



Sierra Borealis *alaska report*

SIERRA CLUB ALASKA CHAPTER
SEPTEMBER 2023



FLASH !! Arctic Leases canceled

On September 6, in an historic move, the Biden Administration canceled all existing oil and gas leases on federal public lands in the Arctic National Wildlife Refuge. Those leases, owned by state corporation Alaska Industrial Development and Export Authority (AIDEA), were purchased on January 6, 2021, in a lease sale that drew very few bidders. The other leaseholders had already forfeited their leases once they realized that drilling in the Arctic is bad business.

The Arctic National Wildlife Refuge is amongst the last pristine wildernesses on Earth. It is home to so much treasured wildlife and supports the subsistence culture of Alaskan Natives. And, its protection is critical to curbing climate change. At the announcement of the lease cancellation, Secretary Deb Haaland said, "*Climate change is the crisis of our lifetime. And we cannot ignore the disproportionate impacts being felt in the Arctic.*"

The protection of this incredible place has been a priority for the Sierra Club, and we are grateful to all of our volunteers and supporters who make the work we do possible. We hope you all will take time to enjoy this huge victory.

"To quote President Biden, this is a big f-ing deal," said Sierra Club Executive Director Ben Jealous. "Oil and gas drilling in the Arctic Refuge is incompatible with the long-term survival of the Arctic, with the Gwich'in Nation's way of life, and life as we know it. By protecting these landscapes and canceling these leases, the White House has made it clear they will take bold action to

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2023 Run for the Refuge

This summer, more than a hundred people gathered in Fairbanks on the middle weekend of July for the annual Run for the Refuge. This year is the 27th anniversary of the race, which was founded to raise awareness of the Arctic National Wildlife Refuge, and advocate for its permanent protection.



In the Arctic Refuge, at edge of the coastal plain

is bad publicity, with lawsuits guaranteed; with oil and gas relatively little accessible due to great distance from existing infrastructure; and with a global economy that is transitioning out of fossil fuels.

In many ways, the decades-long educational campaign is succeeding; the Arctic Refuge is now well known—in spite of its remote northeast Alaska location; financial institutions are pledging to not invest in Arctic drilling, and all but one oil company has withdrawn their oil and gas leases in the Arctic Refuge. They know it

Unfortunately, our Alaska legislators are united in support of Arctic oil and gas development, and the Arctic will remain vulnerable until we achieve permanent wilderness protection.

The Run for the Refuge recognized both these truths, celebrating wins and continuing to advocate until the whole

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Refuge is permanently protected.

The Run was also a fun Fairbanks community event, bringing people together who just love running. In addition to the Northern Alaska Environmental Center's information table about the Arctic Refuge, Friends of Alaska National Wildlife Refuges had a table, as did Save Our Domes, a Fairbanks group that opposes mining in recreational areas.

The in-person run has a 5k or 10k option, and this year confusion at the very start led to several disqualifications-- people accidentally cut a kilometer from their course or were funneled into a 10k when they didn't want to be! Next year that tricky spot will have guidance.

We also had many participants virtually, who ran a course in solidarity--on their own, near their own home, and then sent in their photos. Thank you to everyone who participated! Next year the run will take place mid-July, with registration online at Northern.org. ❖

-- Christin Swearingen, former Alaska Chapter chair,
Northern Alaska Environmental Center, Events & Development



photo: Frank Williams

Running for the Refuge

Arctic Coastal Plain leases canceled!-- from page 1

avert climate catastrophe."

Jealous also said, "The campaign to protect and preserve the Arctic Refuge was one of the first major battles of the modern environmental movement. Now, the Arctic and the communities and wildlife that rely on it are on the frontlines of climate change. Today, in listening to the Gwich'in Nation and the American people, President Biden showed that this treasured landscape is also the frontline of climate action."

Along with its announcement on the lease cancela-

tion, the administration has unveiled unprecedented protections for 13 million acres of the Western Arctic and issued a Draft Supplemental Environmental Impact Statement (DSEIS) that could at last curtail Arctic Refuge oil and gas extraction.

The White House also

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Alaska tree ring research

This research recently conducted by UAF faculty member Benjamin V. Gaglioti is a really remarkable look at microclimates near glaciers. In the spirit of promoting open science and sharing cool things, I'd like to share one little takeaway from all of this great research.

First, I must reveal a fact about me: I love tree rings. I think it is one of the coolest things about trees, that their growth shows in such pragmatic ways. Then we can learn so much just from looking at their insides. Foresters call a slice of trunk, taken out in a parallel to the surface of the earth, a 'cookie' and I would have all my furniture made out of those if I could.

