

Tungwenuk Family Qupak Design, used with permission

KAWERAK, INC.

REPRESENTING June 8, 2026

Brevig Mission

Sitaisaq

Council

Akauchak

Diomedea

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

Kigiqtaq

Solomon

Anjuutaq

St. Michael

Tacik

Stebbins

Tapraq

Teller

Tupqaqruk

Unalakleet

Uqalaqtiq

Wales

Kinigin

White Mountain

Natchigvik

The Honorable Doug Burgum
Secretary of the Interior
Department of the Interior
1849 C Street, NW
Washington, DC 20240

Matt Giacona
Acting Director
Bureau of Ocean Energy Management
1849 C Street
NW Washington, DC 20240

Mick Bradway
Acting Alaska Regional Director
Bureau of Ocean Energy Management, Alaska Region
3801 Centerpoint Drive
Suite 500
Anchorage, Alaska 99503

Kawerak Board of Directors Opposes Seabed Mining in Federal Waters of Norton Sound and the Bering Sea

Kawerak, Inc. is the Alaska Native non-profit regional Tribal consortium for the 20 federally recognized Tribes of the Bering Strait region of Alaska. Our mission is to advance the capacity of our Peoples and Tribes for the benefit of the region. The Kawerak Board of Directors consists of the Council Presidents or appointed delegates of our region's federally recognized Tribes, two Elder representatives, and the chair of the Norton Sound Health Corporation Board. The Kawerak Board of Directors has a duty to preserve our culture for generations and to ensure that our Peoples and Tribes thrive now and in the future. Our cultures, Peoples, and Tribes depend on our ancestral waters remaining healthy. During the Spring 2026 Board Meeting, the Kawerak Board of Directors voted unanimously to oppose seabed mining in federal waters of Norton Sound and the Bering Sea. The Board action supports a prohibition on mineral extraction in these areas at least until the full potential impacts are properly and meaningfully evaluated and understood by Tribes and federal agencies. **We request Tribal consultation and an Environmental Impact Study before any further action is taken.**

Norton Sound and the Bering Sea are a complex ecosystem and sources of both subsistence ways of life and commercial lifestyles. They are too important to allow unproven and

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

poorly understood technologies to be used within. Commercial offshore seabed mining has never occurred in US federal waters, and no federal leases have ever been issued. This method of resource extraction is not only new to the nation, federal agencies, state of Alaska, and Tribes, but it is also unproven and experimental. Offshore seabed mining has failed or been stalled in Papua New Guinea, Norway, and New Zealand. Nonetheless, the US government is proposing to sell leases that last a minimum of 20 years— the length of a human generation.

We do not want to be the guinea pigs for an experimental industry that has the potential to profoundly impact the marine environment and our ways of living. Mineral extraction in federal waters would not only directly harm ecosystems by removing habitat, but it would also introduce a plume of sediment and disturbed minerals, potentially harming fauna throughout the food chain.¹ Caution, rigorous analysis, and public participation are needed. To evaluate impacts, robust environmental baseline data, analysis of alternatives, and clear understanding of the technologies proposed are imperative.

Any trade-off between ecological integrity and potential commercial gain must be thoroughly understood. Commercial gain is far from certain in Norton Sound, where gold, and therefore also dense minerals listed as critical, may not exist in commercially recoverable quantities in federal waters because the ancient glaciers that dispersed gold stopped up to 5 kilometers (3.1 miles) offshore the present Seward Peninsula coast. Gold concentrations dilute with distance from shore beyond this glacial till.² It is certain, however, that the Norton Sound heavy mineral sand area overlays the summer red king crab commercial fishery closure area that spans 10 to 15 miles offshore. The closure area protects subsistence crabbing and habitat for juvenile and female crab.^{3,4} The Norton Sound crab fisheries provide critical local food and economic benefits. The 2025 summer commercial fishery value totaled \$3.54 million.⁵ Care must be taken not to harm a sustainable, renewable subsistence and commercial resource with an experimental, nonrenewable, solely commercial industry. Potential impacts to crab are just one example of the concerns we have for our subsistence and commercial resources that could be affected by seabed mining.

¹ M. H. Dowd et al., "Deep-Sea Mining Discharge Can Disrupt Midwater Food Webs," *Nature Communications* 16, no. 1 (2025): 9575, <https://doi.org/10.1038/s41467-025-65411-w>.

