



# alaska report

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## Obama administration suspends Bush offshore leasing plan A new chance to comment for Alaska's sensitive waters

The Chukchi and Beaufort Seas, America's Arctic Ocean, off Alaska's north coast, together with the Northern Bering Sea between Alaska and Russia, make up one of the most abundant marine ecosystems in the world. This region is made up of pristine wildlife habitat and is the lifeblood of Alaska Native coastal communities, whose residents have relied on the sea for cultural and nutritional subsistence for thousands of years.

In the waning days of the Bush administration, the Minerals Management Service (MMS) pushed through a five-year drilling program which would open the majority of our coasts to offshore drilling including the sensitive areas of Alaska's Arctic Ocean and Bristol Bay, part of the Bering Sea off western Alaska. They moved ahead without gathering the adequate scientific studies and analysis necessary to understand the ecosystems and anticipate the potential consequences of development on both the marine wildlife and the coastal communities. (See **alaska report**, May 09, May 07, Oct 06, Mar 06.)

Fortunately, the Obama administration has decided to take another look. Secretary Salazar has suspended this unbalanced plan from the preceding administration, and is extending the public comment period until September 21.

Alaska's oceans hold tremendous economic, cultural, and ecological value. Bristol Bay occupies over 33 million acres of open sea, islands and estuaries just north of where the Aleutian Islands meet the Alaskan mainland. It is home to the world's largest wild salmon run and the source of a commercial fishing industry with an estimated annual value of nearly \$2 billion.

The Chukchi and Beaufort Seas are pristine wild

places, home to the polar bear and other threatened species. The oil industry has little experience operating in the fast-changing and dangerous icy conditions of the Chukchi and Beaufort Seas. What is known is that the consequences of oil activities to Arctic Ocean wildlife and the people who depend on that wildlife are potentially severe.

### Drilling is not the answer

The Arctic region is already under immense stress



© Dale DeArmond

from the impacts of climate change. Warming in the Arctic is occurring at twice the rate of the rest of the planet. Global warming has already dealt a blow to Arctic marine life like polar bears. Any further stress, such as offshore oil and gas activities, will exacerbate these blows to the integrity and resilience of the ecosystem and could tip the

balance against them.

The current administration has made it clear that science should be the basis for coastal policy. The Minerals Management Service just released a report detailing all available resources on the Outer Continental

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## Comment against offshore drilling

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Shelf. That report continually identified and emphasized large information gaps as to the effects of drilling and exploration. In light of that, as part of the new five-year plan there should be a comprehensive study by the National Academy of Sciences to assess current environmental baseline information and the impacts of leasing, exploration, and development on ocean ecosystems and coastal economies. No new leasing or drilling should occur until that study is completed.

Offshore oil and gas activities like seismic testing would directly impact Native communities and marine wildlife along the Arctic coast. These communities depend on the wildlife of the Beaufort and Chukchi Seas for cultural and nutritional subsistence; they should be protected.

Oil spills are highly likely. Federal experts have indicated that there is a 50/50 chance that a large oil spill will happen in the Arctic Ocean, and currently there is no proven technology available to clean up an oil spill in the volatile Arctic sea ice environment. Ice-breakers, platforms, and under-water pipelines all pose unknown hazards. The Arctic's ice-laden waters and harsh weather conditions increase these hazards. We should not rely on the old standard of "Best Available Technology" to clean up oil spills; any company that wants to drill in these sensitive ecosystems should first have to prove that they can fully clean up a spill in any weather conditions.

The administration will make critical decisions in the coming months that will decide the future of our oceans. We need to call on the administration to impose a "time out" on all commercial activity in the Arctic Ocean and Bristol Bay while critical information is gathered and a multi-agency plan is developed based on the best scientific information. This would include halting all further activities under current lease in the Chukchi and Beaufort seas, as well as canceling the proposed lease sales in the Chukchi and Beaufort Seas, and in Bristol Bay.

