



Date: January 4, 2021

Name of Resource Management Plan: Bering Sea-Western Interior, Alaska

Protester's Name: Native Village of Unalakleet

Address: PO Box 270, Unalakleet, AK 99684

Phone Number: 907-6524-3622

Your interest in filing this protest:

1. The Native Village of Unalakleet is a sovereign government and our Tribal citizens' customary and the continued productivity and traditional uses of our unceded traditional land now managed by the BLM is our concern. This unceded Traditional land now managed by BLM has supported our community for generations and underpins our community's food security, cultural and spiritual values and traditional ties to the land. All these values and our future food security is in danger from decisions to make all BLM-managed land available for mining and oil and gas development in the Preferred Alternative E.
2. Issue or issues being protested – Please see below.
3. A concise statement explaining why the State Director's decision is believed to be wrong: The Director's decision is wrong because there are no significant conservation measures in Alternative E as required by FLPMA. Please see below.

The sovereign Native Village of Ruby Tribe submits the following protest of the Bureau of Land Management's (BLM) Bering Sea- Western Interior Proposed Resource Management Plan and Final Environmental Impact Statement (Proposes RMP and Final EIS).<sup>1</sup> Contrary to the BLM's trust responsibility to Tribes and the agency's own planning regulations, the BLM has failed to provide meaningful opportunities for planning area Tribes to participate and has consistently dismissed Tribes comments and concerns. As a result, our Tribe was excluded from a decision-making process that will significantly impact our community.

When developing a resources management plan, the BLM must "use and observe the principles of multiple use and sustained yield"; "use a systematic interdisciplinary approach"; "give priority to the designation and protection of areas of critical environmental concern"; and "weigh long-term benefits to the public against short-term benefits."<sup>2</sup> The BLM's Proposed RMP failed to satisfy these mandates. Instead, the BLM emphasized extractive development at the expense of resources important to planning area Tribes, including cultural and subsistence resources. Under the Proposed RMP, "[m]ore than 99 percent of BLM-managed land in the planning area would be open to the possibility of locatable mineral development" and 93 percent of the planning area would be open to right-of-ways.<sup>3</sup> In selecting

<sup>1</sup> Bureau of Land Management, Notice of Availability of the Proposed Resource Management Plan and Final Environmental Impact Statement for the Bering Sea-Western Interior Planning Area, Alaska, 85 Fed. Reg. 78,350 (Dec. 4, 2020).

<sup>2</sup> *Oregon Nat. Desert Ass'n v. Bureau of Land Mgmt.*, 625 F.3d 1092, 1096 (9th Cir. 2010) (quoting 43 U.S.C. § 1712(c)).

<sup>3</sup> Proposed RMP and Final EIS at 3-79.

Alternative E as the Proposed RMP—the alternative most likely to adversely impact cultural and subsistence resources<sup>4</sup>—the BLM failed to properly balance uses of importance to planning area Tribes.

Furthermore, the BLM’s decision not to designate any areas of critical environmental concern (ACEC) in the Proposed RMP—including our Tribe’s ACEC nomination—illustrates the agency’s failure to adequately consider our concerns and adopt meaningful protections for resources important to our Tribe. To be considered as potential ACEC and analyzed in a resource management plan alternative, an area must meet at least one “relevance” criteria and one “importance” criteria.<sup>5</sup> The relevance criteria is satisfied if the area has “a significant historic, cultural, or scenic value; a fish or wildlife resource or other natural system or process.”<sup>6</sup> Under BLM’s guidance, this includes “religious or cultural resources important to Native Americans.”<sup>7</sup> Importance criteria is satisfied if the resource has “substantial significance and values,” which “generally requires qualities of more than local significance and special worth, consequence, meaning, distinctiveness, or cause for concern.”<sup>8</sup> Areas “meeting at least one relevance criteria and at least one importance criteria must be considered” as potential areas of critical environmental concern under at least one alternative in the resource management plan.<sup>9</sup>

The BLM improperly excluded our ACEC nomination important to area Tribes from the Proposed RMP:

The Native Village of Unalakleet nominated portions of the Tenmile River watershed (36,278 acres), the Unalakleet River watershed (1,520,015 acres), the Golsovia River watershed (21,000 acres), the Egavik River watershed (60,000 acres) for protection from extractive development through designation as an ACEC. Alternative E established no protection from extractive development for our nominated essential watersheds. The Native Village of Unalakleet protests BLM’s failure to protect these important watersheds from extractive development.

The Tenmile River watershed, the Unalakleet River watershed, the Golsovia River watershed, the Egavik River watersheds are all critically important areas supporting our cultural values and major spawning areas for all five species of salmon, whitefish and sheefish, all having important subsistence value to the people of Unalakleet, surrounding villages, and villages of the Norton Sound.

Traditional use of animals, fish, plants and wood from accessible lands and waters has been practiced by the Indigenous Unalakleet people for thousands of years. The historical and cultural significance of this use should not be lost considering the brief history of the US government and the BLM. For us this lifeway is much more than utilitarian and practical, it is our history, culture and identity as sovereign people, which we wish to continue into the future. The abundance, health and accessibility of fish and wildlife species that we have traditional depended upon for food and cultural security are a necessity and must be protected. The nominated areas’ relevance to our lives and culture cannot be overstated. Due to our ancient and religious ties to the traditional foods accessible to us, all ecological processes that support the life of the land and waters is sacred and necessary, now and into the future. Anything that

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<sup>4</sup> Proposed RMP and Final EIS at 3-79, 3-193, 3-199, 3-220 to 3-221.