² C. Hans Nelson, David M. Hopkins, and David W. Scholl, *Distribution and Origin of Placer Gold in the Basin of the Northern Bering Sea*, U.S. Geological Survey Professional Paper 689 (Washington, DC: U.S. Government Printing Office, 1972), .

³ Scott M. Kent and Jenefer Bell, *Norton Sound Section Shellfish, 2013; A Report to the Alaska Board of Fisheries*, Fishery Management Report No. 14-09 (Anchorage: Alaska Department of Fish and Game, 2014), 9.

<https://www.adfg.alaska.gov/static/regulations/regprocess/fisheriesboard/pdfs/2013-2014/statewide/FMR14-09.pdf>

⁴ Charlie Lean, *BOF Comments By Charlie Lean on Proposal 346*, Record Copy 015 (Juneau: Alaska Department of Fish and Game, Board of Fisheries, 2014), 1,

[https://www.adfg.alaska.gov/static/regulations/regprocess/fisheriesboard/pdfs/2013-2014/statewide/rcs/rc015 Charlie Lean Comments to BOF.pdf](https://www.adfg.alaska.gov/static/regulations/regprocess/fisheriesboard/pdfs/2013-2014/statewide/rcs/rc015%20Charlie%20Lean%20Comments%20to%20BOF.pdf).

⁵ Alaska Department of Fish and Game, *2025 Norton Sound Winter and Summer Commercial Crab Season Summaries*, Advisory Announcement (Juneau, AK: Division of Commercial Fisheries, September 12, 2025), <https://www.adfg.alaska.gov/static/applications/dcfnewsrelease/1737316337.pdf>

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Before planning any lease sale, the potential impacts of seabed mining activities must be properly and meaningfully evaluated and understood by Tribes and federal agencies. If the Department of Interior (DOI) abides by its stated intention to hold an offshore lease sale in the Alaska region in December 2026, it cannot undertake the needed analysis or consultation, particularly after initiating a Request for Information and Interest (RFI) on the issue only eleven months prior. Even if DOI waited until 2027, which is also a stated possibility, there is not enough time to allow for meaningful review of this prospective industry and its full potential impacts.⁶

In addition to understanding the technologies and risks, DOI must also ensure that companies have the needed technical and financial capability to safely mine and to provide the requisite financial guarantees.^{7,8}

While advancing this compressed leasing timeline, DOI is taking actions that reduce public participation and transparency and endanger our coasts, Tribes, and waters. These actions hinder DOI's ability to appropriately evaluate, implement, and regulate offshore projects.

- DOI has proposed eliminating regulations which would reduce public engagement and environmental analysis of seabed mining projects.⁹
- DOI is reducing the scope of and public engagement in the NEPA process.^{10,11,12,13,14}

⁶ U.S. Department of the Interior, *Fiscal Year 2027 Budget Justifications: Bureau of Land Management - Mining Law Administration* (Greenbook), April 2026, <https://www.doi.org/sites/default/files/documents/2026-04/fy2027greenbookmma.pdf>.

⁷ Elizabeth Claire Alberts, "US Prepares to Auction Leases for Seabed Mining Blocks in Federal Waters," *Mongabay*, May 27, 2026, <https://news.mongabay.com/2026/05/us-prepares-to-auction-leases-for-seabed-mining-blocks-in-federal-waters/>.

⁸ Max Graham, "First He Scoured the Pacific for Amelia Earhart's Missing Plane. Now He Wants to Search Alaska's Seafloor for Minerals," *Northern Journal*, April 16, 2026, <https://www.northernjournal.com/first-he-scoured-the-pacific-for-amelia-earharts-missing-plane-now-he-wants-to-search-alaskas-seafloor-for-minerals/>.

⁹ Bureau of Ocean Energy Management, "Administrative Revisions to Regulations Related to Outer Continental Shelf Minerals Other Than Oil, Gas, and Sulphur," Proposed Rule, *Federal Register* 91, no. 36 (February 24, 2026): 8803, <https://www.federalregister.gov/documents/2026/02/24/2026-03690/administrative-revisions-to-regulations-related-to-outer-continental-shelf-minerals-other-than-oil>.