So now you know why this little bit of research out there in the public domain immediately fascinated me. I decided the spreadsheet of most interest to me was the tree ring data for Yellow Cedars growing (or previously growing, as some data are from trees no longer alive) in proximity to La Perouse glacier in Southeast Alaska.

These data were shared in one of the standard formats for dendrology (the study of trees) -- Tucson decadal format. That means the data were recorded in millimeters or micrometers, the dataset itself containing a flag that indicates to the user which one. It also means the data were 'binned' or arranged into standard width intervals, with a specific naming format that may mean multiple row identifiers for the same core sample. The measurements for years of growth are then estimated. This data summary is oversimplified, from an enthusiast, so please play with the data and ask the experts for their opinion.

There were 110 trees included in these data, a subset of the total trees for Ben Gaglioti's work. Some generalities about these trees: 104 of them were growing in 1840, one of them

was growing before 1320, Seventy of them were growing in 2010. So 70 of these trees are younger than iPhones, one of them is older than the Gutenberg press, and most of them have seen the birth of photography. Super cool.

Here is one chart of growth across five samples from these trees, to show which years were good growth and not. Of course, this does not take into account the growth in relation to the question, so we'll all have to read his work to learn more about that.

TREEID	StartYr	EndYr
JGSBC04a	1461	1872
JGSBC13a	1835	2017
PPCC09b	1904	2017
PPCC11a	1839	2017
VTC13a	1491	1914

Some fun facts about these trees:

** one who would have been in their 20s during the Salem witch trials,
** one born in 1487, the year the Hongzhi emperor was named in China,
** one born in 1839, two years after Queen Victoria took the British throne,
** one born in 1904, the year the ice cream cone was invented.

The science is great and he talks about it here(<https://agupubs.onlinelibrary.wiley.com/doi/10.1029/2022GL098574>) and here: (<https://cdnsiencepub.com/doi/abs/10.1139/cjfr-2021-0004>). I urge you to go and look into it deeper. I dare not recreate the high level analysis here, but the data are available for anyone here: (<https://arcticdata.io/catalog/view/doi%3A10.18739%2FA2CJ87N0J>).

I hope this gives all of us some perspective on human history on this planet, and big thanks to the researchers who do this interesting and important work, and then make their data available for us enthusiasts. ❖

-- Adrienne Canino

Arctic Coastal Plain leases canceled! -- from page 2

announced a 45 day public comment period on this DSEIS for the Arctic Refuge Oil and Gas Program. The coastal plain of Alaska is the biological heart of the Arctic Refuge, with lands and wildlife essential to sustain Indigenous communities and cultures. It is one of the world's last intact ecosystems, and allowing drilling would harm communities and exacerbate the climate crisis. We encourage all of our members to participate in the comment period and look for future opportunities to help secure permanent protection for the Arctic Refuge. ❖

-- Andrea Feniger & from Sierra Club press release.

Update

Assemblage of lawyers say NO to Izembek road proposal

A coalition of legal scholars wants Interior Secretary Deb Haaland to ignore calls for a new land exchange with an Alaska Native corporation inside the Izembek National Wildlife Refuge, saying it would violate federal law and undermine protections for millions of acres in the Last Frontier.

At issue is the Alaska National Interest Lands Conservation Act (ANILCA), the 1980 law establishing Izembek and more than 100 million acres of additional protected lands. The law, the scholars wrote in a letter sent to Haaland on August 27, requires "Presidential and Congressional approval before a road could be built" in the refuge or any other Alaska protected lands.

"Congress did not leave this decision to the discretion of the Secretary," according to the letter, signed by 34 legal scholars led by Gerald Torres, an environmental justice professor at Yale University School of the Environment and Yale Law School.

The lawyers note that the area in play in the Izembek Refuge is congressionally designated wilderness, [where roads are prohibited by law], and that authorizing a road there could set a legal precedent that "would jeopardize the protection of over 150 million acres of national public lands. In short, we contend that such an exchange would be both illegal and unwise."

It comes as the Fish and Wildlife Service, which oversees the Izembek Refuge, announced in May it has begun a new analysis into a potential future land swap, as Haaland in March had committed to local leaders in the small town of King Cove, who seek a land swap to enable a possible road through present refuge wilderness. King Cove Corp., a Native Alaskan corporation, is based outside the refuge, but owns land within the refuge.)

The legal scholars also wrote in their letter: "ANILCA has only two purposes: conservation and subsistence. Allowing the Secretary to authorize a land exchange for any purpose other than enhancing conservation values or aiding subsistence would open the door for future Administrations to exchange any protected land for any extraction, construction or other reason a Secretary favors. Under an Administration hostile to conservation values, it would put at risk all 150 million acres of lands protected by ANILCA. ❖

(-- mostly from Greenwire, Aug. 28)

Alaska Chapter Election Ahead: New volunteers welcome!

