

***Land Use Planning Protest Resolution
Report***

for the

**Bering Sea-Western Interior
Proposed Resource Management
Plan and Final Environmental
Impact Statement (Proposed
RMP/Final EIS)**

January 15, 2021

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Acronyms

ANCSA	Alaska Native Claim Settle Act
ANILCA	Alaska National Interest Lands Conservation Act
BLM	Bureau of Land Management
CEQ	Council on Environmental Quality's
CFR	Code of Federal Regulations
DOI	U.S. Department of the Interior
EIS	Environmental Impact Statement
EO	Executive Order
ESA	Endangered Species Act
FEIS	Final Environmental Impact Statement
FLPMA	Federal Land Policy and Management Act
HVW	High Value Watershed
IM	Instruction Memorandum
NEPA	National Environmental Policy Act
NOI	Notice of Intent
RMP	Resource Management Plan
ROD	Record of Decision
U.S.C.	U.S. Code

Protesting Party Index

The protesting party index table, below, is a list of the letters received during the protest period and identifies the determination of the protest validity and how it was addressed.

Protester	Organization	Determination	Tracking Number
Oliver, Carol	Norton Bay Inter-Tribal Watershed Council	Denied	PP-AK-BSWI-RMP-20-001
Gestring, Bonnie	Earthworks	Denied	PP-AK-BSWI-RMP-20-002
Paul, Eugene	Bering Sea-Interior Tribal Commission	Dismissed – Lack of Standing	PP-AK-BSWI-RMP-20-003
Walker, Robert	Anvik Tribal Council	Denied	PP-AK-BSWI-RMP-20-004
Schubert, Gail	Bering Straits Native Corporation	Dismissed – Incomplete*	PP-AK-BSWI-RMP-20-005
Paul, Eugene	Holy Cross Tribe	Denied	PP-AK-BSWI-RMP-20-006
Alexie, Wassily	Iqurmiut Tribal Council (Iqurmiut Traditional Council)	Denied	PP-AK-BSWI-RMP-20-007
Bahnke, Melanie	Kawerak, Inc.	Denied	PP-AK-BSWI-RMP-20-008
Chase, Malinda	Deloy Ges, Inc.	Denied	PP-AK-BSWI-RMP-20-009
Katchatag, Frank	Native Villlage of Unalakleet	Denied	PP-AK-BSWI-RMP-20-010
Patsy, Douglas (Mountain, Paul)	Nulato Tribal Council	Denied	PP-AK-BSWI-RMP-20-011
Captain, Elizabeth (Honea, Glenn)	Ruby Tribal Council	Denied	PP-AK-BSWI-RMP-20-012
Brown, Loretta	SalmonState	Dismissed – Incomplete*	PP-AK-BSWI-RMP-20-013
Simon, PJ	Tanana Chiefs Conference	Denied	PP-AK-BSWI-RMP-20-014

* The protesting party did not include one or more of the requirements at 43 CFR 1610.5-2(a)(2)(i)-(v) with their submission:

- The name, mailing address, telephone number, and interest of the person filing the protest;
- A statement of the issue(s) being protested;
- A statement of the part(s) of the proposed plan or amendment being protested;
- A copy of all documents addressing the issue(s) that were submitted during the planning process by the protesting party or an indication of the date the issue or issues were discussed for the record during the planning process (at a minimum the protesting party must indicate how they participated in the planning process); and
- A concise statement explaining why the State Director’s decision is believed to be wrong.

Alaska Native Claims Settlement Act (ANCSA) 17(d)(1) – Withdrawal Revocation

Earthworks

Bonnie Gestring

Issue Excerpt Text: BLM failed to provide an adequate analysis of its decision to open the entire planning area to leasable and locatable minerals. Opening virtually the entire planning area to mineral entry is a highly significant management change that will have implications on all current sustainable uses in the planning area.

BLM has not provided a sufficient analysis of the potential long-term economic benefits of retaining or revoking the withdrawals. BLM has failed to recognize the important and vital contributions of a healthy and intact ecosystem to subsistence, sport and commercial fisheries. Withdrawals are important to protect the sensitive resources within these areas from the impacts of mineral entry and leasing to protect the sustainable plant, wildlife and fish resources that support subsistence use, sport and commercial fisheries. The BLM has failed to justify its decision to revoke the (d)(1) withdrawals for sensitive and unique resource areas and has failed to provide any analysis that revocation of the withdrawals is in the public interest for the entire planning area.

Summary: The Bering Sea-Western Interior Proposed RMP/Final EIS failed to adequately consider retaining the ANILCA 17(d)(1) withdrawals.

Response: Nearly all of the public lands in the Bearing Sea-Western Interior (BSWI) planning area are currently withdrawn by Public Land Orders (PLOs) issued pursuant to Section 17(d)(1) of ANCSA. That provision withdrew all unreserved public lands in Alaska from all forms of appropriation for a period of 90 days following the passage of ANCSA during which the Secretary would “review the public lands in Alaska and determine whether any portion of these lands should be withdrawn under authority provided for in existing law to ensure that the public interest in these lands is properly protected.” (43 U.S.C. § 1616(d)(1)). Pursuant to that section and Executive Order 10355, the Secretary withdrew more than 158 million acres of land across in Alaska in 1972 – including approximately 13,461,531 acres within the BSWI planning area (FEIS, pg. 3-122) – from appropriation under the public land laws, including, generally, location and entry under the mining laws and leasing under the Mineral Leasing Act of 1920. ANCSA further authorized the Secretary “to classify or reclassify any lands so withdrawn and to open such lands to appropriation under the public land laws in accordance with his classifications.” However, ANCSA makes clear that “[a]ny further withdrawal shall require an affirmative act by the Secretary under his existing authority.”

In 2004, recognizing that many of the ANCSA Section 17(d)(1) withdrawals remained despite being more than 30 years old, the Alaska Land Transfer Acceleration Act (ALTAA) directed the BLM “to determine if any portion of the lands withdrawn pursuant to that provision can be opened to appropriation under the public land laws or if their withdrawal is still needed to protect the public interest in those lands” (Public Law 108–452, Section 207(a), 118 STAT. 3586 (December 10, 2004)). In 2006, BLM Alaska prepared the required ANCSA 207 report on the withdrawals for the Secretary, which was then submitted to Congress. The report acknowledged that in many cases, the original purposes of the Sec. 17(d)(1) withdrawals—to maintain the status quo of the lands to complete inventories and assess resources for consideration in land management objectives for present and future public needs—had been satisfied. Therefore, the BLM recommended revoking the ANCSA 17(d)(1) withdrawals on approximately 50.1 million acres in Alaska of BLM-managed land. In the report, the BLM determined that the land use planning process provided the most appropriate way to address review of these withdrawals.

Finally, the authority for implementation or revocation of public land orders rests with the Secretary (FLPMA § 204(a), 43 U.S.C. § 1714(a)). The BLM is limited to making withdrawal recommendations through the land use planning process. Therefore, the BSWI PRMP/FEIS planning process cannot immediately open areas to mining; rather, additional action would be required by the Secretary of the Interior to implement this decision.

As explained in the FEIS, the land use planning process for BSWI serves as the means to assess resource values and make recommendations to the Secretary of the Interior regarding withdrawals within the planning area consistent (FEIS Appendix H, pg. 5). This action is consistent with the direction in ANCSA 17(d)(1) and the PLOs which reserved these lands “for study to determine the proper classification of the lands under section 17(d)(1) of said Alaska Native Claims Settlement Act...” (PLO 5180). Through the planning process, the BLM is able to consider and take public input on whether to continue, modify, and/or revoke each of the ANCSA 17(d)(1) all withdrawals in the planning area. As discussed above, the original purposes of the 17(d)(1) withdrawals are no longer applicable because the selection process by ANCSA corporations is now complete and, with completion of the BSWI planning process, the BLM will have determined the appropriate classifications of the lands.

The BSWI PRMP/FEIS included at least one alternative that recommended revoking all ANCSA 17(d)(1) withdrawals and one alternative that recommended retaining all existing 17(d)(1) withdrawals, which allowed the BLM to thoroughly analyze the impacts to both resources and uses of recommending either revocation or retention the portions of the ANCSA 17(d)(1) withdrawals within the planning area (FEIS, Table 2-15, pg. 2-73). Section 3.3.5 Lands and Realty of the FEIS discusses the direct, indirect, and cumulative effects of each of the alternatives, including Alternative A, which recommend retaining all 17(d)(1) withdrawals and Alternatives C, D, and E, which recommend revoking the portions of the 17(d)(1) withdrawals in the BSWI planning area (FEIS, 3-122). The FEIS discloses that retaining the existing ANCSA 17(d)(1) withdrawals, as contemplated by Alternative A, would prevent the State and ANCSA corporations from fulfilling their land entitlements and prevent the BLM making lands available for selection by Native Vietnam-era veterans under Section 1119 of the Dingell Act; however, it would retain Federal subsistence priority for those lands that remain withdrawn (FEIS, p. 3-125). If, however, the ANCSA 17(d)(1) withdrawals were to be revoked—as contemplated by Alternatives C, D, and E—State of Alaska top-filings on unencumbered BLM would become State selections and otherwise unencumbered BLM-managed lands would become available for qualified veterans under Section 1119 the Dingell Act (FEIS, 3-128). The Section 3.3.5 also notes that if the ANCSA 17(d)(1) withdrawals are revoked, “ANILCA subsistence protections would be decreased on [top filed] lands that would become State selected” (FEIS, 3-128). Section 3.5.1 discusses potential impacts to mineral development from retaining or revoking ANCSA 17(d)(1) withdrawals in the BSWI planning area, and determined that “Alternative E, like Alternatives C and D, would...[provide] a greater level of support for locatable mineral development than Alternative A... and [provide] the most opportunities for future mining activities that could bring jobs and additional income to regional community residents.” The analysis further found that “communities in the planning area rely heavily on fish and wildlife resources; mining activities may impact the abundance and availability of subsistence resources for local communities due to potential habitat degradation.”

