds of wild animals, fish, and plants through an economy and way of life that has come to be termed "subsistence". Collectively, these varied subsistence activities constitute a way of being and relating to the world, and thus comprise an essential component of Alaska Native identities and cultures.

The Alaska Native Claims Settlement Act of 1971 (ANCSA) created 13 regional and more than 200 village corporations, gave for-profit regional and village corporation entities title to 10% of the state's lands, and compensated them \$3 an acre for other lands (nearly a billion dollars total). With the passage of ANCSA Congress extinguished all aboriginal hunting and fishing rights as part of the settlement and in return, both the Secretary of Interior and the State of Alaska would "take any action necessary to protect the subsistence needs of the Natives."

Although various minor provisions for subsistence existed in Alaska laws and regulations prior to 1971, as a result of the ANCSA, both the state and the federal governments passed major subsistence legislation. The first state law, enacted in 1978, gave priority to subsistence uses of

wild, renewable resources over other consumptive uses (such as recreational hunting and commercial fishing) but failed to define 'users.' The federal law (Title VIII of the Alaska National Interest Lands Conservation Act, or ANILCA), passed in 1980, also mandated a subsistence priority, but in addition, defined an allocation preference for rural Alaskans in times of scarcity. This did not mean that urban residents did not need or could not obtain wild resources, but merely that rural residents' needs would be met first if there were shortages.

The rural preference resulted from a political compromise designed to protect Native subsistence, in keeping with Congress' intent in ANCSA, while not discriminating on the basis of ethnicity -- something powerful non-Native interests in the state vigorously opposed. Some advocacy groups representing the urban hunters and fishers also viewed the rural preference as unfair and unconstitutional and fought state efforts to comply with this federal mandate. Although a rural preference was finally added to the state statute in 1986, it soon was declared unconstitutional by the Alaska Supreme Court in its 1989 McDowell decision. This left the state without an effective tool for distinguishing subsistence users from other groups.

The state's failure to achieve a rural preference put it out of compliance with the federal subsistence law and set the stage for a federal takeover of subsistence hunting and fishing in Alaska. In 1990, a dual management structure commenced with the federal government regulating subsistence on federal lands (60% of the state) and the state retaining authority over state (30%) and private (10%) lands. Significantly, the state maintained control of navigable waters, a source of valuable commercial salmon and subsistence fish, as part of a political compromise. Since 1990, three state governors, eight regular legislatures, three special legislative sessions on the issue, and a host of task forces, mediators, and other initiatives have all failed to resolve the subsistence impasse.

Indigenous groups will continue to seek greater sovereignty and self-determination and do whatever it takes to sustain their families, customs, and traditions. Given these stakes and competing interests, it is likely that subsistence will remain a highly charged issue in the future.

Traditional laws were passed from generation to generation, intact, through repetition of legends and observance of ceremonials which were largely concerned with the use of land, water, and the resources contained therein. Subsistence living was not only a way of life, but also a life-enriching process. Conservation and perpetuation of subsistence resources was part of that life and was mandated by traditional law and custom.

As Inupiat leader Eileen MacLean put it: "*Subsistence is not about poverty; it is about wealth*". Wealth is expressed in the harvest and in the sharing and celebration that result from the harvest. Yet, the popular misconception unfortunately endures.

Subsistence lifestyles are time-honored, largely self-regulating traditions among Alaska Natives. Most Alaskans agree that subsistence uses should take priority over other consumptive uses of wild resources when supplies are limited. But disagreements abound over the meaning of

subsistence, who should qualify for it, and how to manage it, which have proved major stumbling blocks in maintaining effective public policy. Most Alaska Native groups accept the rural preference and "customary and traditional" subsistence use provisions of ANILCA as a workable means of protecting their subsistence interests. Sadly, however, these provisions remain under constant attack. Even if they are not weakened politically, Native subsistence protections under the rural preference seem doomed to demographic dilution, as the state's non-Native rural population continues to grow.

The permanent residents, who live in and adjacent to the lands in Federal ownership are dependent upon the renewable resources for life sustenance, spiritually and physically. We have utilized these mountains, hills, valleys, streams, wetlands and all the waterways, coastal and rivers as had our ancestors since time immemorial.

Subsistence is the highest priority use of resources in the Region. This priority for the residents still exists today. The reason for bringing forward this history is to let BLM know how much we as a people, indigenous to this land, treasure our lands, water and air in our Region, the Federal lands you control and manage are for the benefit of our country and people.

