



June 3, 2010

Sharon Seim, Planning Team Leader
Arctic National Wildlife Refuge
101 12th Ave., Rm. 236
Fairbanks, AK 99701

Re: Arctic National Wildlife Refuge Comprehensive Conservation Plan Revision

Dear Ms. Seim:

Arctic Slope Regional Corporation ("ASRC") hereby submits the following comments in response to the U.S. Fish and Wildlife Service's ("USFWS") request for comments relating to the scope of a revised comprehensive conservation plan ("CCP") and environmental impact statement ("EIS") for the Arctic National Wildlife Refuge ("Refuge"). *Arctic National Wildlife Refuge, Fairbanks, AK*, 75 Fed. Reg. 17763 (Apr. 7, 2010).

I. INTRODUCTION

What we now know as the Refuge was originally established in 1960, when President Eisenhower's Secretary of the Interior, Fred Seaton, signed a Public Land Order establishing the 8.9 million acre Arctic National Wildlife Range. After years of debate over the fate of the Range, in 1980, Congress enacted the Alaska National Interest Lands Conservation Act (ANILCA). ANILCA doubled the size of the Range, renamed it the Arctic National Wildlife Refuge, and designated eight million acres (most of the original Range) as wilderness. The remaining northernmost 1.5 million acres of the Refuge, the Coastal Plain, was addressed in Section 1002 of ANILCA, and is now referred to as the 1002 Area. Section 1002 reserved judgment on the future of the Coastal Plain, setting the area aside for further assessment of its oil and gas development potential and its fish and wildlife resources. In 1987, after six years of environmental, geologic, and economic study required by ANILCA, the Department of the Interior recommended that the 1002 Area be opened to responsible oil and gas development. Since completion of that report, numerous wells have been drilled and oil fields discovered near the 1002 Area of ANWR. However, in Section 1003 of ANILCA, Congress prohibited any development of oil and gas within ANWR, including the Coastal Plain, until authorized by a future act of Congress.

On April 7, 2010, the USFWS issued a public notice announcing its initiation of a process to update its 22 year-old CCP for the Arctic National Wildlife Refuge, and soliciting public comments relating to the scope of the revision. As revised, the plan will establish goals and objectives for, and otherwise guide, the USFWS's management of the Refuge for at least the next 15 years. The USFWS announced that, as part of the revision process, the agency may inventory, study, and possibly propose additional areas for potential designation as new wilderness within the National Wilderness Preservation System, including potentially the 1.5 million acre Coastal Plain.

The USFWS's plan revision is of critical importance to ASRC and the Native Iñupiat people who live in and near ANWR and who are ASRC's shareholders. ASRC is the Alaska Native Corporation formed under the Alaska Native Claims Settlement Act ("ANCSA") represents the people who live on the North Slope. . ASRC has a growing shareholder population of approximately 11,000 Iñupiat Eskimos, and represents eight villages on the North Slope: Point Hope; Point Lay; Wainwright; Atkasuk; Barrow; Nuiqsut; Kaktovik; and Anaktuvuk Pass.

ASRC is committed both to increasing the economic and shareholder development opportunities within our region, and to preserving the Iñupiat culture and traditions that strengthen both our shareholders and ASRC. A founding principle of ASRC is respect for the Iñupiat heritage. A portion of our revenues is invested into supporting initiatives that aim to promote healthy communities and sustainable economies. By adhering to the traditional values of protecting the land, the environment and the culture of the Iñupiat while providing economic opportunities, ASRC has successfully adapted and prospered in an ever-changing economic climate.

ASRC owns approximately five million acres of land on Alaska's North Slope. ASRC lands that are of value for both natural resource potential and cultural values including access to subsistence wildlife resources like caribou, fish, sheep and other animals. ASRC remains committed to developing its natural resource base and bringing them to market, in a manner that respects Iñupiat subsistence values while ensuring proper care of the environment, habitat, and wildlife.

ASRC and Kaktovik Iñupiat Corporation ("KIC"), the Native Corporation for the Village of Kaktovik, own more than 92,000 subsurface and surface acres, respectively, in the Coastal Plain. In 1971, ANCSA gave KIC surface rights to 92,160 acres of federal lands adjacent to the Village (the only settlement in ANWR), originally allowing KIC to select 69,120 of these acres within the Range and the remainder outside the Range. In 1980, ANILCA subsequently allowed KIC to relinquish its selected lands outside the Refuge and instead to select the remainder of its Corporation lands within the Refuge. ASRC holds the subsurface rights to these lands. These lands hold significant potential for onshore oil and gas development. However, as a result of Section 1003 of ANILCA, these important economic resources remain off limits to ASRC.