¹⁰ U.S. Department of the Interior, "Trump Administration Delivers Historic NEPA Reform, Unleashing Resources on America's Public Lands," press release, February 23, 2026, <https://www.doi.gov/pressreleases/trump-administration-delivers-historic-nepa-reform-unleashing-resources-americas>.

¹¹ U.S. Department of the Interior, "Interior Streamlines Offshore Mineral Policies to Strengthen U.S. Supply Chains and Security," press release, June 25, 2025, <https://www.doi.org/10.gov/pressreleases/interior-streamlines-offshore-mineral-policies-strengthen-us-supply-chains-and>.

¹² U.S. Department of the Interior, *National Environmental Policy Act (NEPA) Procedures Handbook*, Departmental Manual 516 DM, accessed May 28, 2026, <https://www.doi.gov/media/document/doi-handbook-nepa-procedures>.

¹³ DOI eliminated 80% of National Environmental Policy Act (NEPA) regulations. BOEM is limiting environmental evaluation of seabed mining activities during the lease sale phase to Environmental Assessments (EA) and reserving Environmental Impact Statements (EIS) for "later planning stages if necessary." DOI does not require public notice or public comment for an EA and only minimal public notice and public comment on an EIS. BOEM could apply categorical exclusions to certain seabed mining activities, excluding them from environmental review altogether.

¹⁴

- DOI has begun the process of undoing one of the important precautions implemented after the 2010 Deepwater Horizon spill by merging the Bureau of Ocean Energy Management (BOEM) with the Bureau of Safety and Environmental Enforcement (BSEE).
- DOI is merging agencies, cutting regulations, and expanding its offshore portfolio - all with a reduced workforce. In the first year of the current administration, BOEM lost 26% of employees; BSEE lost 39% of employees; and DOI lost 17% of employees, draining the department of institutional knowledge, expertise, and human power.¹⁵ The federal government is tasking fewer people to manage larger and riskier projects with fewer guardrails.
- Congress has neither introduced nor passed legislation requiring federal royalty sharing from seabed mining with Tribes, local communities, or adjacent states, allowing no pathway for shared economic benefits.

The federal government has a Trust relationship with Tribes and must uphold its responsibility. Our region's twenty federally recognized Tribes rely on the federal waters of the Norton Sound and Bering Sea for their survival and any federal actions that could impact this fragile ecosystem must be undertaken very cautiously. We stand ready to work with our federal partners to evaluate and understand the full potential impacts of seabed mining activities in federal waters of Norton Sound and the Bering Sea, to incorporate Traditional Knowledges, develop alternatives, mitigate risks, and amplify benefits. We invite you to visit our region to meet with us in-person on this issue and to experience our ancestral waters that we seek to protect and that have sustained us since time immemorial.

Kawerak submitted a public comment letter to the BOEM Alaska Region Office in response to the RFI on Commercial Leasing for Outer Continental Shelf Minerals Offshore Alaska. Our comments and requests contained in that letter stand, and the letter is included as an attachment.

For questions or concerns pertaining to this letter, please contact Marine Advocate Anna Rose MacArthur at armacarthur@kawerak.org or 907-443-4368.

Sincerely,

Melanie Bahnke
 Melanie Bahnke
 President
 Kawerak, Inc.

¹⁵ Jake Bolster and Peter Aldhous, "After Trump's Interior Secretary Transferred Thousands of Staff to His Office, Chaos Followed, Former Workers Say," *Inside Climate News*, March 17, 2026, <https://insideclimatenews.org/news/17032026/trump-interior-department-staffing-cuts/>.

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Attachment:

April 1, 2026 public comment letter to BOEM

**From Kawerak Inc., Association of Village Council Presidents,
and Bering Sea Elders Group**

**RE: Commercial Leasing for Outer Continental Shelf Minerals
Offshore Alaska—Request for Information and Interest**



April 1, 2026

Bureau of Ocean Energy Management
Alaska Region
Office of Leasing and Plans
3801 Centerpoint Dr., Ste. 500
Anchorage, Alaska 99503

Submitted via regulations.gov – Docket No. BOEM-2025-0318

**Re: Commercial Leasing for Outer Continental Shelf Minerals Offshore Alaska—
Request for Information and Interest**

To whom it may concern:

The Association of Village Council Presidents (AVCP), Kawerak, Inc., and the Bering Sea Elders Group (BSEG) appreciate the opportunity to comment on the agency's Request for Information (RFI) and Interest regarding commercial leasing of the Outer Continental Shelf (OCS) off the coast of Alaska for mineral development.