### ⇒ What can you do:

**NOW IS THE TIME TO TELL THE ADMINISTRATION TO PROTECT OUR OCEANS. SEND YOUR COMMENTS ON THE DRAFT PROPOSED OFF-SHORE LEASING PROGRAM BEFORE THE SEPTEMBER 21 DEADLINE TO THE MMS; LET THEM KNOW THAT DRILLING IS NOT THE ANSWER. TO COMMENT, GO TO SIERRACLUB.ORG, CLICK ON TAKE ACTION, SELECT VIEW ALL CURRENT ACTIONS, AND CLICK ON TAKE ACTION "DON'T DRILL OUR COASTS".**

OR SEND WRITTEN COMMENTS IN THE U.S. MAIL ON THE DRAFT PROPOSED OFF-SHORE LEASING PROGRAM TO:

Ms. Renee Orr  
Chief, Leasing Division  
Minerals Management Service, MS 4010  
381 Elden Street, Herndon, VA 20170-4817 ◆

-- Trish Rolfe

## Tongass timber sale appealed

The Juneau Group of the Sierra Club's Alaska Chapter, together with Greenpeace and the Tongass Conservation Society, has filed an administrative appeal of the latest in Tongass National Forest timber cutting projects. It was an appeal of the Record of Decision (ROD) signed by Tongass Supervisor Forrest Cole on June 11, for the "Logjam" timber sale on Prince of Wales Island.

The selected alternative of this timber sale would take approximately 73 million board feet (MMBF) of timber from 3,422 acres of forest land and will involve the



construction and reconstruction of 24.8 miles of roads. Over two-thirds of the acreage will be clear cut. The remaining 1,059 acres will be two-aged helicopter harvest.

The appellants pointed out that this "Logjam" project entails significant risks to fish, wildlife and forest composition at a high public cost. They were concerned that the streamlined Final Environmental Impact Statement (FEIS) and its

generalized analysis failed to meet National Environmental Policy Act (NEPA) requirements by failing to adequately discuss and analyze these risks and the associated costs. Instead, the project takes a large volume of timber from a biogeographic province that has already lost nearly 40 percent of its large tree old growth forests to logging. The justification for the project relies on a flawed analysis of timber economics that overinflates market demand and underestimates the significant direct and indirect public costs associated with this project. As a result, both the ROD and FEIS relied improperly on inaccurate information to the detriment of fully informed decision making.

The appellants faulted the "stated purpose and need for this sale" as being "unreasonably narrow." ◆

### Go Paperless!

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# Moving Alaska Beyond Coal

## A crucial fight against global warming

Over the past few years Alaska has been in a veritable coal rush, with coal mining proposals and coal power generation projects popping up in all corners of the state. And we at the Sierra Club have a very simple message for Alaska; Move Beyond Coal.

Why?

I probably don't need to tell anyone reading this **alaska report** that Alaska has already been impacted by rapid global warming. I also assume that the links between burning coal and climate change were probably clear for many readers well before Al Gore hit the silver screen.

So let's start with the fact that under Alaska's expansive tundra, rainforests, wetlands and wild rivers lie 1/8<sup>th</sup> of the world's remaining coal reserves--and close to half of all U.S. reserves. Mostly, this coal is still down in the ground; little has yet been mined. Besides a family-owned mine in Healy and a few small coal-fired power plants, the coal industry doesn't have a stronghold in our state... yet.

(Please also see the Sierra magazine article on Alaska's Coal Rush in the July-August issue.)

### Our Campaign...

The Sierra Club's hugely successful "beyond coal" campaign has been working on the ground in many states to accomplish three primary goals:

1. Stop the construction of dirty, new coal plants by educating investors and decision makers about the economic and environmental risks of investing in new coal.
2. Retire old plants that are the worst contributors to health-harming soot and smog pollution and replace them with clean energy solutions.
3. Work with communities to protect our mountains, lands and waters by keeping our vast coal reserves in the ground.