ASRC agrees, as the USFWS appropriately has stated, that the agency does not have the authority to decide whether the 1002 Area should be made available for oil and gas leasing, and therefore appreciate that the USFWS will not consider or respond to comments that support or oppose such development during this CCP revision process. However, the USFWS must be cognizant that any decision to undertake wilderness review of the 1002 Area and any effort to obtain wilderness designation for the 1002 Area cannot be viewed independently from the question of oil and gas development, or any kind of land-based economic development in and around the village of Kaktovik. Any decision to undertake such review and recommend the area for wilderness designation could have significant implications for future oil and gas development, inappropriately foreclosing any decision by Congress to open the area to such development, or any development in the future. For the village of Kaktovik, to be surrounded by Wilderness would be a severe limitation on options for the future economy of that village. It is for this reason, discussed further in these comments, that ASRC, like all of the North Slope constituencies (the Native Village of Kaktovik, the City of Kaktovik, and the North Slope Borough) urge the USFWS not to include wilderness review of the 1002 Area within the scope of its CCP revision process. Further, Wilderness status would complicate subsistence access to the wildlife resources of the Coastal Plain, in an area where subsistence is difficult enough already.

Recognizing the USFWS's statements regarding the scope of the CCP revision process, ASRC nonetheless believes that it is incumbent upon it to express to the USFWS how important it is to ASRC and the broader Alaska Native community that the USFWS not take any action through this CCP revision process that would have the effect of foreclosing the substantial economic opportunities associated with the potential for future development of the Coastal Plain's enormous projected onshore oil and gas reserves. Responsible oil and gas development of the 1002 Area of ANWR would provide a safe and secure source of energy to the nation, create important jobs for Alaska Natives and throughout the country, and help ensure future flows through the Trans-Alaska Pipeline System, which is now operating at only one-third of its original capacity. With advances in technology, it is possible to develop the Coastal Plain's oil and gas reserves and allow access to much-needed energy resources with minimal land disturbance in the Refuge and without any significant disturbance to wildlife. Technological advances have significantly reduced the "footprint" of oil and gas development. And, generally speaking, caribou and other wildlife populations have shown themselves to be highly adaptive to, and have not been adversely affected by, people, machines, and appropriate development (including oil and gas development) in the Refuge or nearby areas.

Eight million acres, or 42 percent, of the 19.6 million acre Refuge—including 500,000 acres of its eastern coastal plain—already have been designated by Congress as wilderness under the Wilderness Act. Most of the remainder of the Refuge also is closed to oil and gas development, though not formally designated as wilderness. As discussed further in these comments, given the unique status of the 1002 Area under Federal law, the enduring presence of the Iñupiat people in the area, the subsistence needs of these Native and other rural residents of the area, the extent of existing designated wilderness



in the area, and other relevant considerations, the USFWS should not include wilderness review or take any steps toward obtaining wilderness designation for the 1002 Area under the Wilderness Act as part of this CCP revision.

As the USFWS undertakes this effort to update the CCP for the Refuge, ASRC urges the agency to be mindful of the fact that the Refuge is, and has long been, the home of Alaska Native people who continue to maintain a strong connection to the land that is fundamental to our very way of life. In addition to the substantial value that our people (and the broader Alaska Native community) will draw from responsible development of the Coastal Plain's bountiful oil and gas resources if and when Congress permits it, the land and its resources are essential to our subsistence way of life. As it updates the CCP, we urge the USFWS to remain mindful of these concerns, and not to take any action that could deprive our people of access to and use of these resources or otherwise adversely impact the culture and heritage that lies at the very foundation of who we are.

II. NO WILDERNESS REVIEW OF THE COASTAL PLAIN / 1002 AREA.

The USFWS should not review lands in the Coastal Plain / 1002 Area for potential recommendation for Congress for inclusion within the National Wilderness Preservation System. The USFWS has indicated that, as part of this CCP revision process, it may undertake wilderness review of the Coastal Plain, potentially leading to a recommendation that Congress designate the area as wilderness under the Wilderness Act of 1964. The USFWS's "Arctic National Wildlife Refuge CCP and Wilderness Reviews for Alaska NWRs: Questions and Answers" (Q13 and A13) explains, in response to the question whether "all of the areas of the refuge not currently designated as wilderness, including the 1002 Area, [will] be considered in the wilderness review?"