Can you step up to take on a larger role in the Sierra Club Alaska Chapter? It's nearly time for the annual Sierra Club Alaska Chapter election to be held for four 2024 volunteer positions on the Chapter Executive Committee.

The Sierra Club has the largest, most vigorous grassroots activist network of any conservation organization in the nation. Sierra Club policy and conservation priorities are set by its active volunteers in democratic processes. In the Alaska Chapter, policy and priorities are determined by Executive Committee members--who are elected by the Club's members in Alaska to serve as leaders of the Chapter.

The Executive Committee makes all the major decisions on how this Chapter allocates our resources (e.g., hiring staff, joining or initiating lawsuits for environmental protection, planning big events such as trainings, social or educational gatherings, outings, or commenting to agencies in response to management plans and actions). Executive Committee members determine what environmental issues the Alaska Chapter will focus on in the next few years. We seek new members to help strengthen our work!

Executive Committee terms are two years, with terms staggered so that approximately half the committee is elected each year.

Volunteering for the Sierra Club is a rewarding experience, and we hope you consider stepping up now to serve the environment. If you are a Sierra Club member and would like to run for ExComm, or would like to suggest another member who is willing to run, please contact Alaska Chapter Director Andrea Feniger, at andrea.feniger@sierraclub.org. Candidate photos and bios will appear in our December newsletter.

Starting in 2021, our Chapter election has become all digital, with elections held on our website from January 24 through early February, 2024. We hope that in addition to reducing unnecessary waste, this new feature will boost accessibility and involvement. We know this might not be the preferred method for everyone, and we seek feedback from our members, so let us know your preference for future elections--at alaska.chapter@sierraclub.org or by writing to our PO Box--P.O. Box 230323, Anchorage, AK 99503-0323. ❖

-- Heather Jesse,
Alaska Chapter chair



Izembek wilderness

Highlighting Alaska's 48 designated wilderness areas



The 1964 Wilderness Act brought into being 54 Forest Service wilderness areas in 13 states --ten western states plus Minnesota, North Carolina and New Hampshire (no, none in Alaska at that time). Alaska got its first wilderness area in 1970 and now has 48 areas managed by the National Park Service, the Forest Service, and the Fish & Wildlife Service. Only the Bureau of Land Management--the fourth federal land managing agency--has no wilderness in this state (although it manages much remote public land in Alaska, and many wilderness areas in other states). And of Alaska's Forest Service wilderness--it is all in the Tongass National Forest, none at all in the wild Chugach Forest--which does feature the nation's largest legislated Wilderness Study Area, the 2-million acre Nellie Juan/College Fjord WSA, covering most of western Prince William Sound. Alaska's ten largest wilderness areas, totaling over 45 million acres, exceed the area of all of California's 152 areas--15 million acres.

Here are Alaska's wilderness areas with brief descriptions:

**** Aleutian Islands Wilderness:** Designated in 1980, this area has 1,300,000 acres, managed by U.S. Fish & Wildlife Service. The Aleutian Islands Wilderness has areas in seven island groups: Near Islands, Rat Islands, Delarof Islands, Andreanof Islands, Islands of Four Mountains, Fox Islands, and Krenitzin Islands.

**** Andreafsky Wilderness:** Designated in 1980, this area has 1,300,000 acres, managed by U.S. Fish & Wildlife Service; it is a vast expanse of alpine and wetland tundra, located in the Yukon Delta National Wildlife Refuge.

**** Becharof Wilderness:** designated in 1980, this area has 400,000 acres managed by U.S. Fish & Wildlife Service: where the Alaska Peninsula starts, Becharof Wilderness makes up roughly one-third of the Becharof National Wildlife Refuge.

**** Bering Sea Wilderness:** Designated in 1970 with 81,340 acres, managed by the Fish & Wildlife Service; it encompasses St. Matthew, Hall, and Pinnacle Islands, in the Alaska Maritime National Wildlife Refuge, and hosts a vast summer seabird concentration.

**** Bogoslof Wilderness,** from 1970, has 175 acres and is managed by the Fish & Wildlife Service. An active volcanic island in the Bering Sea north of Unalaska island, Bogoslof still is changing.



**** Chamisso Wilderness:** 455 acres, designated in 1975 and managed by the Fish & Wildlife Service; it comprises Chamisso and Puffin Islands as part of the Chukchi Sea Unit, northernmost section of the Alaska Maritime National Wildlife Refuge.