Here in Alaska we have our work cut out for us to accomplish these goals. First, we need to prevent the restart of the Healy Coal Plant #2 (see **alaska report**, May 2009), and stop the proposed Fairbanks coal to liquids plant—which would turn coal into liquid fuel used mostly for Air Force jet planes. We are also beginning to work with our coalition partners at Resisting Environmental Destruction on Indigenous Lands and with students at the University of Alaska-Fairbanks to retire the coal plant on campus. Finally, we are also fighting the proposed Chuitna Coal Strip Mine (near Tyonek, west of Anchorage) in the permitting process, getting the coal dust cleaned up at the Seward exporting facility, as well as working to keep western Arctic coal in the ground permanently.

### A recent victory in the western Arctic...

A hypothetical reserve of 4 trillion tons of bituminous and sub-bituminous coal underlies 30,000 square miles of

Native, state and federal land in the western Arctic. In July 2006, BHP Billiton, of Australia, the world's largest mining company, signed an exploration agreement with western Alaska's Arctic Slope Regional Corporation (ASRC) to conduct a five-year coal exploration on the ASRC lands. Just 35 miles south of the Inupiat coastal community of Point Lay, this project, if developed, would export Alaska's coal to Asian markets.

As they entered into year three of exploration, BHP Billiton decided to reevaluate their investment in the Western Arctic Coal Project for financial reasons. This July, Theresa Imm, resource director for ASRC, told the western Arctic village of Point Hope, south of Point Lay: "We're going to wrap up and start reclamation. This could take 12 to 24 months to conclude... no more drilling, no more exploration."

If mining giant BHP Billiton can't finance development of the Western Arctic Coal Project, who can?

This decision is not only great for the residents of Point Hope and Point Lay who have had to travel farther from their villages to hunt caribou since BHP Billiton's explorations began, but a huge step in making sure that the U.S. isn't exporting carbon.



Photo: Vicky Hoover

Sierra Club's two Alaska coal campaign staffers, Chris Hall and Emily Fehrenbacher.

### What's Next?

The Sierra Club will continue to work actively to prevent the restart of the Healy Coal Plant #2. And we will launch a new campaign to target Dick Bass, one of the investors of the Chuitna Coal Project, who also owns Snowbird Ski Resort in Utah.

For info on how you can help, contact [Emily@](mailto:Emily@sierraclubalaska.org)

[sierraclubalaska.org](http://sierraclubalaska.org) for the latest action alert. ♦

-- Emily Fehrenbacher, Sierra Club Alaska Associate Regional Representative

### About Emily:

Emily Fehrenbacher joined the Move Beyond Coal campaign in the Alaska field office this January. She moved up to Alaska in 2008 to work on Senator Mark Begich's campaign from Portland, Maine where she worked on a variety of environmental campaigns for Maine PIRG and Environment Maine. Emily graduated from the University of Illinois-Urbana, Champaign with a degree in media. She spends most of her free time exploring this great state by foot, skis, bike, and occasionally boat. (907) 276-4060; [emily@sierraclubalaska.org](mailto:emily@sierraclubalaska.org)

## Update: **Pebble Partnership pursues permits** **Suit filed against preliminary process**

The Pebble Partnership will soon ask for state and federal permits to dig up one of most spectacular and abundant ecosystems in Alaska. If developed, the Southwest Alaska Pebble gold/cooper/molybdenum mine will be among the largest in the world.

But is this really the beginning of the permitting process or is it the beginning of the end?

Already, mine promoters have spent \$360 million over the last five years on field studies and exploration -- all authorized by agency permits. Unfortunately, exploration permits seem to have been issued absent meaningful risk assessment and lacking public involvement.

Consequently, this July 29, a coalition of eight Alaska Native village corporations and other individuals filed suit in Anchorage Superior Court charging the state with violating Alaska's Constitution by allowing exploration without full environmental review. Plaintiffs seek a preliminary injunction halting further exploration.

