



Tungwenuk Family Qupak Design, used with permission

KAWERAK, INC.

REPRESENTING

Brevig Mission

Sitaisaq

Council

Akauchak

Diomede

Injalik

Elim

Neviarcuarluk

Gambell

Sivuqaq

Golovin

Chinik

King Island

Ugiuvak

Koyuk

Kuuyuk

Mary's Igloo

Iglaaruk

Nome Eskimo

Sitnasuami Inuit

Savoonga

Sivungaq

Shaktoolik

Saktulik

Shishmaref

Kigiataq

Solomon

Anuutaq

St. Michael

Tacik

Stebbins

Tapraq

Teller

Tupqaqruk

Unalakleet

Ujalaqtiq

Wales

Kijigin

White Mountain

Natchigvik

Date: March 1, 2024

To: U.S. Coast Guard
Office of Marine Environmental Response

From: Melanie Bahnke
President, Kawerak Inc.
PO Box 948, Nome, AK 99762

Subject: Kawerak Inc. Public Comments on Federal Register notice Docket No. USCG-2023-0824: "Request for Information on the Coast Guard Implementation of a Western Alaska Oil Spill Planning Criteria Program"

Kawerak Incorporated appreciates the opportunity to comment on the U.S. Coast Guard's (USCG) request for information on its implementation of a Western Alaska Oil Spill Planning Criteria Program. Kawerak Inc. is the Alaska Native non-profit Tribal consortium for the 20 federally recognized Tribes of the Kawerak region with its main office in Nome, Alaska. Kawerak's mission is "advancing the capacity of its people and Tribes for the benefit of the region."

As the only waterway connecting the Arctic Ocean to the Pacific Ocean, the Bering Strait is the sole corridor for both shipping traffic and migratory species moving between these waters. Marine vessel traffic through this geopolitically and economically strategic strait has about doubled over the past decade and is expected to continue increasing. The Bering Strait is a biodiversity hotspot. It's the world's largest migration route for marine mammals, a mass migration route for millions of waterfowl and seabirds alike, and home to abundant species of fish.

Twenty federally recognized Tribes occupy the coast of the Bering Strait. The well-being of every Tribe is tied to the well-being of the marine waters and its inhabitants. These marine plants and animals are a crucial and non-replaceable part of our food security and cultural continuity. A marine oil spill would threaten both their well-being and ours and could prove catastrophic for subsistence. For this reason, Tribes have identified improving regional oil spill prevention and response capabilities as a top priority¹.

¹ Bering Strait Voices on Arctic Shipping Workshop Report, 2014: <https://kawerak.org/wp-content/uploads/2018/04/MP-Bering-Strait-Voices-on-Arctic-Shipping-final-report.pdf>; Bering Strait Voices on Arctic Shipping Workshop Report, 2016: <https://kawerak.org/wp-content/uploads/2018/04/BSVAS-report2016.pdf>

KAWERAK, INC.

PO Box 948 • Nome Alaska 99762 • 907.443.5231 • www.kawerak.org

Advancing the capacity of our people and tribes for the benefit of the region.

If a marine oil spill occurs, Tribes will be the first and longest impacted. There are no dedicated spill response teams based in the region. The ship that spilled the oil can leave the region, so can the response officials. But our Tribes will remain living in this region as we have for millennia bearing the consequences of the spill and the decisions made by the regulators and responsible parties.

Because Tribes would shoulder any consequences of an oil spill in our region, the Tribes of the region must be invited to the decision-making table to develop the Western Alaska Oil Spill Planning Criteria Program in partnership with the USCG, Northern Bering Sea Climate Resilience Area Tribal Advisory Council, Alaska Native village corporations, marine mammal and migratory bird co-management councils, oil spill response organizations, state agencies, environmental nongovernmental organizations, municipalities, fuel delivery companies, and other stakeholders. Outreach and engagement with Tribes on this issue should include invitations to formally Consult with USCG, as well as invitations to other types of opportunities to share information and collaborate.

Kawerak can provide guidance to the USCG on conducting meaningful and appropriate engagement with regional Tribes. The USCG should engage with Tribes early, often, and thoroughly throughout each step of the process for developing and implementing the Planning Criteria. This engagement must ensure that Tribal input and Traditional Knowledge meaningfully shapes this Criteria. Engagement must occur in a just and equitable manner that allows each Kawerak region Tribe to participate. This process will require providing information and materials to Tribes that foster collaboration and make the issues understandable to Tribal members who are not steeped in regulatory history and jargon. Tribes must also be provided with the best information on how regulatory changes could alter fuel costs in communities. The USCG should also be clear about how Tribal input and Traditional Knowledge will be used to create and implement the final Planning Criteria.

We recommend that the Planning Criteria first prioritize the prevention of oil spills and marine casualties and place as a secondary priority the response to these events. The USCG did not solicit any input on prevention measures in its request for information on its implementation of the Planning Criteria. We view this absence as signaling a need for the USCG to fundamentally reconsider how it is approaching the conception, design, and implementation of this Planning Criteria. Vessel routing measures and real-time continuous vessel tracking, monitoring, and engagement protocols, along with other prevention measures should lead the strategy for developing a Planning Criteria specific to Western Alaska.

Once oil enters the water, damage occurs. The health and well-being of Tribes and the marine inhabitants suffers, and response time becomes critical. The realities of Western Alaska are likely to hinder the effectiveness of any response through a combination of geographic distance, limited infrastructure and trained personnel, and possible sea ice and inclement weather conditions. Conventional methods of oil recovery and containment are ineffective in adverse weather conditions and the presence of sea ice. Also, sea ice can carry oil hundreds of miles from a spill site. Cold water can slow the evaporation and weathering of oil. We want to help prevent this damage from occurring.

Kawerak wants to collaborate with the USCG, Tribes, and stakeholder groups to develop a Western Alaska Oil Spill Planning Criteria Program that centers the health and well-being of the marine ecosystem, meaningfully and equitably engages Tribal input and knowledge, and prioritizes prevention over response. The Planning Criteria should not aim to reflect the National Planning Criteria. Instead we want to help design a Planning Criteria to meet the unique geographic, climatic, environmental, cultural, economic, and infrastructure realities and needs of Western Alaska.

We appreciate the opportunity to comment on the implementation of the Western Alaska Oil Spill Planning Criteria Program, and we look forward to future robust engagement on this Planning Criteria in collaboration with Kawerak region Tribes. If you have questions or concerns pertaining to this letter, please reach out to Kawerak Inc. Marine Advocate Anna Rose MacArthur at armacarthur@kawerak.org or 907-443-4368.

Sincerely,
KAWERAK, INC.

Melanie Bahnke

Melanie Bahnke,
President