**** Chuck River Wilderness** dates from 1990, with 75,031 acres, and is managed by the Forest Service in Tongass National Forest. It is at the head of Windham Bay some 70 miles southeast of Juneau, and adjacent to Tracy Arm Fords Terror Wilderness.

**** Coronation Island Wilderness** dates from 1980 and has 19,118 acres, of Forest Service land, off the west coast of Prince of Wales Island, south of Kuiu Island. The Henyakwan Tlingit often camped on Coronation Island, before gathering bird eggs at Hazy Islands.

**** Denali Wilderness:** Designated in 1980, its 2,146,000 acres are managed by the National Park Service in Denali National Park. The Wilderness is the high heart of the Alaska Range, including Mount Denali, and remains a majestic unparalleled Wilderness.

**** Endicott River Wilderness:** Designated in 1980, this 98,396-acre wilderness shares a 40-mile boundary with Glacier Bay National Park and is managed by the Forest Service. The Endicott River, born in the Chilkat Mountains, runs east to Lynn Canal.

**** Forrester Island Wilderness** was designated in 1970 with 2,832 acres managed by the Fish and Wildlife Service. Southwest of

Prince of Wales Island, it includes the isolated islands of Forrester, Lowrie, and Petrel--which is a haven for storm petrels.

**** Gates of the Arctic Wilderness:** Designated in 1980, this vast wilderness has 7,154,000 acres. Bob Marshall, exploring here in the early 1930s, dubbed two looming peaks (Boreal Mountain and Frigid Crags) "The Gates of the Arctic." Gates of the Arctic National Park is managed primarily as Wilderness.

**** Glacier Bay Wilderness:** Also from 1980, this National Park Service wilderness has 2,664,876 acres. Glaciers have sculpted this landscape near the Chilkat and Fairweather Mountain Ranges. The land is rising as the huge weight of the ice eases.

**** Hazy Islands Wilderness:** Alaska's smallest wilderness, from 1970, has 32 acres. Part of the Alaska Maritime National Wildlife Refuge, it is managed by the Fish and Wildlife Service. Big Hazy Island and four smaller sister islands shelter hordes of sea birds.

**** Innoko Wilderness:** Dating to 1980, this Fish and Wildlife Service wilderness has 1,240,000 acres, comprising about one-third of the Innoko National Wildlife Refuge, due west of Denali National Park, inland of Norton Sound.

**** Izembek Wilderness:** Designated in 1980 and managed by the Fish & Wildlife Service, this Refuge wilderness has 307,982 acres, near the tip of the Alaska Peninsula. Izembek Wilderness sees a quarter-million migratory birds land every fall --all coming for the renowned eelgrass beds of Izembek Lagoon.

**** Jay S. Hammond Wilderness,** from 1980, is managed by the National Park Service and has 2,592,000 acres. Originally the Lake Clark Wilderness, it was renamed in 2018 to commemorate Alaska's fourth governor. Two active volcanoes are visible from across Cook Inlet: Mt. Iliamna and Mt. Redoubt.

**** Karta River Wilderness:** This Forest Service wilderness in the Tongass National Forest was designated in 1990 with 39,917 acres on east-central Prince of Wales Island, near Kasaan Bay.

**** Katmai Wilderness:** A National Park Service 1980 wilderness designated by the Alaska National Interest Lands Conservation Act, (ANILCA) it has 3,323,000 acres in Katmai National Park and Preserve; it contains the famed Valley of Ten Thousand Smokes, a deep ash flow deposited by Novarupta Volcano in 1912.

**** Kenai Wilderness:** Designated in 1980, this 1,354,247-acre wilderness is managed by the Fish & Wildlife Service on the Kenai Peninsula, which gets many visitors from Anchorage. The Kenai Refuge was initially named Kenai National Moose Range.

**** Kobuk Valley Wilderness:** This is a 1980 ANILCA National Park Wilderness, with 176,000 acres just north of the Arctic Circle, at the western end of the Brooks Range, where the Baird and Waring mountains descend toward the Chukchi Sea. The Great Kobuk Sand Dunes are a striking feature. -- continued page 5

Alaska's wilderness areas, -- continued from page 4

**** Kootznoowoo Wilderness:** Designated in 1980, with 989,922 acres, this is the wilderness on Admiralty Island, called Kootznoowoo or "Bear Fortress" by the Tlingit people. It is managed by the Forest Service. Brown bears abound, and a popular 26-mile canoe trail ends near the Tlingit community of Angoon.

**** Koyukuk Wilderness:** This is another ANILCA Fish & Wildlife Service 1980 wilderness, with 400,000 acres. Part of western Alaska's Koyukuk National Wildlife Refuge, it has many rivers and lakes, forming the floodplain of the Koyukuk River, and has a unique geological feature -- the Nogahabara Sand Dunes.