Not all local Native villages joined the suit. Some Alaska Native residents do favor the mine, wanting more economic opportunities in the area.



### **No protection in the permitting process**

The Pebble Partnership and some Alaskan officials claim that the current permitting process assures that development can go forward only if the region's biological

productivity is protected. But opponents of the project are convinced that existing state and federal mine permitting processes are ineffective and biased -- intentionally skewed to promote mining. Lance Trasky, former Alaska Department of Fish & Game Habitat Regional Division Supervisor for Bristol Bay, predicts that *"If mine permitting is allowed to proceed under current state and federal standards...very large scale mining of sulfide based copper ore in the Nushagak and Kvichak drainages will physically destroy thousands of acres of very high quality spawning and rearing habitat and over time will almost certainly seriously degrade fisheries habitat and fisheries production in downstream portions of these drainages."*

We should take Mr. Trasky's warning seriously.-- considering lax permitting during Pebble's exploration phase and the national record for large mine permit compliance and impact mitigation. (A recent study by Kuipers and Associates (Butte, Montana) and Buka Environmental (Boulder, Colorado) found *...that 76 percent of studied mines exceeded [failed to meet] water quality standards, polluting rivers, and groundwater with...lead, mercury, arsenic and*

*cyanide, and exposing taxpayers to huge cleanup liabilities.)*

Last year the Alaska Clean Water Initiative, which would have imposed new restrictions on discharges from large mines, fell victim to an \$8 million mining industry lobbying campaign and was defeated by voters. This sustains former Gov. Frank Murkowski Administration measures that weaken mining regulations. "Mixing zones" continue to pollute Alaska's salmon spawning habitats, and mining companies still pay the salaries of state employees reviewing their permit applications.

Most recently, on June 22, 2009, the U.S. Supreme Court opened the door for Pebble developers to dump mine waste into the whole Bristol Bay watershed -- including the vast Lake Iliamna. The Court ruled that the proposed Kensington gold mine near Juneau (or anyone, anywhere) can dump toxic waste directly into a lake, even if it kills all aquatic life there. As long as the mine waste is defined as "fill material", there is no violation of the Clean Water Act. (See article, p. 5.)

*Next steps:* It's now up to Congress and the Obama Administration to restore the integrity of the Clean Water Act. On July 14, EPA Region 10 Acting Deputy Administrator Michael Gearheard sent a letter to the Corps of Engineers asking it to reconsider an alternative, onshore, method to handle Kensington Mine tailings. At this writing there has been no public response. A Congressional fix is in the works too. H.R. 1310: the Clean Water Protection Act sponsored by Rep. Frank Pallone [D-NJ6] would specifically prohibit waste from being defined as fill. The bill currently has 152 sponsors.

Permitting for Pebble development is expected to take another three years. The Renewable Resources Coalition, Nunamta Aulukestai (coalition of eight native village corporations), Cook Inlet Keeper, Sierra Club's Alaska Chapter, and many conservation organizations continue to work for reform of the permitting process and mining regulations. Only Alaskans can weigh in on state permitting deficiencies, but any U.S. citizen can lobby our President and Congress to prevent the dumping of mine wastes into our waters.

*Background:* The proposed Pebble mine and surrounding 1000 square mile mining district include the headwaters of major rivers feeding Bristol Bay, home of Alaska's greatest salmon runs. It is unparalleled fish and wildlife habitat, important to both subsistence and recreational users. The proposed mine site is between two of America's most magnificent national parks, Lake Clark and Katmai. The Pebble mine would cover some 15 square miles, including a staggeringly huge open pit and immense earthen dam impoundments for toxic waste. Development would require construction of a 100-mile road and pipeline and a new port facility on Cook Inlet. Operating Pebble would consume over 600 megawatts of electricity, requiring new generating facilities and transmission lines to be built. (**alaska report**, Sep, Mar 08; May 07, Jun 06, Nov 05.)

