



441 West 5th Avenue, Suite 302 | Anchorage Alaska 99501 | tel 907.276.9453 | fax 907.276.9454
www.defenders.org

January 4, 2021

Bureau of Land Management
East Alaska RMP Amendment/EA
222 W 7th Ave., Stop 13,
Anchorage, Alaska 99513

Re: Notice of Intent To Amend the 2007 East Alaska Resource Management Plan and Prepare the Associated Environmental Assessment

Submitted via eplanning website

Dear BLM,

Established in 1947, Defenders of Wildlife is a national nonprofit conservation organization dedicated to the protection of flora and fauna in its native habitat. Defenders has 1.8 million members and supporters nationwide, including over 6000 in Alaska. Headquartered in Washington, D.C., Defenders has regional field offices throughout the country, including one in Anchorage, Alaska. We have long advocated for conservation of wildlife and habitat on Alaska's public lands, including BLM and national forest system lands. Defenders appreciates this opportunity to comment on the above-referenced Notice of Intent (NOI).

The NOI is confusing and requires greater explanation. It states that the proposed Resource Management Plan (RMP) amendment "would analyze making additional lands near Thompson Pass available for potential exchanges in accordance with the Dingell Act." But the Dingell Act requires a study, not a land exchange or RMP amendment. Congress directed completion of the study by September 2020. Has the study been completed? There is no mention of it in the scoping notice and its completion should be the predicate for any subsequent action. The potential reason to pursue a future land exchange appears to be economic and social impacts of the EVOS TC Habitat Acquisition program ("program"), but until the study is complete that potential reason has not been explored or established.

With no study in hand, BLM not only proposes to amend the East AK RMP but identifies two specific parcels for potential exchange for unidentified CAC lands. This is premature and inappropriate. BLM should complete the required study and should not be proposing any specific land exchange or amending any land management plan at this point.

Dingell Act

Section 1113 of the Dingell Act is entitled “Chugach Region Land Study.” It requires the Secretary to prepare a study that assesses the social and economic impacts of the program and identifies sufficient acres of accessible and economically viable Federal land that can be offered in exchange for CAC land identified by CAC as available for exchange.

The NOI states that “pursuant to Sec. 1113 of the Dingell Act, the BLM is to identify ‘accessible and economically viable Federal land’ within the Chugach Region that can be offered in exchange for those lands acquired through the EVOSTC Habitat Acquisition Program.”

That is incorrect and puzzling. As noted, the Dingell Act only directs preparation of a study. Preparing that study does not necessitate this NOI, or an amendment to the RMP. No lands are directed to be exchanged, and if any federal lands are recommended for potential exchange in the future, those lands would not be offered in exchange for lands acquired through the program. Instead, they would be offered in exchange for CAC land that CAC makes available for such a trade.

The study is supposed to assess the impacts of previous program land exchange or easement transactions that CAC decided to pursue but the lands involved in those earlier transactions aren’t directed to be part of any future land exchange. Presumably CAC received compensation as part of any such prior land exchange or easement. Before proposing any actions beyond completing the required study, BLM should explain why or how CAC’s prior land management decisions make new land exchanges appropriate or are otherwise relevant to the proposed action.

NEPA

If, after completion of the required study, BLM seeks to pursue a land exchange with CAC, the study should be shared with the public and should inform the NEPA scoping process. Since it will both assess the impacts of prior land transactions under the program and identify federal lands that could be offered in exchange for CAC lands, the public would be able to express an opinion on both the rationale for a land exchange in general and on the considerations applicable to any specific potential parcels to be exchanged.

BLM states that a RMP amendment and EA will follow. If so, then that EA should address whether an EIS is necessary. Given potentially significant economic value of the specific parcels that BLM has prematurely identified for exchange, the high recreational use and public importance of those lands, and the impacts on recreators and other members of the public from privatizing those lands, an EIS appears to be the more appropriate NEPA document.

Whatever form it takes, the NEPA analysis should document the recreational and other existing uses of the tracts identified in the study for potential exchange (not just the specific tracts identified in the NOI), the benefits and environmental impacts of retaining them in public ownership versus privatization, and the benefits and impacts of taking currently-private lands into public ownership. That is, the preliminary issues identified in the NOI (Recreational activities, social and economic impacts, rural and traditional lifestyles, subsistence use and access, public access, wildlife and biological resources, special status species, fish and aquatic

species, water, wilderness characteristics, cultural resources and reasonably foreseeable future activities) should apply to a range of federal lands for potential exchange, not just – assuming any exchange is deemed appropriate.

BLM must also analyze the applicable local, state and federal land management plans and other laws and provide the legal basis and factual rationale for pursuing any particular land exchange. Since the study is directed to be prepared in coordination with the Secretary of Agriculture, the NEPA review should reflect that coordination.

In short, BLM has apparently failed to publish the study that the Dingell Act directed it to publish. Claiming to implement the Dingell Act, it has instead proposed an RMP amendment that the Act did not direct, to facilitate the exchange of specific parcels that are currently not available for exchange. Because there is no study, there is no basis to conclude that any land exchange with CAC is appropriate, and even if it were deemed appropriate, there is no assessment of potentially available lands to inform the choice of specific parcels. There is also no hint of what CAC lands may transfer to public ownership and thus no way to begin to evaluate the benefit of the bargain.

BLM has placed the cart before the horse. It should complete the study it was directed to do and defer further action on this issue until that study is delivered to Congress as required and made available for public review.

Sincerely,

/s/

Patrick Lavin
Alaska Policy Advisor
plavin@defenders.org