**** Kuiu Wilderness:** Designated in 1990, this Tongass National Forest wilderness has 60,183 acres and is bordered by Chatham Strait on the west. Several small offshore islands are included in this island Wilderness of forest and muskeg.

**** Maurelle Islands Wilderness:** This 1980 Southeast Alaska wilderness of 4800 acres is managed by the Forest Service off the west coast of huge Prince of Wales Island. The group of nearly 30 dots of land is known for its abundant marine mammals.

**** Misty Fjords National Monument Wilderness** dates from 1980, and this Forest Service wilderness has 2,144,010 acres. All of the vast rain and cloud-shrouded national monument except 156,000 acres is designated Wilderness.

**** Mollie Beattie Wilderness:** This is the portion of the Arctic National Wildlife Refuge (our country's largest national wildlife refuge) that is designated wilderness since 1980, with 8,000,000 acres—our country's second largest wilderness area. Its name honors the 1st female director of the Fish and Wildlife Service.

**** Noatak Wilderness** came into being via ANILCA in 1980 and has 5,814,000 acres in the Noatak National Preserve, managed by the National Park Service. All the National Preserve is wilderness, except for 700,000 acres around the village of Noatak.

**** Nunivak Wilderness:** This 1980 ANILCA wilderness has 600,000 acres, on the southern half of Nunivak Island off the Yukon and Kuskokwim Rivers delta and is in the Yukon Delta National Wildlife Refuge. Famed is a herd of shaggy musk oxen.

**** Petersburg Creek-Duncan Salt Chuck Wilderness:** A Tongass National Forest wilderness in Southeast Alaska, designated in 1980 with 46,476 acres. On the east side of the wilderness, Petersburg Creek spills down a glacier-cut valley with mountain peaks sloping down to the Petersburg Creek estuary.

**** Pleasant/Lemusurier/Inian Islands Wilderness** is from 1990, and it has 23,083 acres, managed by the Forest Service. In the frigid waters of Icy Strait, these scenic islands appear near the entrance to Glacier Bay. Pleasant Island is the easternmost.

**** Russell Fjord Wilderness** was designated in 1980 with 348,626 acres, and is managed by the Forest Service. From the upper end of Yakutat Bay, the advance of Hubbard Glacier is slowly squeezing Russell Fjord from reaching the sea.

**** Saint Lazaria Wilderness** is from 1970, its 65 acres managed by the Fish and Wildlife Service. At the entrance to Sitka Sound, Saint Lazaria Island was first a refuge for seabirds, later became Wilderness in the Alaska Maritime National Wildlife Refuge.

**** Selawik Wilderness,** with 240,000 acres, is a 1980 ANILCA wilderness managed by the Fish and Wildlife Service in Selawik National Wildlife Refuge. The Wilderness is on the Arctic Circle east of Kotzebue Sound, just south of Kobuk Valley Wilderness.

**** Semidi Wilderness** dates from 1980, and it has 250,000 acres, managed by the Fish and Wildlife Service in Semidi Islands Na-

tional Wildlife Refuge. Not great in land mass, the Wilderness



includes nearly a quarter million acres of surrounding seabed.

**** Simeonof Wilderness** has 25,855 acres, managed by the Fish and Wildlife Service. One of 30 named islands in the Shumagin Group at the start of the Aleutian Islands, Simeonof Island, earlier a refuge for sea otters, became a Wilderness in 1976.

**** South Baranof Wilderness** has 315,820 acres in the Tongass National Forest, managed by the Forest Service. Since 1980, most of the southern end of Baranof island is designated Wilderness. The wilderness has three Forest Service public-use cabins.

**** South Etolin Wilderness,** with 82,593 acres, dates from 1990, on the south end of Etolin Island and several smaller islands about midway between Ketchikan and Wrangell and 15 miles north of Thorne Bay. It is managed by the Forest Service.

**** South Prince of Wales Wilderness** is also a Tongass National Forest wilderness from 1980, with 86,771 acres, managed by the Forest Service, at the southwest corner of Prince of Wales Island.

**** Stikine-LeConte Wilderness,** designated in 1980, has 436,084 acres managed by the Forest Service. The mighty glacier-sculpted U-shaped Stikine River is the lifeline through this Southeast Alaska wilderness. The LeConte glacier is also a notable feature.

**** Tebenkof Bay Wilderness** is another 1980 Tongass National Forest wilderness; its 66,994 acres managed by the Forest Service. Located on Kuiu Island, the Wilderness comprises a complex system of smaller bays, with prominent islets and coves.