The energy aspect raises concerns of a synergy between Pebble and a massive coal strip mine being proposed farther north in the Chuitna River drainage. (See article "Moving Beyond Coal", p. 3 and see Sierra magazine's

feature on Alaska Coal Rush, July-Aug. 2009.) Chuitna developers hope to dig 12 million metric tons of coal annually. Some could conceivably fuel a new electric plant for Pebble. Combined, the two projects would industrialize this whole region of Alaska.

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### Mine permitting: a bureaucratic morass

There are many different permits required for both exploration and development. Exploration permits allow extensive field studies including the drilling of many deep exploration holes. This involves drilling rigs, aircraft, and other equipment and much invasive activity. That's what's been going on to date. Most exploration permits involve state agencies coordinated under the Alaska Department of Natural Resources.

Development permits allow digging and operating mine pits, constructing giant dams, buildings, roads, etc. A potpourri of state and federal agencies are involved in permitting for development. Among these are Alaska's Departments of Natural Resources, Fish & Game, Environmental Conservation, and Transportation & Public Facilities. Federal agencies include the Army Corps of Engineers, Bureau of Land Management, Fish and Wildlife Service, National Marine Fisheries Service, National Park Service, U.S. Coast Guard, and Environmental Protection Agency. Roads, pipelines, electrical generation/transmission infrastructure, or ports are the province of the Regulatory Commission of Alaska and Federal Energy Regulatory Commission.

Permitting is not an integrated, meaningful process -- there is no overriding cumulative review unless a federal Environmental Impact Statement (EIS) is conducted. Given the scope of Pebble, an EIS may ultimately be required under the National Environmental Policy Act. ♦

-- Mike O'Meara

## High Court's Kensington ruling undermines clean water

### Toxic wastes: ok in our nation's waterways?

On June 22, the U.S. Supreme Court ruled in *Coeur Alaska, Inc. v. Southeast Alaska Conservation Council* that the Clean Water Act allows a mining company to pump hundreds of thousands of gallons per day of toxic waste slurry into a pristine Alaska lake. This means that, in the next decade, mining company Coeur Alaska can dump 4.5 million tons of solid waste from Kensington mine into Lower Slate Lake north of Juneau, killing most aquatic life, and essentially burying the entire lake.

This misguided ruling has harmful implications for clean water all over the country, potentially opening the floodgates for more pollution into lakes, rivers and streams nationwide.

The Club and its conservation partners, Lynn Canal Conservation and the Southeast Alaska Conservation Council, challenged the decision by the Corps of Engineers to issue a permit to Coeur d'Alene that would allow the deposit of 4.5 million tons of chemically processed mine waste from the planned Kensington Gold Mine into a freshwater alpine lake. (**alaska report**, Aug & May 07, Oct 06, Nov 05, Sep 02, Jun 98.)

The Supreme Court's decision is based in part on the Bush administration change to the definition of "fill," which has also allowed thousands of miles of Appalachian streams to be buried with coal mining waste. This destructive result is entirely unnecessary. The Kensington Mine has an alternative waste disposal option—a "paste tailings" facility—supported by conservation groups and EPA, which would require no discharge of processed wastewater into any lake or stream.

Congress enacted the Clean Water Act in 1972 that protected waterways from being used for waste disposal. But a 2002 Bush administration rule removed this long-standing protection, letting toxin-laden mine wastes fill our waterways.

Despite the Supreme Court's disappointing decision, there is much that can still be done. Sierra Club will continue to fight in the courts and in Congress for stronger clean water protections. The Obama Administration can act immediately to protect clean water for a cleaner, healthier environment.

⇒ **What you can do:** Ask Obama administration officials, Lisa Jackson, EPA Administrator, and Nancy Sutley, Chair of the Council on Environmental Quality (CEQ), to immediately rescind the 2004 Bush administration memo that allowed waste to be dumped directly into lakes, streams and rivers without meeting strict EPA pollution standards. Also ask both officials to initiate a process to undo a 2002 rule that redefined industrial waste as "fill," (and let such "fill" be dumped into our waters.)

