



CoastalPlain_EIS, BLM_AK <blm_ak_coastalplain_eis@blm.gov>

[EXTERNAL] Letter from NVVTG on Coastal Plain

2 messages

Tonya Garnett <tonyagarnett@hotmail.com>

Thu, Jan 24, 2019 at 1:20 PM

To: "Miriam (Nicole) Hayes" <mnhayes@blm.gov>, BLM_AK CoastalPlain_EIS <blm_ak_coastalplain_eis@blm.gov>

Cc: Matthew Newman <mnewman@narf.org>, Arctic Village Council <av_council@hotmail.com>, Pj Hanson <p_jhanson@hotmail.com>, Myra Thumma <myethumma@yahoo.com>

Please see the attached letter. I am available for any questions.

Mahsi'

Tonya Garnett

Executive Director

Native Village of Venetie Tribal Government

**1.23.19 Letter from NVVTG to BLM.pdf**

2198K

CoastalPlain_EIS, BLM_AK <blm_ak_coastalplain_eis@blm.gov>

Thu, Jan 24, 2019 at 1:22 PM

To: tonyagarnett@hotmail.com

Due to the lapse in funding of the federal government budget, this email will not be monitored.

**Native Village of Venetie Tribal Government
P.O. Box 81080
Venetie, AK 99781
907-849-8165**

Via email

January 23, 2019

Nicole Hayes
Project Manager
Attn: Coastal Plain Oil and Gas
Leasing Program EIS
222 West 7th Avenue, Stop #13
Anchorage, Alaska 99513
mnhayes@blm.gov
blm_ak_coastalplain_EIS@blm.gov

**Re: Impacts of government shutdown on Tribal involvement and renewed request
for extension of public comment period for Arctic National Wildlife Refuge Coastal
Plain Oil and Gas Program Draft Environmental Impact Statement**

Dear Nicole:

The Native Village of Venetie Tribal Government, the Venetie Village Council, and the Arctic Village Council (collectively “the Tribes”) again write to request an extension of the public comment period for the Bureau of Land Management’s (“BLM”) Draft Environmental Impact Statement (“DEIS”) for the Coastal Plain Oil and Gas Leasing Program. BLM’s December 20th press release states that it will accept comments through February 11, 2019. However, BLM’s 45-day public comment period has thus far occurred entirely within the federal government shutdown. As such, the Tribes renew our previous request of a 77-day extension—ending Monday, April 29, 2019.

At midnight on December 21, 2018—one day after BLM made the draft publicly available—a lapse in appropriations triggered a partial government shutdown, with most BLM and other Interior Department staff furloughed. Since that time, several critical aspects of the public comment have been frustrated, thereby giving rise to myriad procedural and substantive deficiencies in the NEPA process surrounding this EIS. These include:

1. The Shutdown has Caused a Misalignment of the Written and Oral Comment Periods.

In a press release sent to Alaskans on January 9, 2019, BLM announced its intention to “postpone currently scheduled public meetings regarding the” dEIS, but also stated the presently scheduled February 11, 2019, end of the public comment would remain in place. This decision therefore establishes a process in which oral testimony at any of the previously scheduled eight public hearings on the dEIS will occur after the public comment period officially closes. With

no BLM staff available to clarify this situation, these conflicting comment periods have given rise to significant confusion about when and even how our Tribal members' individual comments on the dEIS will be accepted by BLM and taken into consideration in its final decision.

2. The Shutdown has effectively ended the ability of the Tribes to undertake the previously contracted translation of the dEIS into the Gwich'in language.

The Tribes appreciate BLM's willingness to fund translation of the dEIS into written Gwich'in. However, as the agency is well aware, translation of this complex and technical document will take considerable time. At the outset, the 45-day public comment period is inadequate to allow for translation of the dEIS.

Compounding this difficulty, the December 21 shutdown went into effect before BLM transferred funds to the Arctic Village Council to begin the previously contracted translation work. Therefore, the Tribal employees hired by the Council to undertake this work have not been able to even begin the project. If the February 11 close of the public comment period is maintained, Tribal members and elders who speak and read Gwich'in as their first, and in some cases only language, will not have the opportunity to meaningfully utilize this critical material to formulate their comments. The lapse in translation funding has also deprived tribal members of a welcomed source of income during the winter months when seasonal employment is scarce. It is imperative that BLM provide sufficient time for translation to allow these tribal members to meaningfully comment on the dEIS. Funding the translation efforts while simultaneously not providing adequate time to translate the dEIS merely pays lip service to BLM's trust responsibility to the Tribes.