Further, Section 3.2.3 (Soils) and Section 3.2.13 (Lands with Wilderness Characteristics) provide a comparative analysis of impacts to these resources based on the decision to retain or revoke ANCSA 17(d)(1) withdrawals. Section 3.2.5 (Fisheries), Section 3.2.7 (Wildlife and Special Status Species), Section 3.2.10 (Cultural Resources), and Section 3.2.11 (Paleontological Resources) analyze potential impacts to these resources from opening lands in the planning area to mineral development, which could only occur if the ANCSA 17(d)(1) withdrawals are revoked. Finally, the impacts analysis for each resource includes the number of acres effected by the potential revocation of ANCSA 17(d)(1)

withdrawals where the tables discuss the number of acres open to locatable, salable, or leasable mining, including the potential for state top filings to fall into place at which point the lands would be segregated.

The BLM's land use planning process adequately analyzed the impacts of recommending revoking or retaining the portions of the ANCSA 17(d)(1) withdrawals within the planning area consistent NEPA and the direction in ANCSA 17(d)(1) to "study and classify withdrawn lands." Accordingly, this protest is denied.

Alaska National Interest Lands Conservation Act (ANILCA) – Section 810 Analysis

Ruby Tribal Council Elizabeth Captain

Issue Excerpt Text: BLM failed to adequately consider impacts to Tribes' cultural and subsistence resources and failed to develop meaningful protections for these vital resources. Though BLM's Proposed RMP recognizes the importance of Tribes' cultural and subsistence resources the proposed RMP does not include meaningful protections requested by planning area Tribes.

BLM's Proposed RMP, Alternative E, has the greatest potential to adversely impact cultural and subsistence resources. Proposed protective mechanisms, such as no surface occupancy, do not provide meaningful protection. BLM's flawed evaluation under ANILCA Section 810 failed to minimize impacts to subsistence uses.

Kawerak, Inc. Melanie Bahnke

Issue Excerpt Text: BLM has failed to implement findings and will allow management measures that have the greatest potential to impact the subsistence lifestyle.

Though BLM held ANILCA hearings, the BLM essentially ignored the findings of those hearings. The comments of regional residents indicated support for something along the lines of Alternative B. It is as if the BLM arbitrarily chose an alternative that is the least consistent with regional resident's concerns for their own future and then claimed the public process was in compliance with NEPA. BLM's decision will impact the quality of the human environment to the detriment of the subsistence lifestyle.

Summary: The Bering Sea-Western Interior Proposed RMP/Final EIS (Alternative E) is inconsistent with the provisions of the Alaska National Interest Lands Conservation Act (ANILCA) that seek to ensure balance between resource protection and economic development, by impeding access to lands and resources and has selected an alternative that will have the most impacts to subsistence users in the planning area.

Response: Section 810(a) of ANILCA requires the BLM to evaluate the effects on subsistence uses of any federal determination to "withdraw, reserve, lease, or otherwise permit the use, occupancy or disposition of public lands under any provision of law authorizing such actions." (16 U.S.C. 3120(a)). In determining the potential effects of an action, Section 810 requires that the NEPA analysis for the decision include an evaluation of (1) the effect of use, occupancy, or disposition 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. (16 U.S.C. 3120(a),(b)).

If the agency determines that an action would significantly restrict subsistence uses, the agency must (1) provide notice to the appropriate State agency, local committees, and regional councils, (2) hold a public

hearing in the vicinity of the area involved (16 U.S.C. 3120(a)(1)). In order to approve the action, the agency must conclude that

(A) such a significant restriction of subsistence uses is necessary, consistent with sound management principles for the utilization of the public lands, (B) the proposed activity will involve the minimal amount of public lands necessary to accomplish the purposes of such use, occupancy, or other disposition, and (C) reasonable steps will be taken to minimize adverse impacts upon subsistence uses and resources resulting from such actions.

(16 U.S.C. 3120(a)(2)). Section 810 of ANILCA creates only procedural requirements however and once an agency complies with those requirements, it may “may manage or dispose of public lands under his primary jurisdiction for any of those uses or purposes authorized by this Act or other law.” (16 U.S.C. 3120(d)).

The BSWI PRMP/FEIS includes land use planning-level decisions, which are broad in scope. For this reason, analysis of land use plan alternatives is typically broad and qualitative, rather than quantitative or focused on site-specific actions. Because the decisions under consideration by the BLM are programmatic in nature and would not result in on-the-ground planning decisions or actions (e.g., the BLM is not approving an Application for Permit to Drill to start drilling), the scope of the analysis was conducted at a regional, programmatic level. If the BLM intends to make an implementation-level decision tiered to this RMP, that decision will necessitate further, site-specific analysis, under section 810 of ANILCA.

The Bering Sea-Western Interior Proposed RMP/Final EIS (Alternative E) has satisfied the procedural requirements in Section 810 of ANILCA. As outlined in Appendix R, the BLM completed evaluations and made findings for each of the five alternatives discussed in the BSWI PRMP/FEIS based on information in Section 3.1 of the PRMP/FEIS on those areas and resources important for subsistence use and the degree of dependence of affected villages or communities on different subsistence populations. The analysis is also drawn from the affected environment, potential impacts to subsistence resources, and potential for reduction and limitation of use under each alternative.

Section 3.6 of Appendix R contains the BLM’s evaluation and findings for the proposed plan (Alternative E). The BLM determined that Alternative E includes a number of management actions with the potential to significantly restrict abundance, availability, or access of subsistence resources (FEIS, Appendix R, pp. 38-41, 42-43). Those with the highest potential to cause such effects include opening known subsistence use areas to locatable mineral development (particularly in areas of medium/high LMP), closure of subsistence use areas to OHV use, and removing ROW exclusion or avoidance areas from subsistence use areas (FEIS, Appendix R, pg. 42). As a result, the evaluation concluded that Alternative E may result in a significant restriction to subsistence uses for the communities of Aniak, Anvik, Crooked Creek, Chuathbaluk, Grayling, Holy Cross, Kaltag, Lime Village, Lower Kalskag, Upper Kalskag, Marshall, McGrath, Nikolai, Nulato, Russian Mission, Shageluk, Sleetmute, Stony River, and Unalakleet (FEIS, Appendix R, pg. 42).

Section 3.7 of the BSWI ANILCA § 810 appendix provides the cumulative impacts analysis for subsistence resources, known as the “cumulative case,” which evaluates the subsistence restrictions that could be caused by past, present, and future activities that could occur, or have already occurred, in the surrounding area (FEIS, Appendix R, pg. 42). Section 3.12 evaluates the cumulative case within the context of the decisions in Alternative E, and concludes that the Proposed Plan may result in a significant restriction of subsistence use for the communities of Aniak, Anvik, Crooked Creek, Chuathbaluk, Grayling, Holy Cross, Kaltag, Lime Village, Lower Kalskag, Upper Kalskag, Marshall, McGrath,

Nikolai, Nulato, Russian Mission, Shageluk, Sleetmute, Stony River, and Unalakleet, “due to a decrease in resource availability, alteration in the distribution of resources, obstruction to access of resources, and an increase in competition from access by non-qualified subsistence.” (FEIS, Appendix R, pg. 64)

Consistent with the requirements of Section 810(a) of ANILCA, the BLM provided public notice that they agency had determined that the initial subsistence evaluation of alternatives and cumulative case met the “may significantly restrict” threshold in the Federal Register notice for the Draft BSWI RMP/EIS, which would requiring further process under Section 810(a) (FEIS, Appendix R, pg. 65). After providing notice by way of the local media, including the newspaper and the local radio station, with coverage to communities in the planning area, the BLM held public hearings in the vicinity of the potentially affected communities during 2019—including the communities of Anchorage, Aniak, Anvik, Bethel, Crooked Creek, Chuathbaluk, Grayling, Holy Cross, Kaltag, Lower Kalskag, Upper Kalskag, McGrath, Nikolai, Nulato, Russian Mission, Sleetmute, and Unalakleet—in order to solicit public comment from the potentially affected communities and subsistence users (FEIS, Appendix R, pg. 65).

As described in Appendix R, Section 5 the BLM concluded that “after consideration of all alternatives, subsistence evaluations, and public hearings, such a significant restriction of subsistence uses is necessary and consistent with sound management principles for the utilization of this land, and that Alternative E (the Proposed RMP) will involve the minimal amount of public lands necessary to accomplish the approved RMP. Finally, reasonable steps have and will be taken to minimize the adverse impacts upon subsistence uses and resources arising from this action.” (FEIS, Appendix R, pp. 66-68). Further, Appendix O: Best Management Practices (BMP) and Standard Operating Procedures (SOP) of the Proposed RMP/Final EIS outlines the SOPs and BMPs that may be utilized during site specific project level analysis to minimize potential resource impacts, included impacts to Tribes' cultural and subsistence resources.

The BLM satisfied the procedural requirements of Section 810 of ANILCA. The Bering Sea-Western Interior Proposed RMP/Final EIS conducted the appropriate ANILCA 810 analysis and outlines SOPs and BMPs that may be incorporated into future NEPA analysis. Accordingly, the protest is denied.