AVCP is an Alaska Native non-profit regional Tribal consortium, dedicated to supporting the interests of our 56 member Tribes of the Yukon-Kuskokwim Delta. AVCP's mission is to work together with Tribes to enhance sovereignty, self-sufficiency, and our way of life.

Kawerak, Inc. is the Alaska Native non-profit regional Tribal consortium for the 20 federally recognized Tribes of the Bering Strait region of Alaska. Kawerak's mission is to advance the capacity of our people and Tribes for the benefit of the region.

BSEG is a Tribal organization of 38 member Tribes from the Kuskokwim Bay to the Bering Strait. BSEG's mission is to speak and work together as one voice to protect and respect our traditional ways of life, the ocean web of life that supports the resources we rely on, and our children's future.

We write today to share the critical and irreplaceable link to culture and tradition that the Bering Sea has provided western Alaska Tribes and their citizens since time immemorial. Hunting and fishing bind people to the Bering Sea, and tie families and communities together through the sharing of food and passing of knowledge and experience from one generation to the next.¹ We

¹ See Bering Sea Elders Group, *Northern Bering Sea and Bering Strait: Ecosystem and Climate Change*, https://beringseaelders.org/wp-content/uploads/2022/04/N_Bering_Sea_Ecosystem-Climate-Change_med_res.pdf.

urge the agency to robustly engage with Tribes and Tribally authorized organizations that would be directly affected by any mineral leasing, mining, or mining related activity in Alaska’s waters. As the federal government seeks to secure a domestic supply of critical minerals, it must not do so at the expense of subsistence, another critical domestic need. Our Tribes and their citizens, who have existed in relationship with subsistence animals for millennia and who depend on the healthy continuity of this relationship, are the best experts to determine the wellbeing of and risks to subsistence animals and their habitats.

The Bering Sea and its Bounties Have Long Provided for Our People

The Bering Sea has been home to our ancestors for thousands of years, and it will be home to our descendants for thousands of years to come. In this bountiful, fragile, and extremely remote part of the world, we rely on the fish, birds, and other wildlife for our food and to provide for our ways of life. Subsistence is central to our existence and animals that we harvest for subsistence are irreplaceable.²

In addition to being irreplaceable as a social and cultural matter, subsistence is irreplaceable as a practical matter because it is the primary source of food for our communities. In most villages there is only one small store selling non-perishable food that many people cannot afford. The two regions that consume the most subsistence foods in all of Alaska are the Yukon-Kuskokwim Delta and the Norton Sound region. Every home in these regions is dependent upon subsistence foods—foods that are drawn from the Bering Sea. On average, our people harvest over 295 pounds of subsistence food per person per year.³

Any Actions Taken by BOEM Must Protect our Subsistence Ways of Life

It is essential to avoid or mitigate the impact of offshore mining or mining-related activities on subsistence resources and the marine environment. Of the approximately 300 species of fish in the Bering Sea, the majority are found on or near the bottom.⁴ We hold longstanding opposition to industrial and research-related disturbance of benthic habitat. For example, our Tribes oppose trawling in our waters and the Bering Sea in part because of its destruction to benthic habitat. As a 2023 resolution passed by the Kawerak Board of Directors opposing bottom trawling in the northern Bering Sea states: “marine animals that Kawerak region residents depend on as

² See, e.g., Kawerak, Inc. *Bering Strait Voices on Arctic Shipping Workshop Report* (2015) <https://kawerak.org/wp-content/uploads/2018/04/MP-Bering-Strait-Voices-on-Arctic-Shipping-final-report.pdf>; Lily Gadamus, *Linkages between human health and ocean health: a participatory climate change vulnerability assessment for marine mammal harvesters*, 72 INTERNATIONAL JOURNAL OF CIRCUMPOLAR HEALTH 20715 (2013).

³ U.S. Department of the Interior, *Federal Subsistence Management Program*, <https://www.doi.gov/subsistence/federal-subsistence-management-program>.

⁴ North Pacific Fishery Management Council, *Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area 91* (2023), <https://files.npfmc.org/fmp/BSAI/BSAIfmp.pdf> (“BSAI Groundfish FMP”).

subsistence resources, and that are food for animals used for subsistence, are highly dependent on a healthy and undisturbed benthic habitat.”

