



CoastalPlain_EIS, BLM_AK <blm_ak_coastalplain_eis@blm.gov>

[EXTERNAL] Comments to the ANWR Draft Environmental Impact Statement

1 message

Matthew Rexford <matthew.rexford@gmail.com>

Wed, Mar 13, 2019 at 12:41 PM

To: blm_ak_coastalplain_EIS@blm.gov

To Whom It May Concern:

Please find attached to this email message a scanned signed copy of the comments for the ANWR DEIS from the Kaktovik Inupiat Corporation.

Sincerely
Matthew Rexford
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Kaktovik Inupiat Corporation
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March 13, 2019

Bureau of Land Management

Attn: Nicole Hayes

222 West 7th Ave., Stop #13

Anchorage, Alaska 99513

Comments to the ANWR Draft Environmental Impact Statement

Submitted via blm_ak_coastalplain_EIS@blm.gov

Dear Ms. Hayes;

This letter provides as comments from Kaktovik Inupiat Corporation (KIC) on the Bureau of Land Management's (BLM) Draft Environmental Impact Statement (DEIS) for oil and gas leasing in the Coastal Plain of the Arctic National Wildlife Refuge (ANWR). KIC is supportive of BLM's "Leasing EIS" and encourages BLM to perform a full-scale review of the wide range of potential impacts from leasing in the Program Area, both positive and negative, with special attention to impacts to the local village of Kaktovik and the people of Kaktovik, the Kaktovikmiut.

About KIC

KIC is the Native Village Corporation for the community of Kaktovik. Kaktovik is situated within the Coastal Plain of the Refuge on Barter Island, it is the only community within the boundaries of the 1002 Area or the entire ANWR—as such, Kaktovik stands to be most directly impacted by oil and gas leasing and future oil and gas programs in the Program Area.

KIC was created at the direction of Congress under the terms of the Alaska Native Claims Settlement Act of 1971 which directs Alaska Native Corporations to use our local resources to care for the economic and cultural wellbeing of our shareholders. KIC's shareholders are the Kaktovikmiut. As the Native Village Corporation, KIC also owns a portion of surface lands in the 1002 Area in and around the community with the Regional Native Corporation, Arctic Slope Regional Corporation, owning the surface. In all, KIC owns 92,106 acres of surface in the 1002 Area. The only well drilled in the entire 1002 Area is situated on KIC land and gravel extraction has occurred on KIC land within the 1002 Area.

Preferred Alternative

After review of BLM's DEIS, KIC supports the modified Alternative B-2 proposed by Arctic Slope Regional Corporation. KIC collaborated with the Native Village of Kaktovik and ASRC in the development of Alternative B-2. We feel Alternative B-2 reflects a balanced outlook on leasing that takes into mind the diverse resources of the Program Area, including important subsistence habitat, valuable coastal areas, and important calving caribou habitat. We recommend BLM modify their Alternative B as follows:

- Narrow the Timing Limitation for the Porcupine Caribou Herd to the southwestern portion of the Program Area to be more consistent with recent calving data and Traditional Knowledge on how the Porcupine Caribou Herd utilize the 1002 Area.
- Limit areas of No Surface Occupancy in the Program Area to create a competitive leasing program without fracturing the program area, and avoid potential restrictions to Native-owned land that abuts or is within a described NSO.
- Include a 0.5 mile setback on either side of the Hulahula River, 0.5 mile setback on either side of the Okpilak River, a 1 mile setback around Fish Hole One, and a 0.5 mile setback on the east side of the Staines River to the Canning River and along the western boundary of the Program Area. These setbacks are designed to protect subsistence resources and subsistence thoroughfares based on the guidance of Kaktovik hunters.

These modifications will appropriately address the impacts assessed in the analysis and are aligned with the direction of Congress. The community of Kaktovik is sensitive to potential impacts from oil and gas development and are entering this opportunity with open eyes. We are not naïve to the benefits or the potential impacts of development, and are the experienced party in managing development in the Coastal Plain. It is the Kaktovikmiut who established the community of Kaktovik on Barter Island, the only well drilling in ANWR is on KIC land, and gravel mined in the Coastal Plain is from private inholdings. More importantly, we are the subsistence hunters of the Program Area. BLM should include our recommendations in the DEIS and use our expertise in designing a functional and balanced leasing program.