The entire refuge will be open to discussion during the public involvement and scoping process, but *a decision on whether to include wilderness review of the 1002 Area will not be made until after completion of the public scoping process.* A decision to conduct such a review of this area would only result in a recommendation to designate or to not designate. Should there be a recommendation to designate, the area could only be designated wilderness through an act of Congress.

For the following reasons, the USFWS should not include wilderness review of the 1002 Area as part of this CCP revision process

A. The Unique Status of the Coastal Plain / 1002 Area Makes Wilderness Review of the Area by the USFWS Inappropriate

The Coastal Plain / 1002 Area has unique status under Federal law that makes it inappropriate for the USFWS to undertake wilderness review of the area in order to



determine whether to recommend the area for wilderness designation by Congress. As the USFWS recognizes in its planning materials, certain decisions relating to management of the Refuge, and particularly the 1002 Area, have been reserved by and to Congress. In this regard, in the Federal Register Notice regarding this CCP revision process, the USFWS explained:

Some concerns and interests related to the Refuge will not be addressed in the Revised CCP. For example, the U.S. Congress has reserved for itself in sections 1002(i) and 1003 of ANILCA, 16 U.S.C. §§ 3142(i), 3143, the decision as to whether or not the Refuge Coastal Plain (also called the 1002 Area) should be made available for oil and gas development. *Therefore, the Service does not have the authority to decide this issue, and we will not consider or respond to comments that support or oppose such development during this CCP process.*

75 Fed. Reg. at 17764-65 (emphasis added). The USFWS appropriately has placed “off the table” any discussion or consideration of whether the 1002 Area should be made available for oil and gas development. Because the two issues are inextricably linked, it should do the same with wilderness review of the area.

In fact, the USFWS should not take any action through the CCP revision process that would have the intent or effect of pre-determining Congress’s decision relating to this reserved authority. It is difficult to envision how the USFWS can undertake wilderness review of the 1002 Area independent of the issues that the USFWS has recognized are reserved by law for congressional decision and beyond the scope of this CCP revision process.

As the recent public hearings clearly illustrate, with regard to the Coastal Plain, the question of wilderness designation is inseparable from the question of oil and gas leasing and development. To demonstrate this point, one need only look at the fact that the majority of comments by those at the Anchorage and Fairbanks hearings who spoke out in favor of wilderness designation did so while citing their opposition to oil development and asserting that oil development would not be permitted in wilderness. Several people even went so far as to mention the recent oil spill in the Gulf of Mexico in voicing their support for wilderness designation. See “ANWR coastal plain hearing draws standing-room crowd”, Anchorage Daily News (May 11, 2010), available at <http://www.adn.com/2010/05/11/1273779/anwr-coastal-plain-hearing-draws.html>; “Opinions are mixed on ANWR”, Anchorage Daily News (May 14, 2010), available at <http://www.adn.com/2010/05/14/1278140/opinions-are-mixed-on-anwr-designation.html>.

Each of these commenters conflates the issues of wilderness designation and oil and gas development. And, they have done so in spite of the fact that the question of oil and gas development lies explicitly within the realm of Congress and that the USFWS



has been direct in informing the public that it does not have the authority to decide this issue and will not consider or respond to comments supporting or opposing oil and gas development during the CCP revision process. In effect, the bulk of these comments view wilderness review as a means to put a nail in the coffin of potential future oil and gas development—to obstruct Congress’s discretion to open the area to oil and gas development at some time in the future, if not to fully usurp congressional authority to do so. As the Director of the Alaska State Division of Oil and Gas, Kevin Banks, testified at the Anchorage hearing, “Any [wilderness] study recommendations will further fuel national controversies over the future disposition of the 1002 Area. Such controversies will distort congressional considerations of the highest potential onshore area for oil development remaining in the United States.” Given the USFWS’s recognition that it lacks the authority to decide the oil and gas development issue, considering wilderness designation for the 1002 Area will simply distract the agency and the public from giving appropriate attention to the other important issues at stake in revising the CCP, and undermine congressional authority to make the ultimate decision on oil and gas development.