While serving during the Vietnam War era, many Alaska Native Veterans were unable to apply for land allotments promised by the federal government under the Native Allotment of 1906 before the process was ended by the passage of ANCSA. In 1998, Congress opened an application period for some of these veterans, but unfortunately only those who served from 1969–1971 were allowed to apply.

The **Alaska Native Veterans Land Allotment Equity Act** expands military service dates to coincide with the entire Vietnam conflict, which officially lasted from 1964-1975. The legislation would increase available land for selection by Alaska Native Veterans and reduce previous restrictions and occupancy requirements that prevented many veterans from receiving their allotment during the prior open season. Further, the bill includes minor policy improvements made during the 114<sup>th</sup> Congress, including a provision that requires the Department of Interior to coordinate with Alaska Native organizations to help streamline the implementation of the legislation and coordinate outreach to veterans.

Alaska Native Vietnam era Veterans who missed the opportunity to apply for Native allotments because of active duty can now apply. The public lands package was approved in the U.S. Senate on February 12, 2019, with the U.S. House approving the package on February 26, 2019. It was signed into law by the President on March 12, 2019.

The bill directs the Secretary of the Interior, in consultation with the State of Alaska and Alaska Native Corporations, to identify a pool of federal land to be made available for allotment selections.

Approximately 2,800 Alaska Native Vietnam era veterans from any region of Alaska, who served between August 5, 1964, and December 31, 1971, will have the ability to select an allotment from within the designated pool of lands.

In the Bering Straits Region, approximately 146 Vets have not received their 160 acres of land; that amounts to 23,360 acres that are needed within the Bering Straits Region.

### **Alaska Native Veterans Land Allotment Equity Act**

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense, in coordination with the Secretary of Veterans Affairs, shall provide to the Secretary a list of all members of the Armed Forces who served during the period between

(2) REGULATIONS.—Not later than 18 months after the date of enactment of this section, the Secretary shall promulgate regulations to carry out this subsection.

(3) SELECTION BY ELIGIBLE INDIVIDUALS.—

(A) IN GENERAL.—An eligible individual—

(i) may select 1 parcel of not less than 2.5 acres and not more than 160 acres of available Federal land; and

(ii) on making a selection pursuant to clause (i), shall submit to the Secretary an allotment selection application for the applicable parcel of available Federal land.

(B) SELECTION PERIOD.—An eligible individual may apply for an allotment during the 5-year period beginning on the effective date of the final regulations issued under paragraph (2).

(4) CONFLICTING SELECTIONS.—If 2 or more eligible individuals submit to the Secretary an allotment selection application under paragraph (3)(A)(ii) for the same parcel of available Federal land, the Secretary shall—

(A) give preference to the selection application received on the earliest date; and

(B) provide to each eligible individual the selection application of whom is rejected under subparagraph (A) an opportunity to select a substitute parcel of available Federal land.

(5) IDENTIFICATION OF AVAILABLE FEDERAL LAND ADMINISTERED BY THE BUREAU OF LAND MANAGEMENT.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the State, Regional Corporations, and Village Corporations, shall identify Federal land administered by the Bureau of Land Management as available Federal land for allotment selection in the State by eligible individuals.

## **BLM Failure to adequately Inform the Public**

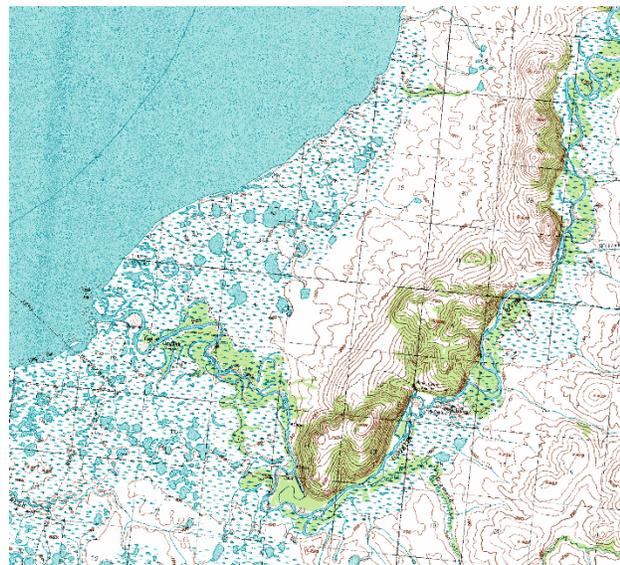
BLM has poorly facilitated discussion of the RMP within the Bering Strait region and primarily relied upon its website to inform the public. A word search on “BLM”, “Resource Management Plan”, and “Bering Sea Western Interior”, and “Bureau of Land Management” yielded no hits in the local paper of record *The Nome Nugget*.