<sup>5</sup> 43 C.F.R. § 1610.7-2(a).

<sup>6</sup> 43 C.F.R. § 1610.7-2(a)(1).

<sup>7</sup> Bureau of Land Management, *Manual 1613: Areas of Critical Environmental Concern* (1988).

<sup>8</sup> 43 C.F.R. § 1610.7-2(a)(2).

<sup>9</sup> Manual 1613 at 9, 12.

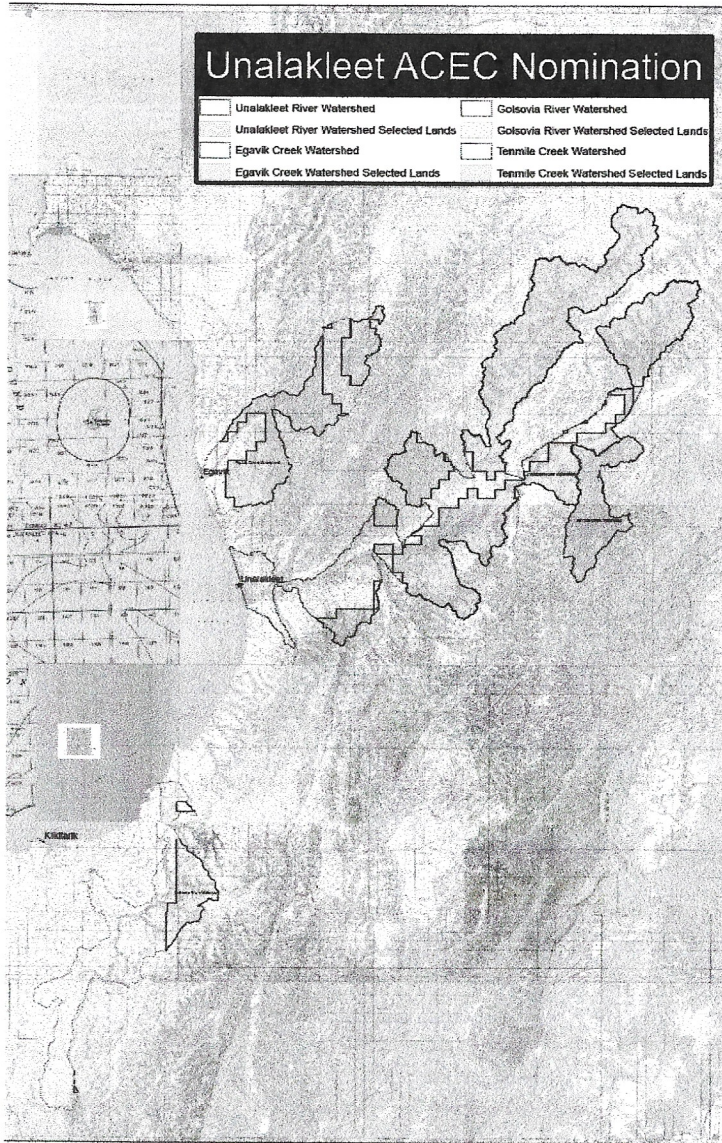
harms or degrades the supporting natural processes for maintaining our traditional harvest practices on the land and waters is harmful to us as a people and cannot be allowed.

Our concerns about extractive development and climate change go beyond our local needs and extend in all directions. This is because we see the natural world is an interconnected whole. It is all connected: air-water-land-animals-fish-plants-people. And we have responsibilities for how we use the land, one of which is to use our traditional land and waters with respect so as not to affect things negatively, downstream or for the future. The importance of future health of the land and waters to support healthy moose, fish, etc., cannot be overstated. Our traditional way of life is of more than local significance and special cultural worth – especially in the face of extractive mineral development and unknown effects of climate change. Our village is remote making our traditional use of land and waters critically important for survival and continuing our culture. Providing protections for the lands and waters we depend on for traditional harvest and food security is necessary for continued practice of what the federal government calls our “subsistence priority”. We call it life. The welfare and safety of our Tribe is dependent on the health of the lands and waters and we need federal land management decisions to protect our lifeway, now and for the duration of the RMP.

BLM rejected the Golsovia River and the Egavik watershed ACEC nominations for consideration in the Draft RMP because there is little Alaska Department of Fish and Game western science data about these rivers. However, Indigenous Peoples in the region have substantial local traditional knowledge about the significant contributions to fish populations from spawning and rearing habitat in these two watersheds. BLM needs to re-do the ACEC evaluation to include traditional knowledge about the relevance and importance of these watersheds, and then provide protections from extractive development to protect important cultural and ecological values.

The watersheds and associated resources connected to the land are important factors in water quality, fish and game harvests in customary and traditional use areas, along with calving grounds and wintering habitat for moose and caribou populations.

All our nominated watersheds have historic, cultural and spiritual connections to the people of Unalakleet and Alaska Native peoples in a manner that qualifies the area as a cultural landscape, or traditional cultural property, neither of which have been adequately considered or reviewed by BLM in the RMP/FEIS. Harvested resources from these drainages are significant on a local scale in the wild food economy, and more broadly on a regional scale in traditional bartering systems related to food sharing. Further, climate change trends in Interior Alaska suggest that these river watersheds qualify as a special area for environmental change observations.



The sovereign Native Village of Unalakleet Tribal government asks that these nominated watersheds be protected from extractive development.

Sincerely,

*Frank Katchatag/tee*

Frank Katchatag, President  
Native Village of Unalakleet