**** Togiak Wilderness** is another ANILCA national wildlife refuge wilderness from 1980; its 2,274,066 acres managed by the Fish and Wildlife Service. The southwest Alaska wilderness covers more than half of the Togiak National Wildlife Refuge.

**** Tracy Arm-Fords Terror Wilderness** was designated in 1980 and has 648,883 acres. Part of the Tongass National Forest, this coastal wilderness features two narrow and deep sheer-walled fjords-- Tracy Arm and Endicott Arm, both over 30 miles long.

**** Tuxedni Wilderness** has 5,566 acres managed by the Fish and Wildlife Service. Long established as a refuge for seabirds, two islands at the mouth of Tuxedni Bay off of Cook Inlet--Chisik (the larger) and tiny Duck--became Wilderness in 1970.

**** Unimak Wilderness,** from 1980, has 910,000 acres, managed by the Fish and Wildlife Service. About 93 percent of huge Unimak Island, just west of the Alaska Peninsula, is Wilderness. Here is the nearly perfect cone of 9,372-ft. Shishaldin Volcano.

**** Warren Island Wilderness** dates from 1980, and its 11,559 acres are off the northwest coast of Prince of Wales Island, about 75 air miles from Ketchikan. Covered in dense coastal rain forest, this Tongass island provides an unspoiled wilderness experience.

**** West Chichagof-Yakobi Wilderness,** with 271,348 acres, was designated in 1980, covering western Chichagof and Yakobi Islands in northwest Alexander Archipelago, in Tongass National Forest. Wave-pounded cliffs vie with sheltered bays and islands.

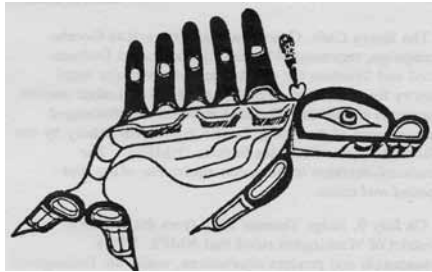
**** Wrangell-Saint Elias Wilderness,** established by ANILCA in 1980, at 9,432,000 acres, is America's largest wilderness—and the national park it is in is our largest national park—touching the Canadian border. Along with Canada's Kluane National Park, this is the continent's vastest protected wild area. In July 1741, explorer Vitus Bering saw a peak rising far above anything else; after he named Cape Saint Elias days later on Elias' saint day, the name was given also to the dominating 18,008-foot mountain. ❖

Lake Clark National Park and Preserve: Governor Mike Dunleavy seeks State ownership of federal wild rivers and lakes

Governor Mike Dunleavy claims that the Chilikadrotna Wild River-Twin Lakes, the Mulchatna Wild River-Turquoise Lake, and Crescent Lake are navigable water bodies—and thus the state owns the water. The National Park Service (NPS) maintains that these water bodies are non-navigable. In response Gov. Dunleavy has sued the NPS in Federal District Court. A decision in this case is pending

In 2021 the governor announced his “Unlock Alaska Initiative” to identify rivers and lakes on federal land that the State asserts are navigable, including many in national conservation system units. The goal is state ownership of the submerged land and control of the water. The State has to prove that a river or lake was not reserved for federal purposes when Alaska joined the Union, and that the river or lake had commercial use or was susceptible to such use. (Submerged land consists of the bed and the banks up to the ordinary high-water mark, with the brush line generally considered the high-water mark.)

Rivers and lakes in other national parks are also potential targets for the governor. In addition to the Chilikadrotna and Mulchatna Wild Rivers there are 11 wild rivers and river-lake systems in other parks, including six wholly or partially within Gates of the Arctic National Park and Preserve. In announcing his Unlock Alaska Initiative, Gov. Dunleavy said he was “following



in the path of John Sturgeon, who won two unanimous decisions before the Supreme Court on this very issue.” Sturgeon, who had been operating his hovercraft for moose hunting along the Nation River in Yukon-Charley National Preserve, was told by park rangers in 2014 that hovercraft are prohibited in the preserve under a regulation against hovercraft in national park system units.

Sturgeon sued the NPS in 2017, arguing that the submerged lands are state-owned and therefore the Service’s regulation banning hovercraft does not apply. He cited section 103(c) of the Alaska National Interest Lands Conservation Act (ANILCA) which exempts non-federal lands--State, Native corporation, and other private lands--within conservation system units from NPS regulations.

After losing in District Court and at the Ninth Circuit, Sturgeon won in the Supreme Court. The Justices, in a unanimous 2019 opinion authored by Justice Kagan, decided that the State owns the submerged land in the Nation River and enjoys exclusive control of the water. Thus Sturgeon is free to operate his hovercraft on the river. (See *sierra borealis*, Jun & Dec 2017, Mar 2016, Dec 2015.)