A word search on “BLM”, “Resource Management Plan”, and “Bering Sea Western Interior”, and “Bureau of Land Management” yielded one (1) hit in the local radio station of record *KNOM*, which was an April 2, 2019 article which described the public notice of the present RMP but no historic multi-media pieces on the subject.

## **Monitoring of Mining**

Kawerak is concerned about stringent enforcement by the responsible permitting and oversight government agencies.

Due to the limited time to provide permit details for the RMP prior to the April 22, 2019 Unalakleet public meeting only one mining “case abstract” has been selected for discussion and review. That mineral case abstract fell outside of the RMP but may have relevance to the subject of BLM potentially managing mineral leases within the RMP. After some review of the BLM Alaska Case Retrieval Enterprise System (ACRES) Kawerak did not find any case abstract for mineral leasing applications that fell within the RMP. Consequently, Kawerak looked nearest to the RMP for any relevant mineral leasing information and found case abstracts for the Ungalik River area.



**FIGURE 4, UNGALIK RIVER, USGS QUADRANGLE NORTON BAY 1:63,360**

## **Mineral Leasing Application Case abstract example for Township 11 South, Range 11 West, Lower Ungalik River**

BLM records show that there are three case abstracts and 11 records related to mineral application placer leases for the township referenced above, AKFF 023169, AKN 000386, and AKN 000941. Please note the case abstract does not fall within boundaries of the RMP because at the time of this memorandum no records were found of BLM mineral leasing applications within the RMP. Because the issue of mining impacts was raised by local residents a “nearest case” was chosen for reference.

BLM records show that mining has been occurring in Township 11 South, Range 11 West, Lower Ungalik River since at least 1944. There are no affidavits of labor on file in connection to those mineral lease applications on the website though they might be available in other formats. In August 2018 Koyuk EPA IGAP staff documented gasoline and diesel range organics in soil samples in Ungalik River near the mineral lease applications. The finding of gasoline and diesel was then relayed to Alaska Department of Environmental Conservation (AKDEC) on September 6, 2018. No Active Response was initiated by AKDEC and no oil spill casefile was initiated.

Because of the highly remote nature of the RMP it will be difficult to launch any kind of incident response. There are no air fields, roads, or trails, other than near communities or the historic Iditarod trail. It is reasonable to assume that if a large scale mineral lease disaster or spill were to occur that it would be difficult to resolve.

### **Alaska Resource Data File (ARDF)**

There has been little interest in mining within the Kawerak portion of the RMP.

Within the Unalakleet Quadrangle there is one (1) mineral reference noted within the region of Kawerak's concern for the RMP as follows:

ARDF No. UL002, Unalakleet River. The ARDF notes the potential resources as Gold and Platinum but that no production was ever initiated.

Within the Norton Bay Quadrangle there are two (2) mineral references noted within the region of Kawerak's concern for the RMP as follows:

ARDF No. NR011, Nulato River. The ARDF notes the potential resource as Gold but that no production was ever initiated.

ARDF No. NR012, Unalakleet River. The ARDF notes the potential resource as Gold but that no production was ever initiated.

Remaining neutral was considered for the Draft RMP EIS but was excluded from consideration after input was gained from the public meetings.

### **BLM's Public Process was Inadequate**

On March 15, 2019 the BLM issued its notice of availability of the RMP in the Federal Register<sup>15</sup>. BLM issued new online open house materials on April 15, 2019 which replaced the previous versions. Kawerak staff began engaging on the subject of the RMP in February 2019. It is in the public's best interest to have as much time as possible to comment on the RMP.

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<sup>15</sup> <https://www.federalregister.gov/documents/2019/03/15/2019-04767/environmental-impact-statements-notice-of-availability>

The undersigned Tribes have thought carefully through Draft Bering Sea-Western Interior Resource Management Plan Elements and believe implementation of the above recommendations would result in a plan that would both allow for areas of development while providing protections for critical traditional and cultural values and watersheds. We wish BLM to consider these recommendations, meet with remaining key communities, and ask that BLM issue a supplemental draft RMP/DEIS to respond to these concerns and other concerns raised in meetings.