B. Wilderness Review of the 1002 Area is Inconsistent With Section 1001 of ANILCA

Undertaking a wilderness review of the 1002 Area at this time also would be inconsistent with section 1001 of ANILCA. Section 1001(b) of ANILCA did authorize the Secretary of the Interior to “review the wilderness characteristics, and make recommendations for wilderness designation” of “all Federal lands (other than submerged lands on the Outer Continental Shelf) in Alaska north of 68 degrees north latitude and east of the western boundary of the National Petroleum Reserve Alaska other than lands included in the National Petroleum Reserve Alaska and in conservation system units established under [ANILCA].” *See also* ANILCA § 1004. And, section 1001(c), in addition to calling for the Secretary to make findings on “the potential oil and gas resources of these lands,” called for the Secretary to make findings on “the national interest in preservation of the wilderness characteristics of these lands.” The study and findings authorized and required under sections 1001 and 1004 were required to be completed “no later than eight years after the date of enactment of [ANILCA].” In accordance with the statute, the USFWS began the required studies in 1981, and published its final report in 1987. And, notably, the environmental impact statement prepared by the Department of the Interior in connection with the report concluded that designation of the 1002 Area as wilderness “is not necessary to protect the 1002 Area environment and is not in the best interest of the Nation.” Arctic National Wildlife Refuge, Alaska, Coastal Plain Resource Assessment: Report and Recommendation to the Congress of the United States and Final Legislative Environmental Impact Statement, U.S. Department of the Interior, Apr. 1987, at 189. Thus, the USFWS’s obligations under these provisions have long since been completed, and the provisions’ authorities are now moot and provide no further authority to the USFWS to undertake additional studies or reviews of the area’s wilderness potential.



C. The 1002 Area Does Not Meet Minimum Requirements for Designation as Wilderness

The 1002 Area does not meet the Wilderness Act's minimum requirements for designation as wilderness, and is therefore not suitable for consideration for designation. Section 2(c) of the Wilderness Act defines "wilderness" as follows:

A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as *an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain*. An area of wilderness is further defined to mean in this Act an area of undeveloped Federal land retaining its primeval character and influence, *without permanent improvements or human habitation*, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.

16 U.S.C. § 1131(c) (emphasis added). This definition does not describe the Coastal Plain.

The Village of Kaktovik, the only village within the 19.6 million acres of the ANWR's boundaries, is situated within the 1.5 million acres of the Coastal Plain. As noted above, ASRC and KIC, the Native Corporation for the Village of Kaktovik, own more than 92,000 subsurface and surface acres, respectively, in the Coastal Plain. Kaktovik, or Inuuniagviat Qaaqtuvigmiut, is the ancestral homeland of the native Kaktovikmiut of the Arctic Coast of Alaska. These lands that Iñupiat people have called home for thousands of years extend from the continental divide in the Brooks Range to approximately 100 kilometers offshore in the Arctic Ocean, from the Sagavanirktok River on the west, well into present-day Canada on the east. For centuries, Iñupiat have made their home along the coast, surviving off the resources of the waters and lands between the Arctic Ocean and the mountains to the south. Iñupiat are the only indigenous people of this land. For thousands of years, Iñupiat culture has been defined by the connection with this place and all of the bounty it provides. This close relationship with the land is one of the things that have sustained Iñupiat in this challenging Arctic environment for ages. As such, the 1002 Area is neither pristine, nor



untrammeled, and its current residents do not depend on Wilderness status for its protection.

The area also has a military history that has had an effect on the lands. In 1947, the U.S. Air Force constructed a runway and hangar on the historic Kaktovik Village site. Soon thereafter, the area served as the site for installation of a Distant Early Warning Line (DEW Line) radar station, and the airport runway was extended. Although the radar towers have since been removed, impacts on the lands remain.

Thus, it is clear that the Coastal Plain is not appropriate for consideration for wilderness designation. “Man” has called the Coastal Plain home for thousands of years, and can hardly be considered a “visitor” there. And, the area is clearly not one without human habitation. Any suggestion to the contrary—to say that Iñupiat homelands, where they have lived and that have sustained them for thousands of years, are absent of people, as if they do not exist—or somehow exist only in a quaint, stereotypic pre-contact lifestyle is, at best, mistaken and, at worst, insulting. Modern Native Alaskan villages have real-world modern needs. Complete enclosure by Wilderness-status lands is antithetical to a promise of a future for the people of Kaktovik.