To comment: go to [Sierraclub.org](http://Sierraclub.org), click on Take Action, select view all current actions, and click on **Protect Our Clean Water from Mining Waste**. Or, send letters via U.S. mail:

Lisa Jackson, Administrator Environmental Protection Agency 1200 Pennsylvania Avenue, NW Washington, DC 20460	Nancy Sutley, Chair Council on Environmental Quality 722 Jackson Place, NW Washington, DC 20503
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 ♦

-- Trish Rolfe

# Rafting in the Western Arctic: *the Kokolik River*

They poured over the crest of the hill, a pulsating flood of hooves and bodies, mostly cows and calves but sometimes also the bulls marked by magnificent tall racks of antlers. Down they streamed, wave upon wave, flowing down the hill toward our camp but on the other side of the river. They paused only a brief instant before stepping into the river maybe 100 yards above our camp, crossing in a steady deliberate swim, then a quick shake to fling off excess water, before speeding up the hill on our side.

Photo: Sam Roberts



Caribou on the Kokolik tundra

Emerging from the river, they were close enough so we could hear their constant distinctive grunting, or rather a sort of grunt mingled with a bit of a wheeze and a sigh. Hardly

had one wave begun to falter, when the next great mass of animals appeared at the crest, poised before they too plunged downward, crossed, and gathered themselves up to clamber up our side. Hour after hour, the migrating caribou continued their persistent passage down the hill, over the river, up the other side, northward and westward.

The first wave of this migration came by around 10 in the evening. By 1 o'clock, we were ready to turn in; those low grunts lulled us to sleep. At 3:30 when I peered out of the tent they were still passing in waves separated by brief calm—only now they were crossing even closer to our camp. By 6 a.m. a thick ground mist had risen, hiding the caribou at river level—sometimes only heads and antlers moved above the swirling fog layer.

The Arctic National Wildlife Refuge? No. We were in the far northwest corner of Alaska's Arctic, just west of the western boundary of the National Petroleum Reserve-Alaska (NPR-A.) We were rafting the Kokolik River that heads north from the western Brooks Range then west to the Chukchi Sea near Point Lay. The caribou herd whose migration we witnessed one bright night this June is the Western Arctic herd, Alaska's largest. Unlike the Refuge's famed Porcupine caribou herd of some 150,000 to 180,000 animals, the Western Arctic herd fluctuates between 300,000 to half a million and covers vast areas of the western Arctic, both in the NPRA and on state and Arctic Slope Regional Corporation lands west of it.

The Kokolik flows roughly parallel to the Kukpowruk River, just to the west, and the Utukok, next river east. Its drainage includes some of the Utukok Uplands, an identified "Special Area" within the NPRA—renowned for its wildlife values, including abundant raptors nesting on the prominent river bluffs. We watched raptors every day—countless hawks, falcons, eagles—and also many waterfowl: different ducks plus Canada and white-fronted geese, many with babies

following. Besides the caribou, the big wildlife highlight of our river tour was 10 grizzlies, plus a muskox on the river bank and a wolf while we ambled up Iligluruk Ridge. And Arctic squirrels. Most of the grizzlies were loners, but there was a mother with two cubs. One bear swam across the river as we watched. Afloat when we first spotted it, we put ashore on the far side to observe better. But once the bear had crossed over to our side, we decided quickly it was time to continue on down river.

We were four, all Sierra Club friends, although it was not an official Club trip. Jack Hession, retired Alaska staff now active as a volunteer with the Alaska Chapter, has floated many Alaska rivers, is expert with raft or kayak. The Kokolik was a new river for him. Besides myself, we had Sam Roberts and his wife Karen Fisher, also from the San Francisco Bay Area. Sam's a member of the Sierra Club's national parks committee. With Jack's cataraft and an inflatable kayak, we covered about 90 miles of the Kokolik.