The Community meeting in Unalakleet in April 2019 maintained no records of the bulk of public comment during the first portion of the meeting about the Draft RMP EIS. Residents hurried to provide written testimony on comment forms while BLM staff were giving presentations and public comments were being made. A brief time period was allowed for ANILCA hearings but was overshadowed by the lengthy presentations made by BLM staff. It was unclear which comments were going to be considered and the appropriate method to do so.

### **Alternative B Provides for the Best Protection of Subsistence Resources for Residents in the BSWI**

Residents of the Bering Sea portion of the Draft BSWI RMP EIS, which include the Native villages of Elim, Koyuk, Shaktoolik, Unalakleet, Saint Michael and Stebbins strongly care about the impact of the Draft RMP EIS. They would like to take the initiative to mitigate controversial development issues and user conflict issues in order to protect their valuable subsistence lifestyle. BLM indicated in very clear terms that any comments must be “substantial” (BLM words). BLM has not set out criteria for the public to use and gauge what is considered a substantial comment. In April 2019 in Unalakleet Kawerak staff asked BLM staff if Kawerak’s April 12, 2019 letter to request a comment extension was substantial. Mr. Heinlein indicated that it seemed substantial while Ms. Million indicated that Kawerak had no standing to make such a request. BLM is not the best predictor of public and community health; residents of the region are the best predictors of public health. A stable subsistence lifestyle has existed for the residents of the BSWI for millennia. Over the course of scoping and the Draft RMP EIS residents’ views have not changed. They are concerned and do not want vast areas open for mineral development. There is an overwhelming lack of mineral potential in the Bering Sea portion of the RMP EIS which does not substantiate BLM’s preferred alternative.

Under present fish and wildlife management residents have proposed fish and game regulations changes and undertook significant actions to protect moose. After decades long salmon crashes residents have proposed management changes and endured a slow but steady rebound of salmon in most streams. A near complete lack of development has meant that fauna has been preserved and allowed for vast stretches of wilderness to be kept intact. Despite drastic global warming and localized climate change and regional warming residents have adapted to changes. BLM’s table 3.5.1-2 overstates the negative social indicator from Alternative A which is the present condition. Despite some challenges past and present management of the area is allowing for

subsistence to occur and for healthy communities to exist. Communities within the Bering Sea portion of the BSWI presently enjoy a great deal of coordination and collaboration. That point was made rather clear during the April 2019 Unalakleet public meeting in which local residents not BLM gained the necessary wider public input. Unalakleet residents demanded that the public meeting be delayed until Koyuk and Shaktoolik residents were present; they arrived via flight after the scheduled start time of the public meeting. Kawerak urges BLM to select Alternative B because it considers local perspectives reflects local values and protects subsistence.

### **Cumulative Effects**

BLM's action alternatives will negatively impact social issues and trends facing rural communities.

### **REINDEER GRAZING**

The maps in the plan indicate a BLM land use permit for reindeer grazing within the BSWI; it shows small portions of land which are a part of grazing permit issued to Palmer Sagoonick of Shaktoolik. Previously the grazing permit was issued to his father, Gustoff Sagoonick. The BLM states in summarizing this permit that reindeer have vacated the area due to Western Arctic Caribou Herd migration into the range. Despite the huge loss of the reindeer herd via leaving with caribou to Northern fawning grounds of the caribou, the remnants of Sagoonick reindeer herd lingered in adjacent grazing lands further north on the Seward Peninsula. The land remains a rich grazing area, suitable for reindeer, caribou and muskox, which all feed on green vegetation, flowers, underwater growth in small ponds and lichens in the winter.

Kawerak Reindeer Herders Association members meet annually in Nome; the members emphasize each year that continue to maintain their interest and intent to continue raising reindeer on their ranges when the time is appropriate, meaning when caribou are migrating through other lands (such as through Nulato Hills to the East) and are no longer a threat to take reindeer out of the grazing lands of Seward Peninsula.

Therefore the association recently updated and adopted a five year strategic plan mainly focused on plans for revitalizing the reindeer industry in Northwest Alaska when the time is appropriate.

The intent and interest of association members, to maintain and continue reindeer herding as a unique and healthy way of life, in which for over 100 years they have produced healthy resources from their livestock (red meat and velvet antler) we clearly express to BLM that the plan should allow grazing in the BSWI. The best alternative is expressed in the plan is Alternative A to allow grazing lands to continue to be allowed.