Comments to the DEIS

KIC supports leasing that occurs in an environmentally responsible and culturally sensitive manner because of the economic benefits leasing will provide to our shareholders and the other indirect benefits to the Kaktovikmiut such as access, public health, increased job and contracting opportunities, and more. We have benefited from North Slope resource development in our community in the form of schools, health clinics, jobs, scientific research, emergency services and essential services. We are eager to see these mechanisms and benefits come to life at the local level here in Kaktovik and to build our local capacity to meet the stimuli resource development will provide.

KIC does not support development in the 1002 Area blindly but in recognition that through coordination with the local people leasing can occur with minimal impact to the local community, environment, wildlife, subsistence, and the cultural resources within the 1002 Area—we know this because it has been happening across the North Slope for over 40 years. The Iñupiat people have long relied on our local resources to sustain our people; we subsist from the marine mammals and wildlife in our region, and rely on our environment for cultural sustenance. We are not strangers to responsibly managing our resources. Oil and gas is another resource in our region that we must likewise manage responsibly; using the lessons learned in leasing and development across the North Slope, Traditional Knowledge, robust analysis, and carefully crafted mitigation measures, leasing in the 1002 Area can occur in an environmental safe and culturally sensitive manner. The local people should be integral to this process.

Based on this legacy, KIC supports an oil and gas leasing program in the 1002 Area, even going so far as to pass a resolution in 2017 supporting the opening of ANWR for oil and gas leasing. Because of Kaktovik's proximity to the Program Area and the development now allowed on Native owned land, impacts—both positive and negative—to the Kaktovikmiut should be the focus of BLM's EIS.

In addition to our recommendations on the modifications to Alternative B, KIC makes the following suggestions for BLM to refine their EIS to be more aligned with the local community most directly impacted by leasing in the Program Area:

1. Focus the impact analysis on the Kaktovikmiut;
2. Enhance the local input and traditional knowledge in the DEIS;
3. Incorporate local economic impacts and potential for local capacity building in the impact analysis;
4. Include co-management with Alaska Native Landowners and opportunities for Native-owned land;
5. Include local access issues raised by the community of Kaktovik;
6. Clarify FWS management over unleased land in the Program Area; and
7. Refine the analysis of Subsistence and Subsistence Resources.

1. Focus the Impact Analysis on the Kaktovikmiut

The potential for leasing and oil and gas development in the 1002 Area has been dominated by outcry that development may destroy the “sacred place where life begins”. Often these campaigns ignore we who actually live in the Coastal Plain and our self-determination to elevate our community and the lives of our grandchildren—utilizing our natural resources to empower our shareholders is the very basis of KIC's existence. We have grown frustrated throughout this process of the many voices lecturing how we should manage our region, and how our opportunities should be shelved in preference of an image of the ANWR that is not our own. We are the experts of this land; the Kaktovikmiut live, roam, and hunt across the span of the Program

Area. We know its value. This region is exponentially more valuable to us who rely on the land and waters than those who do not. We do not support oil and gas leasing in the Program Area because we are willing to sacrifice our subsistence culture. But recognize that this rich region the Kaktovikmiut have harvested from also includes the rich oil and gas resources that we can safely manage in co-existence with our subsistence.

Though BLM acknowledges Kaktovik is the impacted community, BLM strays from assessing the impacts to Kaktovik throughout the DEIS. KIC understands that BLM must assess the extent of impacts, but we do not think these should be discussed equally but weighed in proportion. The Gwich'in will not be impacted from oil and gas leasing similarly to the Kaktovikmiut. Yet, BLM spends almost the same (or more) time discussing the impacts to the Gwich'in, providing background on Gwich'in history, and summarizing Gwich'in cultural resources, socioeconomic impacts, subsistence, and more. We find this analysis distracting from the actual impacts.

Ironically, BLM and others often neglect to include the Gwich'in own efforts toward resource development. In the 1980s, Venetie attempted to lease 1.8 million acres of their land near the wilderness area of the ANWR—an area larger than the entire Program Area being discussed for resource development. There are also ongoing efforts to develop the Yukon Flats Refuge, both Arctic Village and Venetie have received payments from leasing and seismic acquisition efforts. KIC is not against the Gwich'in effort to develop their land and to utilize their natural resource to the benefit of their people, for that is what we are attempting to provide for our shareholders.

Despite BLM's longwinded background on the Gwich'in, BLM concludes in almost every section, including subsistence, that the Kaktovik are the only impacted community. KIC agrees with this assessment. BLM's should modify their analysis to center their analysis on the impacted community—Kaktovik—and a discussion of impacts expected from leasing in the Program Area.