Our charter pilot flew us north from Kotzebue and landed us on a gravel bar not far from the headwaters of the river, just below Iligluruk Creek. We floated past a series of rounded ridges with cliffy bluffs sought by birds, gradually diminishing in altitude until finally the terrain is nearly flat with only gentle undulations. The river slows down then from a brisk flow with frequent small rapids to a leisurely meandering course with many nearby ponds and wetlands. And mosquitoes. Yes, they were there, increasingly as June neared its end. The winds sometimes were strong enough to keep them at bay but not often enough.

Eight of our 13 full days were spent on the river; the other five days we hiked from camp on the hills and up the long, striking ridges. These ridge walks gave us vast, sweeping vistas, breathtaking endless wildness, as far as the eye could see. Throughout the trip, the wildflowers charmed and dazzled us: mountain avens, white moss heather, Arctic poppy, lupine, Labrador tea, moss campion—and many more. Brilliantly clear days with slanted golden sunshine all night long alternated with a few raw, overcast days; only at the start and end of the trip was there rain – and then only little, reminding us that the Arctic is really—due to its low precipitation—a desert.

Near the trip's end we observed coal seams in the river bluffs, a warning that the big new threat for the western Arctic is the ambition of the Native regional corporation to open the coal-rich area to development—just as scientists are telling us that to prevent catastrophic levels of global warming we must phase out ALL coal mining. Please see the article (p 3) on the Sierra Club's campaign against coal in Alaska. ♦



Observing coal by the Kokolik river

Photo: Vicky Hoover

-- Vicky Hoover

# Glacier Bay to be opened to subsistence?

## Park managers propose gull egg collecting by Native tribe

In a remarkable departure from long-standing National Park Service and congressional policy, managers of Glacier Bay National Park and Preserve are proposing that Congress open the park to the "harvest" of glaucous-winged gull eggs by the Huna Tlingit, an Alaska Native tribe.

Congressional action would be required to open the park to this subsistence use. In the Alaska National Interest Land Conservation Act of 1980, Congress expanded the former national monument, made it a park, placed almost all of it in wilderness, and directed that the park be managed as a wildlife sanctuary. Accordingly, the monument's prohibition of subsistence activities by local rural residents, Native or non-Native, was re-affirmed in the new expanded park.

In their December 2008 Draft Legislative Environmental Impact Statement (DLEIS) the park managers offer an experimental plan based on biological studies of the nesting behavior of the gulls. Eggs would be gathered at nesting colonies in Glacier Bay proper within the Glacier Bay Wilderness. Huna Tlingit collecting parties, in two separate trips, would take all eggs from every nest on two of the most productive nesting islands. Deprived of their first clutches, the gulls would lay a second round of eggs that would not be "harvested."

The authors estimate that their experiment would result in a 22 percent reduction in the number of glaucous-winged gulls hatched in the park as a whole. In addition to the conflict with ANILCA, this reduction amounts to an impairment of a park resource in violation of the "non-impairment" requirement in the National Park Organic Act of 1916, a fact the authors choose to ignore.

In opposing the park managers' proposal, the Alaska Chapter recommended an alternative of utilizing the six traditional Huna Tlingit egg gathering sites outside the park, sites described in two NPS-funded studies of traditional Huna Tlingit egg-gathering in traditional tribal territory. The Chapter noted that park managers had demonstrated the feasibility of utilizing one of the sites by taking a party of Huna Tlingit villagers to collect eggs at the site in 2001, and by providing a charter boat the following year.

In responding to the Chapter's recommendation for NPS facilitation of egg gathering at the non-park sites, park managers found the alternative "reasonable and feasible" but refused to analyze it in the DLEIS on the basis of a strained interpretation of the law directing the study and report to Congress--and on grounds that strong tidal currents and ocean swells made visiting these non-park sites hazardous.

However, the study found that egg gathering at these sites occurred in the late spring-early summer gull nesting period when the seas and the weather were calm. And the fact that these are traditional sites indicates that the Huna

Tlingit used these sites in the past and, according to the study, some tribal members still do so in connection with their commercial fishing in adjacent waters.