3. The Shutdown has effectively ended the Section 106 Process under the National Historic Preservation Act.

From December 4-5, 2018, and from December 9-10, 2018, the BLM was scheduled to conduct Section 106 consultations and interviews with the Tribes, Elders, and knowledge-bearers in Venetie and Arctic Village, respectively, regarding the identification of historic properties affected by BLM's two previously identified "undertakings" involving the Arctic Refuge: the development of the oil and gas leasing program, and the proposed seismic survey of the Coastal Plain. Both of those consultations were canceled. The Venetie consultation was canceled because of the 7.0 magnitude earthquake that struck Anchorage on November 30, 2018, which affected the safety and travel of BLM and Tribal staff in Southcentral Alaska. The Arctic Village consultation was canceled because winter weather prevented BLM staff from flying into the village. A later consultation in Venetie, scheduled for January 8-9, 2019, was canceled because of the continuing government shutdown.

With the continued postponement of any of the statutorily required government-to-government consultations under the NHPA, it remains unclear how BLM will evaluate historic properties and the potential effects the undertakings will have on them, or how such information will be incorporated into the cultural resources and historic properties chapters of the dEIS.

4. The Shutdown has limited the opportunity of other federal agencies to review and comment on the dEIS.

The dEIS lacks clarity about if or the extent to which BLM has consulted or cooperated with other federal agencies with jurisdiction by law or special expertise. Nevertheless, other agencies including the U.S. Fish and Wildlife Service and the Environmental Protection Agency have extensive and important expertise relevant to the reasonably foreseeable impacts of the proposed leasing program. With staff from those agencies furloughed, they cannot review and comment on the dEIS. Moreover, given the significant and numerous deficiencies with the dEIS, input by those agencies is critical to inform BLM's decision moving forward.

5. The BLM is extending other comment periods due to the shutdown.

The public comment period for the Arctic Refuge dEIS is not the only public process BLM is managing in Alaska or the Lower 48 States. Indeed, to the west of the Arctic Refuge lies the National Petroleum Reserve – Alaska, where BLM is presently in the scoping phase for the NPR-A's integrated activity plan. On January 22, 2019—the original close of the scoping period—BLM announced it was extending the deadline an additional eight days. BLM likewise extended a comment period on mineral leases in Minnesota this week; again waiting until the last day of the comment period to make such an extension announcement.

The comment period for the dEIS should likewise be extended. As of the writing of this letter, every single day of the comment period for this dEIS has occurred during the government shutdown. There is no defensible reason as to why BLM would extend comment periods in other NEPA processes and simultaneously deny such an extension to the Tribes. Moreover, I sincerely hope that if any extension were granted, the BLM will actually provide advance notice of the announcement, rather than waiting until the last moment. The latter course of action would be a severe insult to the trust responsibility BLM owes to the Tribes.

Our Tribes are not mere stakeholders in BLM's public process. We are the federally recognized tribal sovereigns whose members have thrived in the region since time immemorial. As such, and as tribal sovereigns, this request is made on a government-to-government basis. If BLM's previous representations of recognition and respect for the Tribes' unique status in this process are to mean anything, we fully expect this reasonable request for additional time and clarification to be honored.

Mahsi',

A handwritten signature in black ink, appearing to read 'Tonya Garnett', with a stylized, flowing script.

Tonya Garnett
Executive Director
Native Village of Venetie Tribal Government

c.c.

James Martin, First Chief
Native Village of Venetie Tribal Government

Timothy Roberts, First Chief
Venetie Village Council

Joe Balash, Assistant Secretary of Land and
Minerals Management
U.S. Department of the Interior

Steve Wackowski, Senior Advisor for Alaska
Affairs
U.S. Department of the Interior

Senator Dan Sullivan

Representative Raúl Grijalva

Galen Gilbert, First Chief
Arctic Village Council

Ted Murphy, Acting State Director
Bureau of Land Management

Greg Siekaniec, Regional Director
U.S. Fish and Wildlife Service

Senator Lisa Murkowski

Representative Don Young

Representative Betty McCollum