FLPMA – ACECs

Ruby Tribal Council

Elizabeth Captain

Issue Excerpt Text: BLM failed to give priority to designation and protection of areas of critical environmental concern, as demonstrated by BLM's decision to include no areas of critical environmental concern in the Proposed RMP, Alternative E. BLM's flawed evaluation of relevance and importance criteria improperly excluded Tribes' nominated areas from consideration in the RMP. In evaluating nominated areas, BLM failed to adequately consider Tribes' knowledge and expertise. As a result, resources important to planning area Tribes were not provided with the proper protections.

Earthworks

Bonnie Gestring

Issue Excerpt Text: BLM failed to protect relevant and important values in Areas of Critical Environmental Concern, failed to take a hard look at the impacts to important resources from lifting the existing ACECs or provide an appropriate rationale for its decision to lift all ACECs.

Deloy Ges, Inc.

Malinda Chase

Issue Excerpt Text: BLM’s decision not to designate any areas of critical environmental concern (ACEC) in the Proposed RMP—including the ACEC nominations made by our Anvik Tribe, which illustrates the agency’s failure to adequately consider our Tribe’s concerns and adopt meaningful protections for resources important to our Deg Hit’an People of the region.

Deloy Ges, Inc.

Malinda Chase

Issue Excerpt Text: The BLM improperly excluded Anvik Tribe’s ACEC nominations from the Proposed RMP. Deloy Ges, Inc., supports the ACEC nominations by Anvik Tribe: The Anvik Village Tribe nominated the Anvik River watershed, the Bonasilla River watershed and the Anvik Traditional Trapping Area, all of which are all critically important areas supporting cultural values and major spawning areas for all five species of salmon and sheefish, all having important subsistence value to the people of Anvik, surrounding villages, and villages downstream of the Anvik River.

Native Village of Unalakleet

Frank Katchatag

Issue Excerpt Text: The BLM improperly excluded our ACEC nomination important to area Tribes from the Proposed RMP: The Native Village of Unalakleet nominated portions of the Tenmile River watershed (36,278 acres), the Unalakleet River watershed (1,520,015 acres), the Golsovia River watershed (21,000 acres), the Egavik River watershed (60,000 acres) for protection from extractive development through designation as an ACEC. Alternative E established no protection from extractive development for our nominated essential watersheds. The Native Village of Unalakleet protests BLM's failure to protect these important watersheds from extractive development.

Nulato Tribal Council

Patsy Douglas

Issue Excerpt Text: The BLM improperly excluded our ACEC nomination important to area Tribes from the Proposed RMP: The Nulato River watershed is a major spawning area for salmon and sheefish, both having important subsistence value to the people of Nulato, surrounding villages, and villages downstream of the Nulato River.

Anvik Tribal Council

Robert Walker

Issue Excerpt Text: The BLM improperly excluded our Tribe's ACEC nomination from the Proposed RMP: The Anvik Village Tribe nominated the Anvik River watershed, the Bonasilla River watershed and the Anvik Traditional Trapping Area, all of which are all critically important areas supporting cultural values and major spawning areas for all five species of salmon and sheefish, all having important subsistence value to the people of Anvik, surrounding villages, and villages downstream of the Anvik River.

Holy Cross Tribe

Paul Eugene

Issue Excerpt Text: The BLM improperly excluded our Tribe's ACEC nomination from the Proposed RMP: Traditional watersheds containing harvest lands and waters used by the Native community of Holy Cross along the Yukon River extending down the river to Paimuit Slough, up the Innoko River, the Koserefaki River, Deer Hunting Slough, Stuyahok River and associated lakes and trails.

*Anvik Tribal Council (Robert Walker), Holy Cross Tribe (Paul Eugene), Iqurmiut Tribal Council (Wassily Alexie), Nulato Tribal Council (Patsy Douglas)*¹

Issue Excerpt Text: The BLM's decision not to designate any areas of critical environmental concern (ACEC) in the Proposed RMP-including our Tribe's ACEC nomination-illustrates the agency's failure to adequately consider our concerns and adopt meaningful protections for resources important to our Tribe.

Earthworks

Bonnie Gestring

Issue Excerpt Text: The Area of Critical Environmental Concern (ACEC) evaluation report identifies numerous areas (see below), where it is particularly appropriate to protect certain lands in their natural condition to protect “unique” and “irreplaceable” fisheries and other important resources and uses. Yet, the preferred alternative eliminates every existing and proposed ACEC, and predicts that long term adverse impacts to fish, wildlife, water quality and visual and historic resources could occur under Alternative E. (FEIS, p. 3-226).

Summary: The Bureau of Land Management (BLM) has violated the Federal Land Policy and Management Act of 1976 (FLPMA) with its flawed evaluation of Relevance and Importance (R&I) criteria for nominations to be considered for Areas of Critical Environmental Concern (ACEC) designation, and not adequately justifying the rejection of those nominations.

Response: Section 202(c) of FLPMA provides nine principles guiding the development and revision of land use plans, including Section 202(c)(3) that direct the BLM to “give priority to the designation and protection of [ACECs]” during the development and revision of land use plans. The BLM’s planning regulations (43 CFR 1610.7-2) establish the process and procedural requirements for identifying and considering areas having potential for the designation of ACECs in resource management plans and plan amendments. The identification and consideration of areas having the potential for ACEC designation formed a key part of this planning process, and the issue of whether to designate ACECs was a key consideration in developing the range of alternatives considered in the PRMP/FEIS (see FEIS Section 1.5).

BLM policy does not require that a potential ACEC’s R&I values be protected to the same level or degree in all plan alternatives: “[t]he management prescription for a potential ACEC may vary across alternatives from no special management attention to intensive special management attention” (BLM Manual § 1613.22.B). The BLM must carry forward all potential ACECs as recommended for designation in at least one alternative in the Draft RMP (BLM Manual § 1613.22.B). All potential ACECs were recommended for designation in at least one alternative in the Bering Sea-Western Interior DRMP/EIS. BLM considered a range of ACEC designation options across alternatives, where ACECs were designated in Alternatives A and B, while Alternatives C, D, and E would not include the designation of ACECs (see FEIS Section 3.4.1).

The BLM has broad discretion in the selection of ACECs for the various alternatives. A comparison of estimated effects and exchanges associated with the alternative leads to development and selection of the Proposed RMP. There is no statutory or regulatory requirement to carry forward potential ACECs for designation into the Proposed RMP. BLM Manual § 1613.33.E provides direction for when the BLM may choose not to designate potential ACECs.

Based on the impacts analysis and RMP goals and objectives, the BLM selected Alternative E as the PRMP, under which no acreage would be designated as an ACEC. Rationale for this decision is

¹ Each of the parties listed raised the same protest issue, using the same language, in separate protest letters, we have only reproduced the text once in the interest of clarity.

documented in Sections 2.6.19 and 3.4.1 of the Bering Sea-Western Interior PRMP/FEIS (BSWI PRMP/FEIS, pg. 2-91, pgs. 3-154 to 3-171). Section 3.4.1 identifies each proposed ACEC individually and explains why special management protection is not required in each instance. Additionally, The Areas of Critical Environmental Concern Report on the Application of the Relevance and Importance Criteria and Special Management for the Bering Sea-Western Interior Resource Management Plan (BLM 2018c) provided detailed information on the analysis and findings. Section 2.6.19, discusses the BLM's consideration of ACECs where "the remoteness and lack of infrastructure and facilities in Alaska as well as a low present and future potential for development that could impact the R&I's identified and therefore informs the decision as to whether special management is needed" (BSWI PRMP/FEIS, pg. 2-91).

Finally, Table 3.4.1-1 summarizes the potential ACECs—both existing and nominated—that were considered in the FEIS and Table 3.4.1-2 summarizes the potential impacts to ACECs by management action (BSWI PRMP/FEIS, pgs. 3-157). The effects analysis determined that the nominated areas for ACEC designation "would rely more on site-specific management to minimize adverse effects to those resources that the R&I criteria address from surface disturbance compared to Alternative B, C or D" (BSWI PRMP/FEIS, pgs. 3-167). Additionally, the PRMP/FEIS states that the "contribution of management actions entailed in Alternative E that would protect those resources identified under the R&I criteria, displacing the need for ACEC designation, and associated special management for each undesignated potential ACEC" with further justification for specific proposed areas not requiring the ACEC status (BSWI PRMP/FEIS, pgs. 3-167).

For example, under Alternative E, portions of the proposed ACECs identified by the protesting parties are within the Anvik River, Nulato River, and Unalakleet River watersheds, which would be managed as ROW avoidance and are within 100-year floodplains for high value watersheds (HNVs). The Anvik Traditional Trapping Area would be managed as ROW avoidance and as VRM Class II, because of its overlap with INHT. The areas would be managed as no surface occupancy (NSO) leasable and open to salable mineral development subject to terms and conditions. Overall, "these management actions and their associated impacts, combined with BMPs and SOPs (Appendix O) and management actions common to all action alternatives, would minimize impacts to fisheries R&Is from permitted actions and maintain species diversity for subsistence resources and for spawning and rearing habitat that is important to a variety of salmon and other species of fish." (BSWI PRMP/FEIS, pgs. 3-167 to 3-169).

Consistent with BLM Manual § 1613.33.E, the BLM determined that no special management was required to protect the R&Is identified for the proposed ACECs because standard or routine management prescriptions provide sufficient protection. For the PRMP, Alternative E, to emphasize flexibility in future site-specific implementation and reduce plan-level prescription and rigidity, the BLM has instead crafted management actions that would apply across the entire planning area, wherever certain resources or uses occur, including where the identified R&I values occur within undesignated potential ACECs. (BSWI PRMP/FEIS pgs. 3-167 to 3-170). Alternative E reflects an effort by BLM to balance between the provision of FLPMA that give priority to the designation and protection of ACECs, the recognition of low existing development and potential for future development, and the goals of allowing for the possibility of widespread multiple use across this planning area.