The Reindeer Act of 1937 authorizes BLM to allow lands to be used for reindeer grazing and the CFRs express the policies and procedures to be used. Unless the act is changed, the CFRs

remain. We encourage BLM to study the history and previous EIS for reindeer grazing in this area.

There is a tri-party owned reindeer herd in the area; it's owned by two tribal councils: Stebbins Community Association, Native Village of St. Michael along with individual tri-party owner Theodore Katcheak. The herd owners obtained land use/reindeer grazing permits from the two village corporations who own land near the communities.

One herd owner had approached USFWS regarding use of grazing land on Yukon Delta National Wildlife Refuge in 2005. The response from the Refuge Manager was to allow only 750 animals during 6 months of the year (November through April). He also approached BLM to request land use for grazing on land adjacent to the two village corporations. A review of the correspondence between BLM and T. Katcheak will be helpful for BLM to undertake to understand the concerns expressed by BLM land managers.

The request from reindeer herders is to protect and maintain the use of BLM land for future reindeer grazing permits.

## **SOCIAL SCIENCE**

Kawerak's Social Science Program has been working with region Tribes for over a decade to document Traditional Knowledge, subsistence activities, the role and importance of subsistence in contemporary life, community values, human relationships to the land and to animals, and many other aspects of the cultures and communities of the Bering Strait region.

Norton Sound communities that will be impacted by BLM's RMP have shared their knowledge of and experiences on the land, conducting subsistence activities, putting away foods, sharing foods, and passing on Traditional Knowledge within BLM's project area. The rivers, streams, and lands within the project area are utilized and valued by region residents. This environment is the location of and provides the context for intergenerational knowledge sharing, skill development, spiritual practices, food harvesting, and contains, within the landscape itself, the history of our communities. The land is a burial ground for our ancestors. It is the future of our grandchildren.

Kawerak would like to bring your attention to two specific reports with information about Tribal uses of the project area. The first is a report documenting Traditional Knowledge of salmon, including salmon harvest areas (*Always taught not to waste*: <https://kawerak.org/wp-content/uploads/2018/04/TK-of-Salmon-Final-Report.pdf>). The second report includes information about many other non-salmon fish species, including Traditional Knowledge and fish harvest areas (*When the fish come, we go fishing*: <https://kawerak.org/wp-content/uploads/2018/04/Non-Salmon-Report.pdf>). These reports contain a wealth of specific information about how region residents utilize lands and waters in and near the project area.

Additionally, while final products are not yet available, we would also note that Kawerak has a large-scale project (which includes all Norton Sound Tribes) that examines spirituality, human-environment relationships, and the importance of sharing stories and information about the landscape or environment. The preliminary results of this project have illustrated the profound, long-term, and deep cultural and spiritual connections that region residents have to the lands and waters within BLM's RMP project area.

While the Social Science Program has collaborated extensively with Tribes in the region, only a small fraction of the Traditional Knowledge and other information about the RMP project area (and the plants, animals, history and spirituality of the area) have been formally documented and are currently available. BLM should be aware that simply because the use of (or a specific kind of use of) a location or area within the RMP project area has not been formally documented, does not mean an area is not used. Rather, BLM should assume that the entire project area is of importance to, used by, and valued by region residents until consultations with appropriate Tribes prove otherwise.

## CONCLUSION

Kawerak is very concerned about the social implications of the BLM RMP to communities that are within the RMP and communities that are near the RMP who depend on those lands for subsistence. Given the size of the report, its many components, and the serious concerns we intend to bring forth about the contents of the RMP, a 90-day comment period has put a tremendous burden on the public and Kawerak staff to provide comment. BLM must re-consider the request for time extension for a **120 day** public comment period. BLM will not give cooperating agencies sufficient time for review at this point between document review phases as cooperating agencies will only have 4 days for their review. BLM must allow for at least 30 days between document reviews for cooperating agencies. And finally, Kawerak reiterates that Alternative B provides the best protection for residents who will be impacted.

Thank you for your time and consideration.

Sincerely,



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Melanie Bahnke, President/CEO  
KAWERAK, INC.



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Alice L. Fitka, President  
Native Village of Saint Michael



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Frank Katchatag, President  
Native Village of Unalakleet



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Axel Jackson, President  
Native Village of Shaktoolik

CC: Honorable Lisa Murkowski  
Honorable Dan Sullivan  
Honorable Don Yong  
Brian Steed, Deputy Director BLM  
Jorjena Barringer, BLM Project Manager