2. Enhance the level of local input and traditional knowledge in the DEIS

KIC has attended several meetings with BLM staff to discuss leasing in the Program Area and is actively participating in ANCSA Corporation Consultation. BLM has worked to include Kaktovik in this process and has had several meaningful engagements in Kaktovik discussing this important topic; however, there is hardly mention of the local expertise reflected in the DEIS. BLM references several "phone conversations" with "experts" on important topics like subsistence and polar bears, but valuable information from our engagements are not included. BLM should work to better include the Traditional Knowledge and local expertise in the DEIS to produce a more balanced document.

3. Incorporate local economic impacts and potential for local capacity building in discussion of impacts

An important aspect that is overlooked in the DEIS is the positive local economic impacts from leasing and development in the Program Area. Although the DEIS correctly describes the benefits the North Slope Borough and State of Alaska stand to gain, the benefits to private land owners, like KIC or Native Allotment holders, are not well described in the DEIS. KIC understands that because KIC's lands are not under BLM's leasing authority, BLM has shied away from their inclusion. While it is appropriate for BLM not to include Native-owned lands in their stipulations, requirements, and restrictions, the indirect benefits and impacts of BLM's proposed leasing program should be included in BLM's analysis.

Private, Native-owned land owners may experience a multitude of direct and indirect positive impacts from leasing and development in the Program Area which should be considered by BLM. BLM must analyze the following:

- Indirect benefit of leasing and development in the Program Area which could facilitate development on KIC lands;
- Opportunity for Native Allotment holders to benefit from development, access, and/or use of their inholdings;
- Capacity building of KIC and other Native-owned buildings for support services of industry programs; and,
- Local economic generation as a result of industry's presence in and around Kaktovik.

KIC in particular stands to benefit significantly from activity on our land, through support service businesses, contracting, and jobs for our shareholders. We have benefited from resource development across the North Slope as it provides for many of the essential services in Kaktovik. Resource development in the Program Area will also add to these benefits. While commonplace in most of America, amenities like sanitary sewage, running water, electricity, our diesel-powered power plant, K-12 education, and emergency services have only been in place for one generation in our community. This translates into transformative public health impacts, education for our children, workforce development training, good paying jobs in Kaktovik, search and rescue for subsistence users, and more. As we have experienced, the indirect benefits from resource development ripple across the North Slope and often have a greater degree of impact at the local level. Through our local capacity building, leasing could stimulate various contracting opportunities for KIC and jobs for our shareholders like support services, subsistence advisers, environmental analysis, scientific research and more. Discoveries near Kaktovik could transition our diesel-powered plant into more economical and environmentally friendly natural gas. This should all be included in the DEIS.

4. Include Co-management with Alaska Native Landowners and opportunities for Native-owned land

As an adjacent land owner, it is imperative that KIC be included in BLM's decision-making process and both BLM and Fish & Wildlife Service's (FWS) management of the 1002 Area. KIC's land is bordered by federally management land. This has resulted in restrictions placed on our shareholders' subsistence way of life and access that we strongly oppose. As we evaluate how oil and gas leasing is managed in the Coastal Plain, BLM must consider the unintended impacts their lease stipulations, required operating procedures, and management may impact adjacent Native owned land. KIC is concerned that similar to the barriers on subsistence, the restrictions placed on neighboring federally managed land may act as a blockade to development of Native owned resources. To avoid this outcome, BLM should commit to co-manage areas that are adjacent to Native-owned land, including coastal areas. Further, BLM should clarify that their restrictions, requirements, and stipulations do not apply to Native-owned land, including coastal areas and barriers islands, namely: Tapkaurak Spit, Jago Spit, Bernard Spit, Barter Island, Arey Island, and small unnamed shoals just offshore from west end of private mainland lands.

Through close coordination, BLM can manage a responsible leasing program that is considerate of subsistence, our cultural way of life, the unique environment, and our wildlife and cultural resources.

5. Include local access issues raised by the community of Kaktovik

The Kaktovikmiut have repeatedly raised concerns regarding access issues in the 1002 Area and ANWR. Our access has been so restricted that we are treated as trespassers in a place we have always called home, long before the Federal government assumed management and ownership. In BLM's new management, BLM should work with the local people and FWS on how these restrictions can be peeled back. In the summer months, the residents of Kaktovik can only traverse via boats through the rivers and coast and overland only on private land. Meanwhile, BLM is proposing oil and gas development programs throughout the 1002 Area. It does not make sense that indigenous peoples should be prevented from accessing the same area industry is authorized to explore and develop.

Specifically, BLM should work with the Kaktovikmiut and FWS to authorize year-round access in the Coastal Plain by ATVs, year-round access to our Native Allotments in the Refuge, and a mechanism for road access and energy development. Now that the 1002 Area is open for resource development, we feel these access issues should be easily resolved by the Federal government.