Over 80% of the areas designated in the RFI are already under restrictions that limit bottom trawling and other types of commercial fishing to protect benthic habitat.⁵ In Norton Sound and Goodnews Bay, bottom trawling is banned entirely. The Norton Sound Heavy Mineral Sands area is located in the Northern Bering Sea Research Area. The Goodnews Bay Heavy Mineral Sands area is located in the Nunivak/Kuskokwim Closure Area. The North Pacific Fishery Management Council banned bottom trawling in these areas in 2008 as “precautionary measures to conserve benthic fish habitat in the Bering Sea.”⁶ BOEM likewise must also take a precautionary approach and conserve benthic habitat for any mining or mining related activities.

Both Norton Sound and Goodnews Bay are also classified as Essential Fish Habitat by the National Marine Fisheries Service. Norton Sound is Essential Fish Habitat for all five species of Pacific salmon—king, sockeye, coho, chum, and pink—Norton Sound red (*Paralithodes camtschaticus*) and blue (*P. platypus*) king crab, and multiple groundfish species, including walleye pollock (*Gadus chalcogrammus*), yellowfin sole (*Limanda aspera*), and Alaska plaice (*Pleuronectes quadrituberculatus*).^{7,8} All five Pacific salmon species and Norton Sound red king crab are important subsistence resources, and four of the Pacific salmon species and Norton Sound red king crab are also important commercial fishery resources. Low escapement prohibits commercial fishing for king salmon. Furthermore, average commercial and subsistence catch of all five Pacific salmon species has declined in recent years in the Norton Sound and Port Clarence fishing districts; from 2021-2025, average catch of every species in both fisheries had declined from the previous 10-year period.⁹ While the drivers of population decline can be complex, habitat protection is critical to providing species with a reasonable opportunity to reach their spawning grounds; protecting salmon and Norton Sound red king crab and their habitats must be central to any planning considered by BOEM.

⁵ *Deep Sea Mining in Alaska: What Alaskans Need to Know* at 3, Ocean Conservancy (Feb. 14, 2026).

⁶ North Pacific Fishery Management Council, *Habitat Protections*, <https://www.npfmc.org/fisheries-issues/issues/habitat-protections/>.

⁷ S Kelly and L. Ames, *Essential Fish Habitat Considerations For Dredge Operations: Mitigation Measures And Case Studies From Alaska*, PROCEEDINGS OF THE WESTERN DREDGING ASSOCIATION DREDGING SUMMIT & EXPO (June 2018), https://www.westerndredging.org/phocadownload/2018_Norfolk/Proceedings/4b-3.pdf.

⁸ National Oceanic and Atmospheric Administration, *Essential Fish Habitat Mapper*, <https://www.habitat.noaa.gov/apps/efhmapper/?page=North-Pacific-Map>.

⁹ Luke Henslee and Kevin Clark, Alaska Department of Fish and Game, *Special Publication No. 25-14: Norton Sound and Port Clarence Stock Status and Fishery Overview: A Report to the Alaska Board of Fisheries*, November 2025 (Oct. 2025).

Goodnews Bay is located in the Bering Sea and Aleutian Islands (BSAI) Management Area, which is classified as Essential Fish Habitat for 35 species of groundfish.¹⁰ Similar to Norton Sound, Goodnews Bay is classified as Essential Fish Habitat for all five Pacific salmon species at both juvenile and adult life stages¹¹. The area being proposed for development also abuts Essential Fish Habitat for red king crab, blue king crab, snow crab, and Tanner crab⁷, and may be affected by increased activity in the area.

BOEM must take into deep consideration that Western Alaska rivers are experiencing a multi-decade, multi-species salmon crash that jeopardizes the food security, cultural and spiritual practices, health, and economic well-being of Tribes and Tribal members. Every single salmon is important, particularly amid this crisis. Communities in our region have both relied on and stewarded salmon populations for millennia. Salmon are a crucial and non-replaceable part of our food security.¹²

Offshore mining activities can cause the loss or degradation of essential fish habitat and can injure or displace fish through “habitat alteration, including increased turbidity, entrainment of organisms, exposure to trace metals, noise and disturbances, and fuel spills.”¹³ Studies from Norton Sound show that “seafloor mining decreases habitat complexity and diversity.”¹⁴ To reduce benthic disturbance, the National Marine Fisheries Service recommends limiting seafloor mining activity in Norton Sound to water depths of less than 30 feet because recovery is slower for the seafloor below this depth.¹⁵ We are not requesting that seabed mining activity occur in depths of less than 30 feet or that they be restricted to depths of less than 30 feet. We are emphasizing the importance of a healthy benthic environment and the long-term impacts of seabed mining activities on that environment.