The BLM properly considered the designation of potential ACECs in the Bering Sea-Western Interior PRMP/FEIS. Accordingly, the protest is denied.

FLPMA – Planning Process (Planning Area Boundary Change)

Ruby Tribal Council

Elizabeth Captain

Issue Excerpt Text: BLM's changes to planning area boundaries during scoping precluded meaningful participation by planning area Tribes. In October 2015, over a year after releasing its scoping summary report, BLM published a notice of changes in the planning area boundary, shifting 2.8 million acres of the Central Yukon Planning Area, managed by the Fairbanks District Office, into the Bering Sea-Western Interior Planning Area, managed by the Anchorage District Office. Changes in the boundary excluded planning area Tribes from participating in the scoping process.

Summary: Changes to the Bering Sea-Western Interior Land Use Planning Area Boundaries precluded public scoping input on 2.8 million acres of new planning that was added the Bering Sea-Western Interior RMP process because the shift occurred after the scoping period.

Response: On January 9, 2015, the BLM Director approved administrative boundary adjustments between the Fairbanks District Office and the Anchorage District Office. The primary purposes for these administrative boundary changes are to improve service to the public, and to improve coordination efforts with local, Federal, and State agencies, tribal governments, and Alaska Native Claims Settlement Act (ANCSA) corporations. The changes create a contiguous management block of land in Western Alaska, facilitate better tribal consultation and coordination, and provide for improved landscape management planning for key habitats. The district offices conducted public outreach meetings with affected communities, ANCSA corporations, and other organizations and entities, and received support for the proposed changes. A Federal Register notice was published on October 7, 2015 (Document Number 2015-25538, 80 FR 60706, 60706-60707). The public comment period on the Bering Sea-Western Interior Draft RMP/EIS began on March 15, 2019 and concluded on June 13, 2019. The Draft RMP/EIS reflected the planning boundary established and communicated in 2015. Accordingly, the protest is denied.

FLPMA – Multiple Use Mandate

Ruby Tribal Council

Elizabeth Captain

Issue Excerpt Text: BLM failed to comply with its multiple use and sustained yield mandates... The BLM emphasized extractive development at the expense of resources important to planning area Tribes, including cultural and subsistence resources. Under the Proposed RMP, "[m]ore than 99 percent of BLM-managed land in the planning area would be open to the possibility of locatable mineral development and 93 percent of the planning area would be open to rights-of-ways. Management actions applied to high value watersheds "would only be applied to the 100-year floodplain under Alternative E," which constitutes only 6 percent of the planning area. And potential impacts to subsistence resulting from high value watershed decisions are highest under Alternative E. The Proposed RMP revokes all withdrawals under Alaska Native Claims Settlement Act (ANCSA) § 17(d)(1) without adequate analysis and failed to include other protective mechanism for important resources located within current withdrawals.

Earthworks

Bonnie Gestring

Issue Excerpt Text: BLM has failed to meet its multiple use mandate. BLM's decision, as described in the PRMP/FEIS cover letter, to open more than 13 million acres to mineral entry, more than 99% of BLM managed areas under its preferred Alternative E, gives primary use of the planning area to mining interests and fails to meet BLM's mandate for multiple use and sustained yield.

The Federal Land Policy and Management Act (FLPMA) directs that the public lands be managed in a manner “that, where appropriate, will preserve and protect certain public lands in their natural condition.” Yet, the PRMP/FEIS fails to do so.

Anvik Tribal Council (Robert Walker), Holy Cross Tribe (Paul Eugene), Deloy Ges, Inc. (Melinda Chase), Iqurmiut Tribal Council (Alexie Wassily), Native Village of Unalakleet (Frank Katchatag), Nulato Tribal Council (Douglas Patsy)²

Issue Excerpt Text: The BLM emphasized extractive development at the expense of resources important to planning area Tribes, including cultural and subsistence resources. Under the Proposed RMP, “[m]ore than 99 percent of BLM-managed land in the planning area would be open to the possibility of locatable mineral development and 93 percent of the planning area would be open to right-of-ways. In selecting Alternative E as the Proposed RMP-the alternative most likely to adversely impact cultural and subsistence resources the BLM failed to properly balance uses of importance to planning area Tribes.

***Tanana Chiefs Conference
PJ Simon***

Issue Excerpt Text: The third reason of protest references the paradigms of “multiple use” and “sustained yield” that are fundamental to public land planning. The Federal Land Policy and Management Act (FLPMA) requires that the BLM “manage the public lands under principles of multiple use and sustained yield.” Multiple use means “a combination of balanced and diverse resource uses that takes into account the long-term needs of future generations...with consideration being given to the relative values of the resources and not necessarily to the combination of uses that will give the greatest economic return or the greatest unit output.” Referencing the Tribal input mentioned previously on subsistence use values of the land by Alaska Native peoples in the planning area, the exclusion of all ACEC nominated areas is contrary to the “sustained yield” principle. In the preferred alternative (Alternative E) “[m]ore than 99 percent of BLM-managed land in the planning area would be open to the possibility of locatable mineral development,” and 93 percent of the planning area is open to right-of-ways.

Summary: By improperly prioritizing extractive development in the Bering Sea-Western Interior PRMP/FEIS the BLM violated the FLMPA mandate to manage public lands for multiple use and sustained yield.

Response: Section 102(a)(7) of FLPMA declares that it is the policy of the United States that management of the public lands be based “multiple use” and “sustained yield.” Section 302(a) of FLPMA provides “[t]he Secretary shall manage the public lands under the principles of multiple use and sustained yield, in accordance with the land use plans... except that where a tract of such public land has been dedicated to specific uses according to any other provision of law it shall be managed in accordance with such law.” Section 103(c) of FLPMA defines “multiple use” as the management of the public lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the American people. FLPMA’s multiple use mandate does not require that all uses be allowed on all areas of the public lands. FLPMA obliges the agency to evaluate and select an appropriate balance of resource uses through the land use planning process, a process that inherently involves tradeoffs between competing uses. The BLM has broad discretion to allocate the public lands to particular

² Each of the parties listed raised the same protest issue, using the same language, in separate protest letters, we have only reproduced the text once in the interest of clarity.

uses and develop some resource values to the detriment of others, or conversely, to employ the mechanism of land use allocation to protect for certain resource values.

All five alternatives (four action alternatives, including the Proposed RMP, and one no action alternative) considered in the Bering Sea-Western Interior PRMP/FEIS allow some level of uses or protection for resources present in the planning area (Map 1-2), in a manner that is consistent with applicable statutes, regulations, and BLM policy. As described in Sections 2.3, 2.4, and Appendix H, page 24-25, each alternative provides a suitable balance of multiple uses on the public lands via management tools such as the designation and protection of High Value Watersheds, Visual Resources Management, wildlife habitat, support for BSWI communities, and the provision of mineral development opportunities. Table 2-1b: *Comparative Summary of Alternatives—Resources Uses* lists the uses and the acres considered for those uses by alternative.

The Bering Sea-Western Interior PRMP/FEIS satisfies FLPMA's multiple use policy. Accordingly, the protest is denied.

FLPMA – Goals and Objectives

Earthworks

Bonnie Gestring

Issue Excerpt Text: The PRMP (Alternative E) fails to conform with the goals and objectives set forth in Appendix G. The PRMP outlines the applicable BLM goals and objectives for the resources and resource uses in the planning area (FEIS, Appendix G). the RMP/FEIS predicts that soil conditions (p. 3-17), water resources (p. 3-26), fishery resources (p. 3-39 and 3-171), spread of non-native invasive species (p. 3-64), cultural resources (p. 3-81 and 3-171), paleontological resources (p. 3-101), and most fish and wildlife that are subsistence resources (p. 3-226, p. 202) would continue to degrade as a result of the cumulative impacts and trends under Alternative E. It also predicts that for wildlife habitat for forest and woodland, species in areas of high mineral potential or ROW development, and muskox and bison (p. 3-57) there “could be a trend of increased degradation.” The PRMP/FEIS predicts long term adverse impacts to fish, wildlife, water quality and visual and historic resources could occur under Alternative E. (p. 3-226).

Summary: The commenter objects to the BLM's decision to select Alternative E as its preferred Alternative because it is in direct conflict with the goals and objectives set forth for this area.

Response: The BLM Land Use Planning Handbook directs the BLM to identify desired outcomes expressed in terms of specific goals and objectives. Goals and objectives direct the BLM's actions in most effectively meeting legal mandates; numerous regulatory responsibilities; national policy, including the DOI Strategic Plan goals; State Director guidance (see 43 CFR 1610.0-4(b)); and other resource or social needs (BLM Handbook H-1601-1, pp. 12-14). Goals are broad statements of desired outcomes (e.g., maintain ecosystem health and productivity, promote community stability, ensure sustainable development) that usually are not quantifiable. Objectives identify specific desired outcomes for resources; they are typically quantifiable and measurable and, if appropriate, may have established timeframes for achievement (as appropriate). Allowable uses (land use allocations) and management actions for different alternatives are developed based on decisions anticipated to achieve the goals and objectives (BLM Handbook H-1601-1, p. 14). The purpose of this RMP is to make decisions that guide future land management actions and subsequent site-specific implementation decisions and establishes the goals and objectives for resource management (desired outcomes) and the identified uses (allocations) that are allowable, restricted, or prohibited to achieve the goals and objectives (FEIS, p.ix-x).