However, Justice Sotomayor, joined by Justice

Ginsburg, added a separate critique of the opinion that indicates the need for Congress to “clarify the scope of the NPS’s authority.”

“The Court decides that the Nation River is not parkland, and I join the Court’s opinion because it offers a cogent reading of §103(c) of the Alaska National Interest Lands Conservation Act (ANILCA), 94 Stat. 2371, 16 U. S. C. §3101 et seq. I write separately to emphasize the important regulatory pathways that the Court’s decision leaves open for future exploration.

The Court holds only that the National Park Service may not regulate the Nation River as if it were within Alaska’s federal park system, not that the Service lacks all authority over the Nation River. A reading of ANILCA §103(c) that left the Service with no power whatsoever over navigable rivers in Alaska’s parks would be untenable in light of ANILCA’s other provisions, which state Congress’ intent that the Service protect those very same rivers. Congress would not have set out this aim and simultaneously deprived the Service of all means to carry out the task.

Properly interpreted, ANILCA §103(c) cannot nullify Congress’ purposes in enacting ANILCA. Even though the Service may not apply its ordinary park rules to nonpublic areas like the Nation River, two sources of Service authority over navigable rivers remain undisturbed by today’s decision. First, as a default, the Service may well have authority to regulate out-of-park, nonpublic areas in the midst of parklands when doing so is necessary or proper to protect in-park, public areas—for instance, to ban pollution of the Nation River if necessary to preserve habitat on the riverbanks, or to ban hovercraft use on that river if needed to protect adjacent public park areas. Nothing in ANILCA removes that power. Second, Congress most likely meant for the Service to retain power to regulate as parklands a particular subset of navigable rivers designated as “Wild and Scenic Rivers,” although that particular authority does not, by its terms, apply to the Nation River.

Because the Court does not address these agency authorities, see ante, at 19, n. 5, 26–27, n. 10, I join its opinion. I also wish to emphasize, however, that the Court’s opinion introduces limitations on—and thus could engender uncertainty regarding—the Service’s authority over navigable rivers that run through Alaska’s parks. If this is not what Congress intended, Congress should amend ANILCA to clarify the scope of the Service’s authority.”

Amending ANILCA to restore the Park Service’s authority to protect wild river-lake systems and other park rivers and lakes promises to be a lengthy, difficult campaign.

-- Jack Hession

1973 to 2023--the ESA turns 50

The Endangered Species Act was enacted in 1973 to prevent the loss or harm of endangered and threatened species and to preserve the places they live. For half a century, this law has been a powerful conservation tool that has done more than just prevent extinction.

<https://www.fws.gov/es a50>.

Lawsuit filed against Alaska LNG Project

In August, Sierra Club sued the federal government for approving exports from the Alaska LNG Project, which would transport gas from Alaska's North Slope to Asia. The lawsuit challenges the U.S. Department of Energy's (DOE) export approval for failing to fully assess the project's climate and environmental harms. We, along with the Center for Biological Diversity, are asking the D.C. Circuit Court of Appeals to direct DOE to reconsider its export approval after preparing a new environmental impact statement that fully considers the environmental and climate harms of the project.

The Alaska LNG Project (liquefied natural gas) would include an 807-mile pipeline bisecting Alaska from north to south to transport methane gas extracted from Alaska's North Slope to a liquefaction plant and marine terminal near Nikiski on the Kenai Peninsula. The \$38.7 billion fossil-fuel export project would export 20 million metric tons of gas per year, potentially releasing more than 50 million metric tons of carbon pollution annually from those exports – plus at least 297 million metric tons of carbon pollution from operating the extensive infrastructure over its 30-year lifespan.

The project would tap large methane gas deposits in America's Arctic. Such deposits, lacking any route to market, have remained in the ground despite decades of North Slope oil development. The latest in a long line of failed projects to commercialize North Slope gas, Alaska LNG has been government-funded since Exxon, ConocoPhillips, and BP backed out in 2016, citing cost concerns. It has cost the State of Alaska hundreds of millions of dollars in funding and still lacks investors, partners or customers.

While a small portion of the gas could potentially be tapped for in-state use, the plan calls for exporting most of the liquefied methane gas from a terminal in the Cook Inlet, home to endangered beluga whales. It would then be sent across the Pacific to Asian markets.