¹⁰ BSAI Groundfish FMP, *supra* note 4, at 104.

¹¹ North Pacific Fishery Management Council, *Alaska Salmon Fisheries Management Plan Appendix A* (Oct. 2024), <https://files.npfmc.org/fmp/Salmon/SalmonFMPAppendix.pdf>.

¹² James Magdanz, et al., *Customary Trade and Barter in Fish in the Seward Peninsula Area, Alaska, Technical Paper No. 328*, Alaska Department of Fish and Game (Aug. 2007); A. Ahmasuk, et al., *Bering Strait Region Local and Traditional Knowledge Pilot Project: A Comprehensive Subsistence Use Study of the Bering Strait Region, North Pacific Research Board Project Final Report, Project #643*, Kawerak, Inc. (2008); Courtney Carothers, et al., *Indigenous peoples and salmon stewardship: a critical relationship*. 26 *ECOLOGY AND SOCIETY* 16 (2021); Brenden Raymond-Yakoubian and Julie Raymond-Yakoubian, “*Always Taught Not to Waste*”: *Traditional Knowledge and Norton Sound/Bering Strait Salmon Populations*, Kawerak, Inc. (2015); Julie Raymond-Yakoubian, Brenden Raymond-Yakoubian, and Catherine Moncrief, *The incorporation of traditional knowledge into Alaska federal fisheries management*, 78 *MARINE POLICY* 132 (2017).

¹³ Douglas Limpinsel, et al., *Impacts to Essential Fish Habitat from Non-Fishing Activities in Alaska: EFH 5-year review from 2018-2023*, *NOAA Technical Memorandum NMFS-F/AKR-30*, National Marine Fisheries Service, Alaska Region (2023).

¹⁴ S Kelly and L. Ames, *supra* note 7.

¹⁵ *Id.*

Protections for marine mammals, migratory birds, and their migratory pathways must also be included in planning for any mining or mining-related activities. Marine mammals frequenting Norton Sound include Pacific walrus, bowhead whale, gray whale, minke whale, killer whale, beluga whale, harbor porpoise, Steller sea lion, bearded seal, ribbon seal, ringed seal, and spotted seal.¹⁶ These marine mammals are designated under various statuses and protections under the Marine Mammal Protection Act and the Endangered Species Act. Subsistence hunters harvest marine mammals in Norton Sound and the surrounding areas.¹⁷ Nome Census Area residents harvest about 388 pounds per person of wild foods annually. Most of that food is marine mammals and is shared widely along communal and kinship lines.¹⁸

Any actions taken by BOEM must also consider overlapping stressors placed on subsistence resources. Increases in shipping, climate change, industry activity, and pollution all impact the marine environment. Additionally, our remote region faces extreme weather conditions and a lack of emergency response infrastructure. Any accident or unplanned pollution event could cause widespread and lasting impacts to subsistence habitat and species.

Tribal Consultation and Engagement

BOEM must ensure that the ocean waters on which we depend are managed sustainably and that we, as stewards of our land and waters, are given a meaningful voice in management choices. To do so, BOEM must engage in meaningful consultation with affected Tribes and must meaningfully incorporate Indigenous Knowledges in its decision making.

The agency has a legal responsibility, rooted in the federal government's trust relationship with Indian Tribes, to engage in government-to-government consultation with Tribes when contemplating actions that may affect Tribal interests.¹⁹ The Executive Order which directs agencies to consult with Tribes when developing policies that have Tribal implications states that the Order seeks to establish "regular and meaningful consultation" with Tribes.²⁰ This consultation obligation means BOEM must engage with Tribes to ensure they have an opportunity to understand the undertaking and its effects and to provide input to shape the agency's decision-making process. Consultation should not be a procedural checkmark but rather a meaningful dialogue between the agency and Tribal governments.