D. Wilderness Designation Would Severely Impair the Ability of the Refuge to Continue to Provide for Subsistence Use and Related Needs of Rural Residents

Section 810 of ANILCA, 16 U.S.C. § 3120, requires the heads of Federal agencies to evaluate the effects of any proposed land withdrawal, reservation, lease, occupancy, use, or other disposition of Federal lands upon subsistence uses. This evaluation must include findings on three specific issues: (1) the effect on subsistence uses and needs; (2) the availability of other lands for the purpose sought to be achieved; and (3) other alternatives that would reduce or eliminate the use, occupancy, or disposition of public lands needed for subsistence purposes. Section 810 also prohibits agencies from proceeding with any proposed disposition that would significantly restrict subsistence uses, without first following certain procedures and making certain findings.

The USFWS must complete such an evaluation as part of any wilderness review of lands in the Coastal Plain; if this evaluation concludes with a finding that the proposed action would result in significant restriction to subsistence uses and needs, and the USFWS wishes to proceed, the agency must initiate further procedural requirements of Section 810. As the USFWS has recognized, significant restriction to subsistence uses may occur when an action may substantially limit access by subsistence users to resources. Yet, this would be precisely the result of wilderness designation for the Coastal Plain.

The Village of Kaktovik, the only village within the 19.6 million acres of the ANWR’s boundaries, is situated within the 1.5 million acres of the Coastal Plain. The population of the Kaktovik community is significantly—over eighty percent—Alaska



Native or part Native. Designation of the Coastal Plain as wilderness under the Wilderness Act would severely impact the subsistence activities and traditional way of life for the residents of the Village of Kaktovik. Despite being private land owners within the Coastal Plain, the Village would be surrounded by wilderness, making the villagers essentially refugees on their own land. Due to its isolation, the Village has maintained its Iñupiat Eskimo traditions. As with other rural communities in the region, subsistence hunting, fishing, and whaling are a major element of the traditional Native culture in the area and a primary source of nutrition, and play a major role in the local economy. Wilderness designation (and to some extent even management pending congressional action on a proposed designation) carries with it significant limitations on access and uses that will choke off traditional activities. Motorized access to the vast hunting areas around the villages by snow machine and other vehicles, and shelters and semi-permanent structures used for camping and hunting activities, would be limited and problematic. Indeed, Alaska Native communities already confront these issues with existing nearby designated wilderness areas.

The thin ribbon of coastal plain that exists between the mountain front and the coastline must not be considered for designation as wilderness. This coastal plain includes the total remainder of caribou and waterfowl hunting areas, fish camps, ancestral campsites, and existing Native allotments. The agency is proposing wilderness “creep” toward the shoreline to eventually even surround privately-held lands near the Village. Life is difficult enough already with current wilderness areas. Sending this burden further northward to overlie even more fishing, waterfowl, and caribou harvest areas, gravesites and birthplaces, Native allotments, and semi-permanent hunting shelters would be devastating to Iñupiat for whom this area is their home and source of subsistence.

As recently as last November, at the White House Tribal Nations Conference, President Obama acknowledged that: “Promises were broken. You were told your lands, your religion, your cultures, your languages were not yours to keep. And that’s a history that we’ve got to acknowledge if we are to move forward.” Proposing the Coastal Plain for wilderness designation is fundamentally inconsistent with the promises that were made to the only Native Americans who live within the boundaries of the 19.6 million acres of ANWR. The residents of the Village of Kaktovik already are deprived of substantial economic opportunity by virtue of the fact that the Coastal Plain is closed to such activities as oil and gas development without further act of Congress. The USGS estimates a median of 10.6 billion barrels of oil within the Coastal Plain, and yet as private land owners within the Coastal Plain, Kaktovik is barred by Federal law from taking advantage of this substantial economic resource. Proposing wilderness to shut down the community’s traditional activities on top of this does not only seem at odds with President Obama’s statements and Federal Indian policy; it seems unconscionable.