The BLM developed the management actions and allowable uses within the range of alternatives for the BSWI Draft RMP/EIS based on the goals and objectives identified in Appendix G. As explained in the BSWI PRMP/FEIS, the new Proposed RMP (Alternative E) was developed based on input collected during the public comment period for the Draft RMP/EIS (FEIS, p. 2-5). The management actions and allowable uses in Alternative E are within the range of alternatives analyzed in this Draft RMP/EIS (FEIS, p. 2-6). All the action alternatives, including the Proposed RMP, share common goals and objectives; however, they address these goals and objectives to varying degrees, with the potential for different long-range outcomes and conditions (FEIS, p, 2-5). The Approved RMP will include a final set of goals, objectives, and decisions that were the outcome of the environmental analysis performed in compliance with NEPA. Goals and objectives are provided in Appendix G.

Alternative E is consistent with the Goals and Objectives laid out Appendix G. Accordingly, this protest is denied.

Government to Government Consultation and Environmental Justice

Tanana Chiefs Conference

PJ Simon

Issue Excerpt Text: The BLM failed to consultation with cooperating agency tribes in the final preferred alternative development of Alternative E. Several Tanana Chiefs Conference member Tribes participated in the BSWI federal environmental review process through government-to-government consultations and as cooperating agencies.

In the process of developing a resource management plan, the BLM must “invite eligible Federal agencies, state and local governments, and federally recognized Indian tribes to participate as cooperating agencies.” Also, BLM must consider requests of “federally recognized Indian tribes for cooperating agency status.”¹¹ BLM’s own guidance provides that “[a]t a minimum, officials of federally-recognized Tribal governments must be offered the same level of involvement as state and county officials.” For TCC Tribal governments, former Special Assistant to the Secretary of the Interior, Mr. Steve Wackowski, attended the 2019 TCC Annual Convention and acknowledged that the Department of the Interior would grant cooperating agency status to all interested Tribal governments. Although some Tribes were granted cooperating status, others were not. One notable exception was a cooperating status request from the four allied villages in the Upper Kuskokwim region.

Norton Bay Inter-Tribal Watershed Council

Carol Oliver

Issue Excerpt Text: In addition, in developing the PRMP/Final EIS, the BLM violates the Principals of Environmental Justice and the Federal Trust Duty by not only ignoring the Norton Bay Inter-Tribal Watershed Council and the input of federally recognized tribal government on designation of Areas of Critical Environmental Concern and the need to protect critical fish and wildlife habitat and failing to conduct adequate government-to-government consultation but using the cover of the COVID-19 pandemic to rush through the planning process so that it can obtain a final record of decision before the Trump administration leaves office in January 2021.

As a result of the need for Alaska Native communities to focus on the protection of their communities from the Pandemic, they clearly had little to no time to delegate already limited resources to monitoring, researching, or commenting on the lifting of the D1 Lands issue including monitoring the ongoing process for the BSWI draft EIS. Several tribes and tribal organization including the NBITWC, therefore, sent letters to the Chad Padgett of the BLM requesting that the process to continue opening the lands to mining development be discontinued until such time as the COVID was over so that they could get back to the important work of participating in process including reminding the administration of its trust

responsibility to the Tribes and to engage in meaningful Government-to-Government Consultation. Instead of taking into consideration this request however, the agency did just the opposite and responded to the Tribes by not only refusing to stop the planning process until the Villages were ready to participate but used the cover of COVID-19 to further fast-track opening public lands in Alaska to mining activity and claimed that the NBITWC and the tribes could participate in the process via on-line resources. Internet and telecommunications, however, in many cases are not reliable forms of communication with Arctic communities, and as such, access to information via project websites and mailing lists is not a method by which meaningful communication let alone adequate government-to-government consultation about this project with impacted communities can take place.

Instead of upholding the principals of environmental justice, in relation to the D1 Lands issue, the Trump administration has taken advantage of the frightening history Arctic Native Communities have with the pandemics and used the villages distraction of by the COVID 19 virus to move forward with the PRMP/Final EIS process in hopes of opening vast acreages of land in the planning area to mining activity. With COVID cases just now beginning to appear in many of these villages and inadequate federal assistance provided to them to address this new threat the villages are not only unable to address this new threat but are helpless in addressing the BLM land lifting. This unconscionable move is not only a violation of environmental justice principals but the federal government's trust duty to tribal government entities.

***Tanana Chiefs Conference
PJ Simon***

Issue Excerpt Text: The dismissal of Huslia's ACEC nomination, along with other nominations from tribal governments, that meet both the relevance and importance criteria is an environmental justice issue not adequately addressed in the final EIS (Alternative E). Furthermore, following the issuance of the ACEC reports, no substantive effort was conducted to consult further with Tribes over their nominations.

***Ruby Tribal Council
Elizabeth Captain***

Issue Excerpt Text: BLM failed to provide a meaningful opportunity for planning area Tribes to participate and failed to adequately respond to Tribes' comments.

Anvik Tribal Council (Robert Walker), Holy Cross Tribe (Paul Eugene), Deloy Ges, Inc. (Malinda Chase), Iqurmiut Tribal Council (Wassily Alexie), Native Village of Unalakleet (Frank Katchatag), Nulato Tribal Council (Patsy Douglas)³

Issue Excerpt Text: BLM has failed to provide meaningful opportunities for planning area Tribes to participate and has consistently dismissed Tribes comments and concerns. As a result, our Tribe was excluded from a decision-making process that will significantly impact our community.

***Ruby Tribal Council
Elizabeth Captain***

Issue Excerpt Text: BLM impeded participation of cooperating agency Tribes... BLM failed to timely respond to Tribes' request for cooperating agency status. Instead, BLM offered government-to-government consultation in lieu of cooperating agency status. In some circumstances, BLM denied cooperating agency requests from Tribes based on the agency's arbitrary timeline.

³ Each of the parties listed raised the same protest issue, using the same language, in separate protest letters, we have only reproduced the text once in the interest of clarity.

Summary: The BLM failed to conduct meaningful consultation and coordination with Tribes, which violates Environmental Justice Executive Order 12898 and the Federal Trust Responsibility to Federally Recognized Indian Tribes.

Response: Executive Order 12898 directs federal agencies to identify and address the disproportionately high and adverse human health or environmental effects of their actions on minority and low-income populations, to the greatest extent practicable and permitted by law, develop a strategy for implementing environmental justice, and promote nondiscrimination in federal programs that affect human health and the environment, as well as provide minority and low-income communities access to public information and public participation. The Council on Environmental Quality issued guidance for considering environmental justice within the NEPA process, Environmental Justice Guidance Under the National Environmental Policy Act, which makes clear that Indian Tribes in the affected area should also be considered in the environmental justice analysis of a NEPA document (CEQ 1997). The Federal Trust Responsibility to Federally Recognized Indian Tribes is a legal obligation under which the United States “has charged itself with moral obligations of the highest responsibility and trust” toward Indian tribes (See Memorandum Opinion 37045, regarding Reaffirmation of the United States' Unique Trust Relationship with Indian Tribes and Related Indian Law Principles (January 18, 2017)). The BLM meets this obligation through adhering to the guidance in BLM Manual MS-1780, *Tribal Relations* and Secretary’s Order 3335, *Reaffirmation of the Federal Trust Responsibility to Federally Recognized Indian Tribes and Individual Indian Beneficiaries*. The BLM also engages in formal consultation with Alaska Native Claims Settlement Act Corporations per DOI policy.

Throughout the planning process, BLM conducted numerous meetings in communities and government-to-government consultation with tribal governments. While the BLM manager must give tribal concerns and preferences due consideration and make a good faith effort to address them as an integral part of the decision-making process, final decisions may not always conform with the preferences and suggestions of the tribes (BLM Handbook H-8120-1, p. V-11). The BLM actively consulted with interested Federally recognized Tribes, as appropriate throughout the Bering Sea-Western Interior Planning effort.

In June 2013, just prior to the publication of the BSWI Notice of Intent in the Federal Register, the BLM sent letters of invitation to 66 Federally Recognized Tribes and to 48 Alaska Native Corporations (FEIS, Section 1.8). These letters introduced the BSWI planning effort, offered government-to-government or ANSCA Corporation consultation, and invited Tribes to participate as cooperating agencies. Included with these letters were a BSWI planning area map and public involvement information flyer (BSWI Summary Scoping Report, BLM 2014a). The NOI published in the Federal Register July 18, 2013 and the BLM mailed a postcard to its BSWI mailing list, which included potentially affected Tribes within the planning area, to announce the start of the scoping period and scoping process. From October 1-16, 2013, the federal government shut down. For this reason, the BLM extended the BSWI scoping period from 150-days to 180-days, closing on January 17, 2014. During scoping, meetings were held in 10 communities with proximity to substantial blocks of BLM lands, the INHT, the Unalakleet Wild River Corridor, and major watersheds in the planning area. The BLM also held scoping presentations and affected Tribes were welcomed at these meetings and some participated (e.g., Holy Cross Village Council and Anvik Village Council). In early January 2014 BLM sent letters to 67 Federally Recognized Tribes summarizing the public scoping process thus far, reminding them of the extended public scoping closing date, and offering government-to-government consultation (FEIS, Section 1.8).

During February and March 2015, the BLM held public meetings in 14 communities that focused on explaining the preliminary alternatives. Concurrently, Tribes were participating in Government-to-Government consultations and in Cooperating Agency meetings, in which they received information early and were afforded discussion and review time prior to the general public (PRMP/FEIS, p. 1-9).

In September 2018, the BLM sent letters to 76 Federally Recognized Tribes and to 60 Alaska Native Corporations outlining the requirements of Secretarial Order 3355 regarding streamlining NEPA processes at the Department of the Interior and offering to engage in government-to-government consultation on the BSWI RMP (FEIS, Section 1.8).