¹⁶ *Bering Strait Marine Life and Subsistence Use Data Synthesis*, Oceana & Kawerak, Inc. (2014), www.oceana.org/reports/the-bering-strait-marine-life-and-subsistence-data-synthesis/

¹⁷ *See generally* Seal and Walrus Harvest and Habitat Areas for Nine Bering Strait Region Communities, Kawerak, Inc, Social Science Program, Natural Resources Division (Nov. 2013), <https://kawerak.org/wp-content/uploads/2018/04/local-atlas-excerpt-for-website.pdf>

¹⁸ *Bering Strait Community Needs Assessment for Kawerak, Inc.*, McKinley Research Group (Mar. 2022).

¹⁹ Exec. Order No. 13175, 65 Fed. Reg. 67,249, 67,249–50 (Nov. 6, 2000).

²⁰ *Id.* at 67,249.

Should BOEM decide to proceed with Area Identification in Norton Sound, Goodnews Bay, or the Aleutian Arc, we urge the agency to consult with our member Tribes in a manner that respects the nation-to-nation relationship and allows the Tribes ample opportunity to help shape the agency's decisions. Meaningful consultation requires in-person meetings that take place in our regions. This 60-day comment period is insufficient to allow meaningful assessment of an issue that is new not only to our regions but to the nation. Offshore mining has never occurred in federal waters, and the last time a lease sale occurred in 1991, it was cancelled after receiving no bids.²¹ Therefore, our organizations and member Tribes need time to appropriately evaluate the risks to subsistence alongside the benefits of development.

BOEM Must Comply with all Requirements of the National Environmental Policy Act

Should BOEM decide to proceed with next steps in the mineral leasing process in Norton Sound, Goodnews Bay, or the Aleutian Arc, the agency must comply with the National Environmental Policy Act ("NEPA"). Any sort of potential mineral development in the Bering Sea will have significant impacts on the environment, and NEPA requires the agency to identify and evaluate these impacts.²² To evaluate these impacts, BOEM must prepare an Environmental Impact Statement (EIS) that evaluates a range of reasonable alternatives, including a no-leasing option. In developing an EIS, BOEM must allow for robust public participation, and the EIS must meaningfully incorporate Indigenous Knowledges.

Conclusion and Requests

The Bering Sea is more than just a natural resource to our Tribes and their citizens—it is a link to countless generations living off the land in our traditional ways. Through the Bering Sea we feed our communities and live out our culture. We ask BOEM to partner with us as we continue stewarding these millennia-long relationships, and we make the following requests:

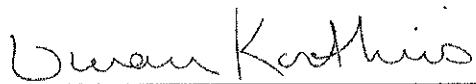
- We urge BOEM to consult with our member Tribes in a manner that respects the nation-to-nation relationship and allows the Tribes ample opportunity to help shape the agency's decisions through in-person meetings that take place in our regions should the agency decide to move forward with Area Identification in the Bering Sea .
- BOEM must take a precautionary approach and conserve benthic habitat when considering any mining or mining related activities.
- Protections for fish, shellfish, marine mammals, migratory birds, and their migratory pathways must be included in planning for any mining or mining related activities.

²¹ Laura B. Comay and Caitlin Keating-Bitonti, Cong. Rsch. Serv., R48302, *Critical Minerals on the U.S. Outer Continental Shelf: The Bureau of Ocean Energy Management's Role and Issues for Congress*.

²² 42 U.S.C. § 4332(C)(i).

- Any actions taken by BOEM must also consider overlapping stressors placed on subsistence resources, including increases in shipping, climate change, industry activity, and pollution. These stressors must be considered within the context of our remote region facing extreme weather conditions and lacking emergency response infrastructure.
- Should BOEM decide to proceed with Area Identification in the Bering Sea, we ask the agency to conduct an Environmental Impact Statement, not an Environmental Assessment, of the areas identified before proceeding to a Proposed Leasing Notice. The EIS must meaningfully incorporate Indigenous Knowledges.

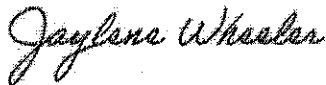
Sincerely,



Vivian Korthuis
Chief Executive Officer
Association of Village Council Presidents



Melanie Bahnke
President
Kawerak, Inc.



Jaylene Wheeler
Executive Director
Bering Sea Elders Group