E. Wilderness Designation of the Coastal Plain is Unnecessary.

Finally, as 1987 Coastal Plain Resource Assessment: Report and Recommendation to the Congress of the United States and Final Legislative



Environmental Impact Statement concluded, designation of the 1002 Area as wilderness “is not necessary to protect the 1002 Area environment and is not in the best interest of the Nation.” The current statutory and regulatory regime governing management of the Refuge is sufficient to protect the values for which the Refuge was established and must be managed. ANILCA sections 1002 and 1003 prohibit oil and gas development until further Act of Congress. Because of the existing obligations and responsibilities of the USFWS that guide management of the Coastal Plain and the fact that the Coastal Plain already is closed to oil and gas development until further act of Congress, there simply is no valid reason to designate the Coastal Plan as Wilderness.

III. THE ARCTIC REFUGE VISION—DRAFT

The USFWS’s CCP planning booklet (page 4) specifically requests views on a draft vision statement prepared by Refuge staff. This draft statement reads as follows:

This untamed arctic landscape continues to sustain the ecological diversity and special values that inspired the Refuge’s establishment. Natural processes and traditional ways ebb and flow with the seasons; physical and mental challenges test our body, mind and spirit; and we honor the land and its wildlife with respect and restraint. Through responsible stewardship, this vast wilderness is passed on, undiminished, to future generations.

ASRC believes that the draft vision statement should be revised in several important respects.

First, the statement should be revised to more explicitly and clearly recognize the historic and continuing presence of Native Alaskans in the Refuge, as well as the substantial value of the Refuge and its resources to those indigenous peoples. We do appreciate that this draft vision statement does contain a reference to “traditional ways.” However, we believe that more is necessary to ensure that the vision statement reflects that one of the purposes of the Refuge is “to provide the opportunity for continued subsistence uses by local residents.” In this regard, in accordance with the relevant provisions of Titles III and VIII of ANILCA, we propose that the following sentence be added to the vision statement: “The refuge and its wild resources continue to provide the opportunity for subsistence use by Iñupiat Natives living within the Refuge and other rural Alaskans, sustaining their physical, economic, traditional, and cultural existence.”

Second, the last sentence of the statement should be revised so that it does not contain the word “wilderness.” As the USFWS is aware, the word wilderness has both a common usage and a statutory usage (under the Wilderness Act of 1964). Obviously, not all areas of the Refuge have been designated (or even proposed or recommended as) wilderness. While we therefore presume that the USFWS intended to use the term in its common usage, this sentence appears to inappropriately suggest a vision where the entire



Refuge is treated and managed as wilderness. Given the very highly charged nature of the issue of wilderness designation concerning certain areas of the Refuge, especially the 1002 Area, we believe that use of the term wilderness in the vision statement, regardless of the USFWS's intention, is problematic. The use of the term wilderness in the vision statement can, and undoubtedly will by some, be interpreted to mean that the entire Refuge should be managed as wilderness, regardless of the fact that certain areas of the Refuge are not required to be managed as such. Use of the term will unnecessarily add to the controversy regarding wilderness designation for certain areas of the Refuge, and only further complicate the USFWS's ability to manage the area in accordance with governing authorities. Accordingly, it should be replaced with a term that will be less controversial and that more accurately represents the status of the Refuge as a whole.

IV. DRAFT GOALS FOR STEWARDSHIP

The USFWS's CCP planning booklet (page 5) specifically seeks views on a number of preliminary goals drafted by Refuge staff. Several of these preliminary goals are problematic and should be revised before they are incorporated, if at all, into any draft CCP.

A. Draft Goal #1

Draft Goal #1 states that "The Refuge is managed as a unit of the National Wildlife Refuge System to promote unparalleled natural diversity and biological integrity; uphold the ideals of wilderness stewardship; and perpetuate pristine landscapes." According to the introduction to the Draft Goals section of the booklet, goals serve several purposes: they "describe how Refuge management will meet Refuge purposes and achieve the vision"; they "identify and focus management priorities"; they "provide the foundation for developing specific management objectives and programs"; and they "provide a context for resolving issues." Given these important purposes, it is critical that any draft goal purporting to represent the purposes for which the Refuge is managed fully and accurately represent *all* of the purposes for which the Refuge is managed.

This draft goal as set forth in the planning booklet inappropriately excludes certain important purposes for which the Refuge, by statute, must be managed. Most importantly for the purposes of these comments, under section 303 of ANILCA, "[t]he purposes for which the [ANWR] is established and shall be managed include—(iii) to provide . . . the opportunity for continued subsistence uses by local residents" Accordingly, Draft Goal #1 should be revised to fully and accurately reflect the multiple purposes for which the Refuge was established and must be managed.