The 90-day public comment period on the Draft RMP/EIS ran from March 15, 2019, to June 13, 2019 and the BLM engaged in a collaborative outreach and public involvement process during the public comment period, in which federally recognized tribes and ANCSA corporations participated. In March 2019, just prior to the Federal Register publication of the BSWI DEIS, the BLM sent letters of invitation to 77 Federally Recognized Tribes and to 60 Alaska Native Corporations. These letters gave an overview of the Public Comment period; offered public comment meetings in their communities; and offered government-to-government consultation. The PRMP/FEIS reflects changes and adjustments based on information received during public comment and new information. Afterward, the BLM published the Bering Sea-Western Interior Comment Summary Report (BLM 2019), which provided additional detail on the public comment period, comments received, and how those comments were addressed in this PRMP/FEIS. Additionally, a summary of comments, including comments from Tribes, received during the public comment period and responses to those comments is also included in the Appendix H (FEIS, Page 31): Responses to Comments on the Draft RMP/EIS.

Since June 2013, the BLM has engaged interested tribes in government-to-government consultation and consulted with ANCSA corporations to ensure consideration of the tribes' and ANCSA corporations' special knowledge and input through the issuance of the Approved RMP and ROD. Outreach was not limited to public comment periods (PRMP/FEIS, p. 1-9). Potentially affected Tribes had the opportunity to participate in the planning process in three ways: through Government-to-government consultation, cooperating agency consultation, and through submission of comments during public scoping and comment periods. Several Tribes, including Native Village of Chuathbaluk, Nulato Village, Native Village of Shaktoolik, Iqurmiut Traditional Council, Nikolai Village, Anvik Village, Stebbins Community Association, Holy Cross Village, Native Village of Unalakleet, and Organized Village of Grayling, participated in more than one of these ways (FEIS, Section 1.8). The BLM has records of consultation and meetings held with the tribes and ANSCA corporations in the project's decision file that can be made available to the tribes or other parties; however, the BLM may choose to prohibit disclosure of confidential consultation information from non-tribal requestors to protect sensitive information. As demonstrated above, the BLM engaged with Tribes and ANSCA corporations for more than seven years prior to the confirmation of the COVID-19 pandemic in Alaska on March 12, 2020, approximately 8 months into the preparation of the PRMP/FEIS ("[Alaska's coronavirus response has escalated as the number of cases has grown. Here's where things stand.](#)" Anchorage Daily News. Retrieved 1/10/2021). While the health and safety of the public and their employees has been a BLM priority during this COVID-19 pandemic, the BLM also recognizes the need to continue public services to the greatest extent practicable. The BLM closely monitored the collaboration and coordination during the preparation of the PRMP/FEIS, particularly with respect to COVID-19, and carefully reviewed each Tribal request to postpone the NEPA process due to the COVID-19 pandemic. However, the BLM routinely used telephone and other electronic communications to facilitate consultation and cooperating agency meetings long before the COVID-19 pandemic because Tribes (as well as federal, state, and local agencies) are spread across the State of Alaska and the remoteness of some communities (e.g., some communities can only be accessed by plane) makes it unreasonable to regularly hold in-person meetings with large groups of stakeholders. Therefore, the agency was able to provide for meaningful government to government consultation and cooperating agency processes via electronic communication despite the restrictions due to COVID-19.

The BLM conducted meaningful consultation and coordination with Tribes and tribal entities and did not

violate Environmental Justice Executive Order 12898 or BLM's Federal Trust Responsibility to Federally Recognized Indian Tribes. Accordingly, this protest is denied.

NEPA – Public Participation

Ruby Tribal Council

Elizabeth Capitan

Issue Excerpt Text: BLM did not honor requests from Tribes to provide more time during comment periods or stop work on the Proposed RMP during the COVID-19 pandemic, undermining Tribes' ability to meaningfully participate.

Kawerak, Inc.

Melanie Bahnke

Issue Excerpt Text: The BLM has failed to coordinate scoping and planning because of limited community meetings and no meetings in Bering Strait region communities except Unalakleet. Such a limited meeting schedule fails to meet the commitments BLM stated in its considerations for all actions common to each alternative.

The BSWI RMP violated NEPA by adopting Alternative E; because there was a limited public comment period, no extensions to the public comment period were granted meaning community environmental justice was impacted, and cooperating agencies had mere days to comment on preliminary alternatives. Because BLM failed to provide an adequate public process, millions of acres may be subject to surface-disturbing activities where none existed before. The new Alternative E is directly contrary to the comments received from a majority of local people.

Summary: The BLM did not adequately engage the public during the preparation of the Bering Sea-Western Interior PRMP/FEIS and therefore violated NEPA.

Response: Under NEPA Agencies are required to make diligent efforts to involve the public in preparing and implementing their NEPA procedures (40 CFR 1507.3, 40 CFR 6.203). During a public comment period, the BLM must notify the public of the opportunity to comment and solicit comments on the environmental documents. The BLM provided sufficient opportunities for the public to comment on the Bering Sea-Western Interior PRMP/FEIS plan during scoping and after the release of the Draft RMP/EIS.

Section 1.8.3 of PRMP/FEIS details the collaboration efforts and public participation opportunities throughout the BSWI planning process. The BLM initiated the scoping process with the publication of a Notice of Intent in the FR on July 18, 2013 and concluded it 180 days later on January 17, 2014. During February and March 2015, the BLM held public meetings in 14 communities that focused on explaining the preliminary alternatives. Meetings were held in 10 communities with proximity to substantial blocks of BLM lands, the INHT, the Unalakleet Wild River Corridor, and major watersheds in the planning area (Kuskokwim and Yukon Rivers). Additional detail on the public outreach efforts related to the scoping process is included in the Scoping Report. The BLM provided additional public outreach when there were substantial project updates through its BSWI ePlanning website; mailing of postcards and flyers; six newsletter publications; eNews Blasts; and through press releases, newspaper advertisements, and radio public service announcements.

The 90-day public comment period on the Draft RMP/EIS ran from March 15, 2019, to June 13, 2019. The BLM engaged in a collaborative outreach and public involvement process during the public comment period that included federally recognized tribes; ANCSA corporations; city, State, and federal agencies; non-governmental organizations; and the general public. This PRMP/FEIS reflects changes and adjustments based on information received during public comment and new information as described in Section 1.1. *The Bering Sea-Western Interior Comment Summary Report* (BLM 2019) provides additional

detail on the public comment period, comments received, and how those comments were addressed in this PRMP/FEIS. A summary of comments received during the public comment period and responses to those comments is also included in Appendix H.

The BLM adequately engaged the public and partners on the Bering Sea-Western Interior PRMP/FEIS. Accordingly, the protest is denied.

NEPA – Range of Alternatives

Ruby Tribal Council

Elizabeth Capitan

Issue Excerpt Text: BLM developed Alternative E-the alternative selected as the proposed plan-without input from cooperating agency Tribes. Cooperating agency Tribes had no opportunity to review or comment on the newly developed alternative. It was cooperating agency Tribes' understanding that under their cooperating agency agreements with BLM, they would have an opportunity to collaborate with BLM in finalizing the Proposed RMP and Final EIS. February 20, 2020 meeting with the Tribal Commission, Chad Padgett and his staff explained that the BLM was reevaluating alternatives for the Proposed RMP and Final EIS, including the possibility that the agency would develop a new alternative or sub-alternative. Padgett and his staff provided assurances that cooperating agency Tribes would have an opportunity to review any newly developed alternatives. May 13, 2020 email from BLM stated there would be no additional engagement with cooperating agency Tribes.

Earthworks

Bonnie Gestring

Issue Excerpt Text: The PRMP/FEIS includes a new alternative (Alternative E) that was not included in the Draft RMP/EIS and not subject to public review. The PRMP/FEIS includes a number of additions that the BLM describes as “Notable Changes” from the DRMP/EIS, including the addition of an entirely new alternative (Alternative E), which is also the Preferred RMP. The PRMP/FEIS added 12 watersheds to High Value Watersheds (HVW) that were not included in the HVW in the DRMP/EIS, and not subject to public review or comment. The RMP/FEIS also includes other notable changes to the management actions that were not subject to public review.

Earthworks

Bonnie Gestring

Issue Excerpt Text: The PRMP/FEIS fails to take a hard look the potential impacts to resources from Alternative E because this alternative, and its unique collection of management decisions, did not exist before the PRMP/FEIS...the RMP fails to analyze the potential impacts, or provide proper mitigation measures to protect subsistence use and resources. NEPA requires that the BLM take a “hard look” at the potential impacts, and this is not satisfied by the PRMP.

Summary: The BLM violated NEPA by not analyzing the impacts of Alternative E in the Draft RMP/FEIS and deferring this analysis to a later NEPA assessment.

Response: NEPA directs that data and analyses in an EIS must be commensurate with the importance of the impact (40 CFR 1502.15) and that NEPA documents must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail (40 CFR 1500.1(b)). Further, NEPA requires agencies to prepare supplements to either a draft or final EIS only if the agency makes substantial changes to the proposed action that are relevant to environmental concerns, or if there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts (40 CFR 1502.9 (c)). However, if a new alternative is added after the circulation of a draft EIS, supplementation is not necessary if the new alternative lies within the spectrum

of alternatives analyzed in the draft EIS or is a minor variation of an alternative analyzed in the draft EIS. In such circumstances, the new alternative may be added in the final EIS (BLM NEPA Handbook, H-1790-1, 5.3.2 When Supplementation is Not Appropriate).