6. Clarify FWS management over unleased land in the Program Area

BLM must distinguish its oversight role with that of FWS. Historically, the FWS has managed the 1002 as wilderness, which has caused numerous issues with the local people. KIC was

created by ANCSA to provide for our shareholders, however FWS' management of the refuge and the restriction of development in the 1002 Area have limited our ability to utilize the natural resources in the Coastal Plain to provide for our shareholders. We have felt ignored and that our concerns have been disregarded as development has progressed around us in Canada and across the North Slope in equally pristine regions.

As BLM assumes authority over oil and gas leasing, BLM and FWS should clarify what their management roles will be within the 1002 Area. At the onset of leasing, KIC is concerned that FWS may continue to manage setbacks at the coast or along the requested rivers and unleased land as wilderness. Not only will this have detrimental effects on the success of leasing, but it will also carry on unresolved subsistence access issues if these areas are managed as wilderness.

7. Refine the analysis of Subsistence and Subsistence Resources

Subsistence is of utmost important to the KIC for our shareholders are the subsistence hunters who stand to be impacted. Subsistence resources like the Porcupine Caribou Herd, along with other animals like the polar bear are deeply significant to the Kaktovikmiut. Mitigation measures must be included to safeguard our subsistence way of life and our subsistence resources. However, we do not feel that it is one or the other, and as we have seen across the North Slope how development can be designed with subsistence in mind. It is with this in mind that we are active participants in BLM's process, future leasing, and expect to collaborate with future operators. KIC recommends BLM revise their analysis as follows:

- Revise maps of the Porcupine Caribou Herd calving to show calving on an annual basis and include the entire calving region of the Porcupine caribou herd in both Canada and Alaska. This will more accurately depict how we in Kaktovik understand how the caribou use the Program Area. The map used in the FWS CCP is a good format to better demonstrate calving.
- Assess impacts from eco-tourists on both caribou and polar bears. There is growing concern that eco-tourists may disrupt the Porcupine caribou herd by flying into the area east of the Program Area to witness the migration, which may deflect leading caribou. Tourists also travel to Kaktovik to view polar bears near Kaktovik. These disruptions need to be documented and considered by BLM.
- Polar bears frequent the area around Kaktovik, but BLM may have overstated their use of the Program Area. BLM's reference to a phone call of 19 potential maternal dens in a singular season is inconsistent with Traditional Knowledge and is not an appropriate reference. Further, BLM should note that many polar bear are attracted to the bone pile at Kaktovik. Kaktovik whaling captains have decided to eliminate the bone pile in hopes of reducing the concentration of polar bears in and around the community. BLM should note that the removal of the bone pile may reduce the polar bears interest in the Program Area.

- Include data from developed areas across the North Slope and Canada on the resilience of both caribou and polar bear to infrastructure. KIC is aware that on their migration to calve, the Porcupine Caribou Herd cross the Dempster Highway in Canada, and the polar bear in our region also range throughout industrial areas across the North Slope. BLM should acknowledge that these animals may already have some resiliency to infrastructure.

Conclusion

KIC supports leasing in the Program Area and finds BLM's DEIS to be a good initial analysis of impacts expected from oil and gas leasing. KIC provides these comments to BLM to improve their analysis and for BLM to use our input and expertise to inform their decision-making. Like other resource development across the North Slope, KIC expects the highest standard of development and is pleased that the tools crafted by Alaska Natives to manage our resources across the North Slope will inform how development and leasing occur in our backyard.

Throughout BLM's entire NEPA process, BLM should continue to solicit feedback directly from the community of Kaktovik, KIC, Native Village of Kaktovik, and the Kaktovikmiut. We are the holders of traditional knowledge and have the greatest breadth of expertise on the environment, landscape, wildlife, migratory patterns, and the cultural resources that trickle across the 1002 Area. As the NEPA process is novel to the Kaktovikmiut, we expect that BLM will work closely with us so that we can contribute to this process meaningfully and so that BLM can make informed decision-making representative of the local peoples. We expect that BLM will include our comments in their analysis and make the suggested revisions to the DEIS to result in a more robust document.

Sincerely,



Matthew Rexford
President, Kaktovik Iñupiat Corporation

Cc: Steve Wackowski, Special Advisor to Secretary of Interior on Alaska Affairs
Senator Lisa Murkowski
Senator Dan Sullivan
Congressman Don Young
President, Native Village of Kaktovik
Mayor Brower, North Slope Borough
Voice of the Arctic Iñupiat