



January 4, 2021

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

Submitted electronically

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

Thank you for the opportunity to comment on the Notice of Intent to amend the 2007 East Alaska Resource Management Plan (RMP) as the agency prepares an environmental review of a potential land exchange in the Thompson Pass region of Alaska. While we appreciate the comment period extension, a variety of other comment periods and Records of Decisions have been open or were released respectively over the past six weeks which greatly impact Alaska's public lands and waters. This has limited our comments today to just focus most on the agency's misreading of the Dingell Act.

Alaska Wilderness League reviewed and commented on legislation that later passed into law as Sec. 1113 of the Dingell Act of 2019, and the way the agency is reading its obligations under that act is not consistent with law. Our particular concerns include:

- **BLM was not instructed to perform or prepare a specific land exchange.** The Dingell Act instructed BLM to study land ownership and use patterns in the region. While Sec. 1113(b) asks the agency to identify and provide recommendations of lands in the region that can be offered to be exchanged, it does so with no regards to the timing of when any exchange should occur. Furthermore, Sec. 1113(b)(2)(C) indicates that the responsibility of the agency is to "provide recommendations of land exchange options", and Sec. 1113(c) offers an 18-month deadline for the agency to report out on the study findings to Congress, including in it "a recommendation for 1 or more land exchanges." While this language does require the agency to offer regionwide recommendations to Congress within 18 months, nothing in that law authorizes or requires a land exchange to occur, particularly in a specific timeframe.
- **BLM has erred by combining consideration of a specific parcel for an exchange with an amendment to the East Alaska Resource Management Plan.** The Notice of Intent issued on 11/24/2020 notes that the EA focuses specifically on lands near Thompson Pass, and the included map specifies lands under consideration. This map falls far short of the regionwide requirements of the Dingell Act. At the same time, the Notice of Intent goes far beyond the requirements of the Dingell Act by including a review of the 2007 East Alaska RMP language which prohibits land exchanges until all Native and State entitlements are met. It is unclear whether the agency is revisiting the prohibition of exchanges for this parcel or plan wide, and as such, the interested public may in fact not understand the gravity of the agency action without

clarification. Aside from not specifying whether the RMP change would be specific or general in regard to location, it also does not address whether the enumerated considerations contained in the RMP related to exchanges would be modified. Finally, the November 23rd press release announcing the public comment period also noted the consideration of offering lands near the Bering Glacier, but no similar map has been provided. Put simply, this process has been insufficient in describing the scope of an RMP amendment and any potential land exchange.

- **BLM should conduct the study and offer recommendations based on the language that exists today in the East Alaska Resource Management Plan.** The study and associated report to Congress that is required by the Dingell Act can and should take place in line with the restrictions under, and the enumerated considerations contained in, the East Alaska RMP, and it can note how the existing management plan impacts the timing of evaluating and executing specific land exchanges.

Alaska Wilderness League is also broadly concerned with the lack of clarity of acres of subsurface that would be transferred for the mapped lands, valuation considerations, and how public interest in this highly important area for Alaska outdoor recreation, tourism, and subsistence uses alike would be protected should an exchange move forward. At its core, though, this process is flawed because it relies on a mis-reading of the Dingell Act. In fact, by calling for a study and not specific land trades, the Dingell Act relays Congress's desire to take deliberate analytical steps before specific action, which BLM upends with its current approach. We urge the agency to suspend this expedited and flawed process and instead focus on what the Dingell Act requires the agency to do and when: study use patterns in the region now, and offer land exchange recommendations to Congress in the future for their potential action.

Thank you for your consideration,

Andy Moderow
State Director
Alaska Wilderness League