All of the management actions incorporated in Alternative E fall within the range of actions considered in the Draft RMP/EIS as part of the existing alternatives and the impacts of those management actions were considered in the Draft RMP/EIS. The Proposed RMP (Alternative E) was developed based on input collected during the public comment period for the Draft RMP/EIS and all the action alternatives, including the Proposed RMP, share common goals and objectives; however, they address these goals and objectives to varying degrees, with the potential for different long-range outcomes and conditions (PRMP/FEIS, p. 2-6). Table 2-1a and Table 2-1b in Chapter 2 describes resources and resource uses that were analyzed and provides a complete comparative acres summary of all alternatives (PRMP/FEIS, p. 2-8). Table 2.1a and Table 2.1b demonstrate that the acres of resources and resources uses of Alternative E fall within the range of Alternatives B through D, previously considered in the Draft PMP/EIS. For example, in the Draft RMP/EIS the BLM analyzed allocating anywhere from 2,123,971 acres (Alternative B) to 6,599,152 acres (Alternative D) to VRM Class IV. Alternative E, the Proposed RMP, analyzed allocating 4,964,076 acres to VRM Class IV.

Although comprised of a configuration of management actions previously considered across the other alternatives, the Proposed RMP does not represent a substantial change to the proposed action. None of the information or comments submitted in response to the Draft RMP/EIS was significant new information or indicated a significant change in circumstances relevant to the planning area.

The Draft RMP/EIS does not require supplementation due to the addition of Alternative E or for purposes of considering new information or changed circumstances (40 CFR1502.9). Accordingly, the protest is denied.

NEPA – Effects Analysis: General

Kawerak, Inc.

Melanie Bahnke

Issue Excerpt Text: BLM failed to adequately analyze and disclose the direct, indirect, and cumulative impacts of the agency’s preferred alternative and correspondingly, the impacts Alternative E will have on air, water, human health, climate change and longstanding Alaska Native use and occupancy.

Finalizing the BSWI RMP as released, would be dramatically out of step with the realities of scoping and community collaboration.

When the BLM considered Actions Common to All Action Alternatives, it failed to disclose the burden on communities or how traditional use and occupancy would be affected. On page 2-107 the BLM indicated the following: “The BLM would coordinate and collaborate with rural communities in the ongoing implementation of this RMP. Avenues for this collaboration include the NEPA and ANILCA 810 processes and associated opportunities for public involvement. BLM would also actively coordinate our management activities with the goal of minimizing burdens on communities for multiple planning processes”

Earthworks

Bonnie Gestring

Issue Excerpt Text: The PRMP/FEIS contains inadequate, incomplete and limited information necessary to take a hard look at the potential impacts.

The effects analysis for water resources is limited due to incomplete or unavailable information but is based primarily on an evaluation of GIS databases showing water resources in the planning area, including U.S. Geological Survey—designated watersheds and high-value watersheds (HVWs). (App. Q,

p. 3-3) The effects analysis for fisheries is limited due to incomplete or unavailable information. (App. Q, p. 3-8)

Earthworks

Bonnie Gestring

Issue Excerpt Text: The BLM failed to take a requisite “hard look” at impacts to wildlife, water resources and fisheries, lands with wilderness characteristics, subsistence, paleontological and cultural resources...

Summary: The Bureau of Land Management (BLM) has violated the National Environmental Policy Act (NEPA) by not taking a ‘hard look’ in its effects analysis for the Bering Sea-Western Interior Proposed Resource Management Plan/Final Environmental Impact Statement (BSWI PRMP/FEIS).

Response: The effects analysis must demonstrate that the BLM took a “hard look” at the impacts of the action (BLM NEPA Handbook, H-1790-1, 6.8.1.2, Analyzing Effects). The CEQ regulations specify that the environmental information made available to public officials and citizens before decisions are made must be of “high quality” (40 CFR 1500.1(b)). A “hard look” is a reasoned analysis containing quantitative or detailed qualitative information. (BLM NEPA Handbook, H-1790-1, 6.8.1.2 Analyzing Effects). The BLM must use information of high quality and scientific integrity in its NEPA analysis, including information provided as part of the public involvement (40 CFR 1500.1(b) and 1502.24). The NEPA documents are to be analytic, rather than encyclopedic (40 CFR 1500.4(b) and 1502.2(a)). The NEPA directs that data and analyses in an EIS must be commensurate with the importance of the impact (40 CFR 1502.15), and that NEPA documents must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail (40 CFR 1500.1(b)).

NEPA directs that data and analyses in an EIS must be commensurate with the importance of the impact (40 CFR 1502.15), and that NEPA documents must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail (40 CFR 1500.1(b)). The BLM is required to take a “hard look” at potential environmental impacts of adopting the Bering Sea-Western Interior PRMP/FEIS.

The level of detail of the NEPA analysis must be sufficient to support reasoned conclusions by comparing the amount and the degree of change (impact) caused by the proposed action and alternatives (BLM Handbook H-1790-1, Section 6.8.1.2). The BLM need not speculate about all conceivable impacts, but it must evaluate the reasonably foreseeable significant effects of the proposed action.

A land use planning-level decision is broad in scope. For this reason, analysis of land use plan alternatives is typically broad and qualitative rather than quantitative or focused on site-specific actions. The baseline data provides the necessary basis to make informed land use plan-level decisions.

As the decisions under consideration by the BLM are programmatic in nature and would not result in on-the-ground planning decision or actions (e.g., the BLM is not approving an Application for Permit to Drill to start drilling), the scope of the analysis was conducted at a regional, programmatic level. The analysis focuses on the direct, indirect, and cumulative impacts that could potentially result from on-the-ground changes. This analysis identifies impacts that may result in some level of change to the resources, regardless of whether that change is beneficial or adverse.

The BSWI PRMP/FEIS provides a robust analysis of potential impacts to subsistence use and resources within the planning area. Chapter 3 describes the affected environment and provides a comparative impacts analysis for all resources in the planning area, including wildlife (Section 3.2.7), water resources

(Section 3.2.4), fisheries (Section 3.2.5), lands with wilderness characteristics (Section 3.2.13), subsistence (Section 3.3.1 and Section 3.5.2), paleontological resources (Section 3.2.11), and cultural resources (Section 3.2.10).

Section 3.5.2 of the BSWI PRMP/FEIS summarizes use patterns and use areas for subsistence communities. Appendix R, the Alaska Interest Lands Conservation Act Section 810 analysis, outlines the available data from technical reports and studies, such as the ADF&G Division of Subsistence and a 2011 study led by the University of Alaska-Fairbanks, and provided BLM with the data necessary analyze the key issues of the affected environment (Ikuta, 2011). The PRMP/FEIS also discloses the difficulties in fully capturing the subsistence use areas and community activities, however, the effects analysis utilizes the best available data “to determine whether an impact may occur to a community due to the implementation of the BSWI PRMP” (BSWI PRMP/FEIS, pg. 3-203). Further, tables 3.5.2-1 (Summary of Potential Effects to Subsistence by Management Actions) and 3.5.2-2 (Portions of Planning Area Analyzed for Potential Impacts to Subsistence by Indicator) illustrate the benefits or adverse effects of management actions on subsistence use, what could influence those effects, and describes the indicators used to measure the effects (BSWI PRMP/FEIS, pgs. 3-204 to 3-208). The FEIS further examines the potential resource impacts in greater detail resulting from proposed Alternative E in comparison to the other alternatives (BSWI PRMP/FEIS, pgs. 3-220 to 3-224). The cumulative effects analysis for Alternative E does acknowledge some subsistence resource degradation resulting from continued natural resource development and recreation use within the planning area. However, the degradation rate for some resources are estimated to be less in Alternative E than compared Alternative A. (BSWI PRMP/FEIS, pgs. 3-225 to 3-226).

Section 3.2.4 of the BSWI PRMP/FEIS captures the affected environment of the BSWI planning area as it pertains to water resources (BSWI PRMP/FEIS, pages 3-17 to 3-26). While GIS databases were utilized to illustrate water resources, the best available data is also supplemented from additional reports such as the 2013 Water Quality Monitoring and Assessment Report from the Alaska Department of Environmental Conservation (BSWI PRMP/FEIS, page 3-18). The effects analysis for water resources goes on to state that Alternative E poses the possibility of more acres for development when compared to Alternatives B, C, and D. Though, it is anticipated that demand for development is not going to be in high demand (BSWI PRMP/FEIS, pages 3-24).

The BLM complied with NEPA’s requirement to analyze the environmental consequences and potential impacts of management actions described across the range of alternatives in the BWSI PRMP/FEIS. Accordingly, the protest is denied.

NEPA – Effects Analysis: Socioeconomic

Kawerak, Inc.

Melanie Bahnke

Issue Excerpt Text: Because BLM chose not to address social issues it completely failed the fundamental underpinnings of an EIS for this RMP to address issues affecting the quality of the human environment.

Summary: The BLM did not adequately analyze impacts to social issues in the Bering Sea-Western Interior PRMP/FEIS, thereby violating NEPA.

Response: NEPA directs that data and analyses in an EIS must be commensurate with the importance of the impact (40 CFR 1502.15), and that agencies must take a “hard look” at potential environmental impacts of adopting the planning actions. The level of detail of the NEPA analysis must be sufficient to

support reasoned conclusions by comparing the amount and the degree of change (impact) caused by the proposed action and alternatives (BLM Handbook H-1790-1, Section 6.8.1.2). The BLM need not speculate about all conceivable impacts, but it must evaluate the reasonably foreseeable significant effects of the proposed action.

The BSWI PRMP/FEIS is typical of BLM planning-level documents: broad in scope and qualitative rather than quantitative, as the decisions under consideration are not implementation of site-specific actions. As the decisions under consideration by the BLM would not result in on-the-ground implementation actions, the analysis was conducted at a programmatic level. The baseline data provide the necessary basis to make informed land use plan-level decisions. This analysis identifies impacts that may result in some level of change to the resources, regardless of whether that change is beneficial or adverse.