B. Draft Goal #9

Draft Goal #9 states that "The Refuge, a conservation area of 'National Interest' for visitors as well as for millions who find satisfaction just knowing it exists, maintains



its heritage and symbolic values, and passes these as bequests to future generations.” ASRC submits that this draft goal is enormously problematic and should be removed from the document in its entirety.

ASRC strongly and fundamentally disagrees with including protection of the area “for millions who find satisfaction just knowing [the Refuge] exists” as a goal for stewardship of the Refuge, as well as suggesting that USFWS should manage the Refuge to protect its “symbolic values.” ASRC acknowledges that ANILCA recognized the “national interest” in “the scenic, natural, cultural and environmental values on the public lands in Alaska.” 16 U.S.C. § 3101(d). However, the Refuge is either an area of “national interest” or it is not. It cannot be an area of “national interest” to certain people (i.e., visitors and those who find satisfaction just knowing the Refuge exists), as the draft goal currently states. Moreover, although the Refuge was established and must be managed for a number of purposes, maintaining the “symbolic values” of the Refuge is not one of them. The goals of the revised CCP must be consistent with the purposes of the Refuge. Draft Goal #9 is not, and should be removed from further consideration.

C. Draft Goal #12

Draft Goal #12 states that “The Refuge provides informational and educational opportunities to diverse audiences near and far to enhance understanding and appreciation of the Refuge, its resources, and its conservation and preservation purposes.” If, however, the Refuge is to provide meaningful informational and educational opportunities, those opportunities must provide accurate and complete information, and provide such information free from any apparent or perceived bias. As noted above, the Refuge was established for a number of purposes. Any goal relating to informational and educational opportunities should aim to enhance understanding and appreciation of *all* of the Refuge’s purposes, not strictly “conservation and education.”

V. THE CCP REVISION PROCESS MUST PROVIDE SUFFICIENT ATTENTION TO AND CONSIDERATION OF SUBSISTENCE USE

For many Alaskans, particularly Natives residing in remote, rural villages, subsistence hunting, fishing, and gathering remains the primary source of food. Subsistence also remains a critical element of a culture that has survived in the harsh Arctic Alaskan environment for thousands of years. In view of this, Congress has provided clear direction that the cultural and other aspects of subsistence living must be protected. ANILCA specifically recognized that the continued opportunity for subsistence uses of public lands is critical to physical, economic, traditional, social and cultural existence of rural Native and non-Native residents of Alaska. 16 U.S.C. § 3111(1). As well, one of the purposes of the Refuge, pursuant to ANILCA, is to provide the opportunity for continued subsistence uses by local residents, consistent with the other Refuge purposes of conserving fish and wildlife populations and habitats in their natural diversity and fulfilling international treaty obligations with respect to fish and wildlife. ANILCA § 303(2)(B)(iii).



When it enacted ANILCA in 1980, Congress included several important provisions to protect subsistence activities in Alaska. Among these, Congress enacted section 810, 16 U.S.C. § 3120, to ensure that the Federal government's management of Federal lands in Alaska does not interfere with the subsistence way of life. Thus, section 810 requires Federal agencies to evaluate the impact of their management decisions on subsistence activities, resources, and habitat. And, if this impact may be significant, the agency must take steps to avoid or minimize the impact, including altering the proposed action. Accordingly, as it undertakes to determine the future management of the Refuge through the CCP revision process, the USFWS must appropriately consider the potential impacts of its management decisions on subsistence use, and provide for management and use of the Refuge that does not interfere with continued subsistence use in the area.

In addition, ANILCA section 811, 16 U.S.C. § 3121, requires USFWS to ensure that subsistence users "have reasonable access to subsistence resources on the public lands" and requires USFWS to permit snowmobile, motorboat, and other traditionally used means of transportation on the public lands for subsistence use, subject to reasonable regulation. *See also* 50 C.F.R. § 36.12. Section 1110, 16 U.S.C. § 3170, further requires USFWS to permit in the Refuge the use of snow machines, motorboats, airplanes, and non-motorized surface transportation methods for traditional activities and for travel to and from villages and homesites, subject to reasonable regulation to protect the natural and other values of the Refuge. In this regard, section 304(g)(1) also requires the USFWS, before revising the CCP plan, to identify and describe the cultural values of the Refuge, as well as "present and potential requirements for access with respect to the refuge" pursuant to Title XI of ANILCA. The USFWS must ensure that the CCP revision adheres to these requirements and fully preserves the rights of subsistence users under these provisions.