As a result of the park managers' refusal to consider the "reasonable and feasible" non-park alternative--aside from the brief reference to the 2001-2002 demonstration trips, their DLEIS is fundamentally flawed. By omitting this relevant data, the managers are framing the issue for the public and Congress as a choice between opening the park to egg gathering and permanently losing the culturally important resource of Huna Tlingit subsistence egg collecting. It's a classic false choice.

The Alaska Chapter also commented that if Congress were to accept the proposal, an opening of the park to other subsistence activities could follow. The Huna Tlingit have testified that they seek to have the park opened to traditional seal and mountain goat hunting as well. Other park sanctuaries in Alaska--Katmai, Kenai Fjords, Denali, Klondike Historical--could also be threatened, as well as national parks in other states.

Since publication of the Draft LEIS last December, the Chapter has learned that park managers at Katmai National Park and Preserve were approached by the local village corporation and the regional Bristol Bay Native Association with a request that their members be allowed to gather gull



Glacier Bay

Photo: Bob McLaughlin

eggs in the park. They claim that 1000 -1500 eggs have been [illegally] collected in Katmai Park. They suggested a legal gathering conducted by tribal members. The superintendent informed them that subsistence is not an authorized use of park resources and that he has no authority to allow it. He is also skeptical about the claim of extensive illegal gathering, while not ruling out the possibility that some poaching may be happening in this vast wilderness park.

A final LEIS decision is expected early this fall. If on further reflection the park's managers realize that their proposal is contrary to Congressional mandate and the mission of the NPS, they will abandon it and uphold existing law. If not, and if their proposal survives NPS review at the regional and national levels, Sierra Club will again need to mobilize in defense of one of the nation's--and the world's--most important wildlife sanctuaries. ♦

--Jack Hession

# Yukon Flats NWR saved from drilling

## Public comments prompt land trade cancellation

The U.S. Fish and Wildlife Service has rejected a controversial proposed land trade that would have allowed oil and gas drilling in part of a national wildlife refuge in Alaska. This preliminary decision abandons a Bush administration proposal in the works since 2004 to trade out land in the Yukon Flats National Wildlife Refuge so that it could be explored for oil. (See **alaska report**, Mar & Sep 2008.)

Public opposition generated more than 100,000



photo: Phillip Hyde

In the Yukon Flats

comments including comments from residents of Native American villages near the proposed drill sites.

USFWS said that new information on geologic resources and a closer look at climate-change impacts led to the unexpected shift against going through with the land trade.

The trade would have given 110,000 acres of refuge uplands, plus mineral rights to another 97,000 acres, to Fairbanks-based Doyon Ltd, a corporation owned by Athabascan Indians of interior Alaska. In exchange, Doyon would have given 150,000 acres of bird-rich wetlands to the refuge, plus future rights to 56,500 more acres.

Sierra Club and other environmental groups opposed the land exchange because it would set a precedent for opening other protected sites to drilling, particularly the Arctic National Wildlife Refuge just north of Yukon Flats. Native communities in the Yukon River region feared that it would affect subsistence activities in an area already under stress from climate change, and that oil and gas development activities were not compatible with the refuge's purposes.

Many thanks to all those who sent in comments on the draft EIS, as requested in our March 2008 newsletter. Your comments were heard! ♦

-- Trish Rolfe

## alaska report

alaska report is the newsletter of the Sierra Club Alaska Task Force, encouraging advocacy on Alaska federal lands issues, particularly as they pertain to the passage and implementation of the Alaska National Interest Lands Conservation Act of 1980.

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### ACTION NEEDED!

OFFSHORE DRILLING P. 1-2  
PROTECT CLEAN WATER P. 5

#### ALSO FEATURED:

COAL CAMPAIGN P. 3  
PEBBLE PERMITTING P. 4-5  
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