



BERING SEA-INTERIOR
TRIBAL COMMISSION

December 8, 2020

Chad Padgett, Alaska State Director
Bureau of Land Management
222 West 7th Avenue #13
Anchorage, AK 99513
Via email: cpadgett@blm.gov

Dear Director Padgett:

We, the Executive Committee of the Bering Sea-Interior Tribal Commission (Tribal Commission), write to reiterate past requests to the Bureau of Land Management (BLM) to collaborate with the Tribal Commission and planning area Tribes in the development and implementation of the Bering Sea-Western Interior Resource Management Plan (RMP), and to request an extension of the thirty-day protest period to allow Tribes adequate time, during the ongoing COVID-19 pandemic, to review and comment on the proposed RMP and final environmental impact statement (EIS) published on December 4, 2020. The Bering Sea-Western Interior planning area encompasses our traditional lands and areas that continue to support our traditional subsistence-based ways of life. Much of our customary and traditional lands are currently managed by the BLM and our well-being is directly linked to management decisions about this land, especially those being undertaken in BLM's Bering Sea-Western Interior RMP.

Tribes have fought to have a seat at the table and have our voices heard in BLM's resource management planning process for the Bering Sea-Western Interior planning area. In response, Tribes have received dismissive and disrespectful treatment from BLM staff, at times taking weeks to reply to email communications and over a year to approve cooperating agency agreements. BLM also disregarded Tribes' substantive comments and concerns, failing to adequately respond to, or incorporate them in the RMP. This falls far short of BLM's trust responsibility to planning area Tribes and fails to recognize and respect our sovereign status.

The Tribal Commission and its member Tribes have repeatedly raised with BLM that the agency was not providing meaningful protections for planning area Tribes' cultural and subsistence resources and was failing to meet its multiple use mandate by opening almost all of the planning area to mining. Our concerns remain after the release of the proposed RMP. On February 20, 2020—after sending multiple requests to meet with you—we were able to discuss some of these concerns at a meeting with the Tribal Commission. At that meeting, you and your staff provided information about the agency's reevaluation of alternatives for the proposed RMP, including the possibility that the BLM would develop a new alternative or sub-alternative(s). You and your staff offered to include cooperating agency Tribes in the development of the new alternative and provide Tribes without cooperating agency status with an opportunity to review the alternative in government-to-government consultation.

At our February meeting and in letters after that meeting, the Tribal Commission requested a collaborative effort with BLM in developing the new alternative. BLM took no action in response to those requests, so we

reiterate them here and intend to raise them in our protest letter as well:

- *Areas of critical environmental concern and other protective mechanisms.* Tribes nominated numerous areas of critical environmental concern to protect cultural and subsistence resources. In the draft and proposed RMP, no Tribal nominations were included in BLM's preferred alternative. The Tribal Commission reiterates its requests that the BLM reevaluate Tribes' nominations and select a preferred alternative that designates at least the 3.9 million acres identified in Alternative B as areas of critical environmental concern. The Tribal Commission also requests that the BLM adopt management actions for areas of critical environmental concern that ensure the continued sustainability of these important resources and exclude extractive development. In addition to areas of critical environmental concern, the BLM should consider and adopt significant protections for cultural and subsistence resources. BLM should develop and implement these protective mechanisms in government-to-government consultation with the Tribal Commission and individual Tribes.
- *Meaningful role for Tribes.* The Tribal Commission intends to exist in perpetuity to protect and support our traditional ways of life. The Commission requests that the BLM provide a meaningful role for the Tribal Commission and individual Tribes in monitoring and implementing the final RMP. BLM should develop these roles in government-to-government consultation with the Tribal Commission and individual Tribes.

Since our meeting in February, there has been little to no communication from you and your staff. And BLM provided no opportunities for Tribes to review and comment on the newly-developed alternative incorporated into the proposed RMP. On May 13, 2020, Callie Webber, Acting Anchorage District Manager, sent an email to cooperating agency Tribes stating that there would be no more opportunities for cooperating agencies or the public to comment on future planning process steps and to "anticipate a future email summary of the changes before it is publicly available." Informing cooperating agency Tribes about changes that BLM has already made without an opportunity for comment precluded collaboration between cooperating agency Tribes and the BLM in finalizing the RMP. Cooperating agency Tribes did not have an opportunity to review the newly-developed alternative in the proposed RMP and have not had an opportunity to submit comments since their review of the preliminary proposed RMP in August 2019. It is evident from the proposed RMP that BLM did a significant amount of work related to the development and evaluation of alternatives since the preliminary proposed RMP without any communication or involvement of Tribes. The Tribal Commission requested that BLM regularly update all planning area Tribes about the status of the RMP and provide an opportunity for Tribes to review and comment on BLM's revisions to the RMP. However, this request was not honored and the proposed RMP was released without the opportunity for the Tribal Commission or cooperating agency Tribes to review the changes or provide input.

In light of the changes between the draft RMP and the proposed RMP, and the ongoing COVID-19 pandemic, the Tribal Commission and its member Tribes respectfully request an extension of the thirty-day protest period to allow for adequate review and response to the proposed RMP. The proposed RMP contains extensive technical information and the protest period overlaps with several federal holidays. Additionally, and most importantly, the COVID-19 pandemic continues to disproportionately impact our communities. The Tribal Commission and cooperating agency Tribes previously requested a pause on BLM's work on this plan during the COVID-19 public health crisis. BLM's decisions to continue with the planning process and publish this proposed RMP fail to recognize the hardships planning area Tribes are currently facing and further undermines the ability of Tribes to engage in the process. Planning area Tribes have been working tirelessly to protect the health and welfare of our communities. Those efforts continue as many communities face increasing cases of COVID-19. BLM's decisions not to pause work on the RMP and to release the proposed RMP at this time exclude the communities that will be the most impacted by the plan during the final phases of planning. Therefore, we request at least a thirty-day

extension to the protest period so that we are able to adequately, and safely, provide our input on this proposed RMP.

The Tribal Commission looks forward to your prompt response to this important request (responses may be sent to: Austin Ahmasuk aahmasuk@kawerak.org and Debra Lynne Debra.Lynne@tananachiefs.org). We hope to continue engaging with the BLM to finalize and implement the Bering Sea-Western Interior RMP. In the meantime, I hope that you, your staff, and your families stay safe and healthy.

Sincerely,



Eugene Paul, (Holy Cross) Chairman
on behalf of the Bering Sea and Interior Tribal Commission Executive Board listed below and the 33 Tribal members

- ❖ Tanana Chiefs Conference Region E-Board Members: Charlene Stern (Venetie), Mickey Stickman (Nulato)
- ❖ Association of Village Council Presidents Region E-Board Member: Wassilie Alexie (Iqurmiut)
- ❖ Kawerak Region E-Board Members: Frank Katchatag (Unalakleet), Oscar Takak (Elim)

CC:

Senator Lisa Murkowski
Senator Dan Sullivan
Representative Don Young