The BLM analyzed the direct, indirect, and cumulative impacts on social issues in Section 3.5 (PRMP/FEIS, pp. 3-198–203). Table 3.5.1-1 *Summary of Effects to Social and Economic Conditions by Management Action*, summarizes the nature and types of beneficial or adverse effects that could occur to social and economic conditions, the proposed management actions that could influence those effects, and the indicators used to measure the potential magnitude and extent of the effects.

The effects the BLM analyzed in the EIS for consideration include but are not limited to: resources and habitats that support subsistence lifestyles and the rural mixed economy; access to subsistence resources and species; and opportunities for jobs and income.

The PRMP/EIS provides a detailed description of each alternative in Section 2.4. Some of the management considered among action alternatives that would affect socioeconomic issues include: more miles of streams in High Value Watersheds, which would minimizing surface-disturbing activity in in these areas (Alternative B); requiring a permit for personal use collection of firewood for non-subsistence users, which would reduce conflict between subsistence and non-subsistence users (Alternative C); limiting guided sport hunting on an individual basis, rather than by predetermining limits, to address conflict and resource impacts (Alternative D) (PRMP/FIES p. 3-196).

The FEIS determined that Alternative A could lead to adverse effects on low-income and minority populations because no new actions would be taken to minimize impacts to subsistence resources, reduce conflicts with other uses, facilitate economic development, collect additional information about community use areas and values, or increase coordination and collaboration with communities (FEIS, pp. 3-194). The other four alternatives address these issues to varying degrees. Alternatives B and C would lead to positive effects on low-income and minority populations—essentially all of the residents of planning area communities (FEIS, pp. 3-195 to 3-197). New management actions would be implemented to minimize impacts to subsistence resources, reduce conflicts with other uses, collect additional information about community use areas and values, and increase coordination and collaboration with communities. Alternative D would likely maintain or slightly improve conditions for low-income and minority populations because it would provide some additional management of subsistence resources, but not to the extent of Alternatives B and C (FEIS, pg. 3-198). The BLM concluded that management under Alternative B is the most restrictive (and Alternative E is the least restrictive) to activities that could adversely affect subsistence resources. (PRMP/FEIS, p. 3-194–202).

The BLM developed Alternative E, which is a combination of management direction from all alternatives analyzed, to provide flexibility at the planning level while still providing enough direction to make processing of site-specific projects easier and more consistent. Alternative E would provide opportunity for the BLM to work with the specific affected communities when faced with a decision and to tailor resource management, as appropriate, to specific conditions on the ground. The BLM would also support rural BSWI communities by working collaboratively with them and other partners to develop Cultural Landscape Reports for two to three communities as needed (PRMP/FEIS, p. 3-199)

Alternative E would have a mixed effect on low-income and minority populations. This alternative would provide some additional management of subsistence resources, although not to the extent of the other action alternatives, and far more acres would be open to the possibility of various types of commercial development. While this alternative would be the most likely to support economic development opportunities, the possibility exists that certain types of development could also have potential adverse impacts on subsistence resources (PRMP/FEIS, p. 3-201)

Because the BLM's mission is to manage resources and opportunities on lands it manages, it cannot directly address or attempt to resolve many social issues and trends facing rural communities in the planning area (e.g., fuel costs, opportunities for jobs and income, crime and mental health issues, education, or changes in population); however, the BLM acknowledges and describes that that land management activities have the inherent potential to address some of these issues either incrementally or indirectly. The BLM has limited opportunities to increase jobs and income in the planning area, which emphasizes the importance of maintaining a strong subsistence economy to support household livelihoods and community vitality. In times of rising oil prices, households rely increasingly on subsistence resources that can be gathered and produced with a low overhead cost for petroleum-based fuel products.

The BLM complied with NEPA's requirement to analyze the environmental impacts from the planning actions on socioeconomics in the Bering Sea-Western Interior PRMP/FEIS. Accordingly, the protest is denied.

NEPA – Effects Analysis: Climate Change

Kawerak, Inc

Melanie Bahnke

Issue Excerpt Text: The BLM failed to assess a significant contributor to global climate change as a result of this plan and climate change. Local and regional residents have raised the impacts of climate change and consider it one of the more serious impacts that require mitigation. On a global scale permafrost may release greenhouse gases that may impact the climate¹ for decades. As noted on page 3-201 the BLM failed to address human health as follows: “Because the BLM's mission is to manage resources and opportunities on lands it manages, it cannot directly address or attempt to resolve many social issues and trends facing rural communities in the planning area.”

Earthworks

Bonnie Gestring

Issue Excerpt Text: The RMP/FEIS failed to include the latest science on climate change, and as a result, failed to take a hard look at the potential direct, indirect and cumulative effects of climate change. The RMP/FEIS has updated the climate section to incorporate the Fourth National Climate Assessment, but Section 3.2.2 fails to take a hard look at some of the report's key findings, such as the increased risk to mining and oil and gas infrastructure, and the subsequent potential for increased spills.

Summary: The BLM did not adequately analyze the impacts to climate change in the Bering Sea-Western Interior PRMP/FEIS, thereby violating NEPA.

Response: The effects analysis must demonstrate that the BLM took a “hard look” at the impacts of the action (BLM NEPA Handbook, H-1790-1, 6.8.1.2, Analyzing Effects). The CEQ regulations specify that the environmental information made available to public officials and citizens before decisions are made must be of “high quality” (40 C.F.R. § 1500.1(b)). A “hard look” is a reasoned analysis containing quantitative or detailed qualitative information. (BLM NEPA Handbook, H-1790-1, 6.8.1.2 Analyzing Effects). The BLM must use information of high quality and scientific integrity in its NEPA analysis,

including information provided as part of the public involvement (40 C.F.R. § 1500.1(b) and 1502.24). The NEPA documents are to be analytic, rather than encyclopedic (40 C.F.R. § 1500.4(b) and 1502.2(a)). NEPA directs that data and analyses in an EIS must be commensurate with the importance of the impact (40 C.F.R. § 1502.15), and that NEPA documents must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail (40 C.F.R. § 1500.1(b)).

NEPA directs that data and analyses in an EIS must be commensurate with the importance of the impact (40 CFR 1502.15), and that agencies must take a “hard look” at potential environmental impacts of adopting the planning actions. The level of detail of the NEPA analysis must be sufficient to support reasoned conclusions by comparing the amount and the degree of change (impact) caused by the proposed action and alternatives (BLM Handbook H-1790-1, Section 6.8.1.2). The BLM need not speculate about all conceivable impacts, but it must evaluate the reasonably foreseeable significant effects of the proposed action.

A land use planning–level decision is broad in scope. For this reason, analysis of land use plan alternatives is typically broad and qualitative rather than quantitative or focused on site-specific actions. The baseline data provide the necessary basis to make informed land use plan–level decisions. This analysis identifies impacts that may result in some level of change to the resources, regardless of whether that change is beneficial or adverse.

Additionally, the BLM must discuss the cumulative effects of the proposed action and the alternatives when preparing an EIS (BLM Handbook H-1790-1, Section 6.8.3). CEQ regulations (40 C.F.R. § 1508.7) define cumulative effects as “. . . the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such actions.”

The BSWI PRMP/FEIS adequately analyzed the direct, indirect, and cumulative impacts on climate change from the management decisions across the range of alternatives. Section 3.2.2 of the BSWI PRMP/FEIS incorporates information from the Fourth National Climate assessment as part of an in-depth evaluation of the potential effects from climate change within the planning area (BSWI PRMP/FEIS, pgs 3-6 to 3-11). Table 3.2.2-1 summarizes the nature and types of beneficial or adverse effects that could occur to climate change, the proposed management actions that could influence those effects, and the indicators used to measure the potential magnitude and extent of the effects. Table 3.2.2-2 discloses the potential magnitude and extent of the effects by indicator, across alternatives.

The PRMP/FEIS analyzed the effects of the alternatives on carbon storage and greenhouse gas (GHG) emissions, assessed climate change-related impacts, and considered potential effects of the alternatives in adapting to climate change. Alternative E’s analysis notes that carbon storage resources are not in high demand, nor anticipated to have a future increase in demand, but the PRMP/FEIS opens 13.4M acres to the possibility of woodland harvest. Likewise, the same statement applies to locatable mineral development in this alternative. Higher GHG emissions are possible in the planning area. (BSWI PRMP/FEIS, pg 3-10). The PRMP/FEIS also discusses potential impacts to permafrost is discussed in relation to climate change in Section 3.2.2 and discloses the impacts of thawing permafrost as well as acknowledges that permafrost thawing and degradation could result in long-term increases of GHG emissions.

The PRMP/FEIS also discusses the cumulative impacts of each of the alternatives on climate change and provides a comparison between alternatives. The EIS determines that much of the planning area is remote and rural, and GHG emissions from human-caused sources are generally low, however wildland fires and permafrost thawing are both anticipated to increase due to climate change and would result in increased GHG emissions. The analysis concludes that the action alternatives, including the preferred alternative, “would have a negligible effect on the overall trend for potential GHG emissions in the

planning area and variations in management actions would have little effect on trends in climate change.” (FEIS, pp. 3-10, 3-11).

The BLM complied with NEPA’s requirement to analyze the environmental impacts from the planning actions on climate change in the Bering Sea-Western Interior PRMP/FEIS. Accordingly, the protest is denied.

References

Ikuta, H., C.L. Brown, and D.S. Koster. 2014. Subsistence Harvests in 8 Communities in the Kuskokwim River Drainage and Lower Yukon River, 2011. Alaska Department of Fish and Game, Division of Subsistence Technical Paper No. 396. Fairbanks, AK.