The USFWS should be aware that, despite these requirements, we have some reason for concern that the USFWS does not appropriately recognize protection of subsistence use as a significant value that must be protected through the CCP revision process. For example, the "Public Use" poster developed by the USFWS for display at the public meetings states that "**Public use** of the Refuge includes activities by **visitors (both recreational and general hunting uses)**, and by **rural residents** who rely upon the Refuge for subsistence uses, including subsistence hunting." Arctic National Wildlife Refuge: Public Use, USFWS, available at <http://arctic.fws.gov/pdf/ccppup.pdf>. The poster then devotes a scant one sentence of the entire poster to a discussion of subsistence use, stating simply that "The lands, waters, plants, and animals living in what is now the Arctic Refuge have for thousands of years supported Gwich'in Athabaskan Indians of interior Alaska, and Iñupiat Eskimos along the northern coast." This discussion is grossly inadequate. It minimizes the importance of the Refuge and its resources to the Alaska Native communities in the Refuge and the potential impacts of the USFWS's management planning decisions on these communities. The USFWS must ensure that the lack of attention to Native communities and subsistence issues in this poster does not become representative of the CCP revision process, and that the agency fully considers



these issues, including the potential effects of its management alternatives on subsistence uses, as it proceeds with this planning effort.

VI. CONSULTATION WITH ALASKA NATIVE CORPORATIONS AND OPPORTUNITIES FOR ALASKA NATIVES TO PARTICIPATE IN THE PLAN REVISION PROCESS ARE ESSENTIAL

Section 304(g)(4) of ANILCA requires that “In preparing each [CCP] and revisions thereto, the Secretary shall consult with the appropriate State agencies and Native Corporations, and shall hold public hearings in such locations in the State as may be appropriate to insure that residents of local villages and political subdivisions of the State which will be primarily affected by the administration of the refuge concerned have opportunity to present their views with respect to the plan or revisions.” As the CCP revision process moves forward, it is critical that USFWS actively consult with ASRC, the Kaktovik Iñupiat Corporation, and other affected Native Corporations. It is also essential that USFWS provide sufficient opportunities for the local communities that will be most affected by the plan revision, including the Village of Kaktovik, to meaningfully participate in this process.

Although approximately 63% of the Refuge lies within the boundaries of the North Slope Borough and 100% of the Coastal Plain is located in the region, originally USFWS scheduled only one public hearing in the region, in Kaktovik. ASRC commends the USFWS on its reconsideration and subsequent scheduling of an additional hearing in Barrow. Going forward, the USFWS must realize that public hearings throughout the vast region will be necessary at each stage of the CCP revision process in order to provide a fair and meaningful opportunity for the most affected communities to participate in the plan revision process.

VII. CONCLUSION

The USFWS’s CCP revision critically important to ASRC and the Native Iñupiat people who live in and near ANWR and who are ASRC’s shareholders. To us, the Refuge is not something that is merely “symbolic” of an intangible ideal. It is the very place that our people have called home since time immemorial, and that continues to provide the resources that support our survival. Wilderness designation of the 1002 Area does not help the survival of our people; in fact it may hinder it. As the USFWS embarks upon its CCP update, it is essential that the agency be mindful of those who live and work on these lands, and provide for future management of the Refuge that fully recognizes our continuing presence in the Refuge and helps ensure that presence for years to come. In this regard, and for the reasons discussed in detail in these comments, it is critical that the USFWS not review lands in the Coastal Plain for potential recommendation for inclusion within the National Wilderness Preservation System. It is also essential that the USFWS’s management of the area ensure continued access to subsistence resources that is sufficient to meet the needs of Alaska Natives and other rural residents. Finally, it is important that the USFWS actively consult with ASRC, the Kaktovik Iñupiat



Corporation, and other affected Native Corporations, and ensure ample opportunities for local communities to meaningfully participate in this process.

ASRC appreciates the USFWS's consideration of these concerns, and looks forward to participating actively in the development of the updated CCP.

Respectfully submitted,
ARCTIC SLOPE REGIONAL CORPORATION



Richard Glenn
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