Approving such a massive fossil fuel extraction project with a 30-plus year lifespan is contrary to overwhelming science consensus for avoiding the worst impacts of climate change. The latest Intergovernmental Panel on Climate Change report notes that fossil fuel extraction must be scaled back in favor of clean energy alternatives to keep global warming to a 1.5°C increase, viewed as the threshold for causing irreversible climate damage.

"There is no demonstrated global market need for these exports and by 2030, the earliest date this project can expect to begin exporting liquified methane gas, interest in gas will have waned," said Sierra Club Alaska Chapter Director Andrea Feniger. "The DOE has unlawfully ignored the project's environmental harm and underestimated its climate impacts. If this project moves forward, Alaska will be left to deal with a stranded asset and worsening climate impacts."

"This expensive, climate-polluting project is not in the public interest – it is a boondoggle that would undermine

*Nature beckons!
Get Outside*



Southeast Alaska Upcoming Event:

Join our Military Outdoors Program for a weekend of camping in Ketchikan! We will have optional camping the nights of Friday, 9/15 and Saturday, 9/16 with a full day of fun activities on Saturday, including kayaking to Eagle Island and a ropes course. Food will be provided and all activity and camping expenses will be covered.

Participants are responsible only for the cost of getting to Ketchikan if they are not based there.

This trip is open to all active duty military, veterans, reserves, and their families.

Registration is required-- to sign up, please email andrea.feniger@sierraclub.org



the Biden administration's climate goals and needlessly lay waste to Alaska's lands and waters, imperiling communities and threatening wildlife," said Erin Colón, an attorney with Earthjustice. "Despite all that, the State of Alaska stubbornly continues to pursue this ill-advised project. We're suing to force the DOE to reconsider greenlighting such waste."

The DOE approval is one of two key approvals required for the project to move forward. In May 2020, the Federal Energy Regulatory Commission (FERC) issued an authorization to AGDC to construct and operate the Alaska LNG Project. Construction has not yet begun.

The Center for Biological Diversity and Sierra Club are represented by attorneys from the Sierra Club, the Center for Biological Diversity, and Earthjustice.

Background

Proposed by the Alaska Gasline Development Corporation (AGDC), an Alaska state-owned corporation, the Alaska LNG Project involves constructing an 807-mile pipeline that would impact 35,474 acres of land, 45 percent of which would be permanently affected. There is currently no route to market for the Arctic methane gas deposits discovered decades ago. (see *sierra borealis*, Dec 2022.)

DOE initially approved Alaska LNG's exports in August 2020. Sierra Club filed a rehearing petition with DOE and then sued in the D.C. Court of Appeals challenging the decision. Litigation was stayed after DOE granted the rehearing petition and prepared a supplemental environmental impact statement (SEIS). In April 2023, the DOE again greenlit the project. The environmental groups then requested a rehearing with DOE in May 2023, and DOE denied that request, again asserting its approval of the exports.

-- Andrea Feniger

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For the latest on hikes and all events, check us out on Facebook or www.sierraclub.com/alaska.

September proclaimed as National Wilderness Month

On August 31, (obviously a very special day), President Biden issued a proclamation naming September as "national wilderness month". In doing so, he followed President Obama, who regularly made September national wilderness month during his presidency. Here is an excerpt from Mr. Biden's proclamation:

"America's natural wonders are marvels of the world. People travel across seas and continents to behold the spirit of this great land embodied by our majestic mountains, breathtaking deserts, emerald valleys, and mighty rivers. During National Wilderness Month, we celebrate the power and promise of our country's extraordinary natural gifts and renew our commitment to protecting them for generations to come.

When we conserve our country's landscapes and wilderness, we do more than preserve their beauty for our own enjoyment. We safeguard the future of people who depend on and sustain the land as a way of life — Indigenous peoples, farmers and

ranchers, recreation businesses, and rural communities. We enshrine landmarks that identify the places where the history of our Nation was made. We protect sacred spaces that have been stewarded by Tribal Nations since time immemorial. And we mitigate the impacts of climate change to help make our country more resilient.

A respect for nature's ability to support and enrich our lives has led my Administration to develop the most ambitious land and water conservation agenda in American history. During my first week in office, I issued an Executive Order establishing the country's first-ever National Conservation Goal to conserve at least 30 percent of our lands and waters by 2030. It is the cornerstone of my "America the Beautiful" campaign to support locally led and voluntary conservation and restoration efforts across the country. I also signed an Executive



Order to protect America's forests, harness the power of nature in the fight against climate change, and initiate the first National Nature Assessment to evaluate the state of our lands, waters, and wildlife...

This National Wilderness Month, we renew our commitment to protecting our wilderness areas and ensuring that all their splendor is passed down from generation to generation of Americans, helping to bridge our past and our future.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 2023 as National Wilderness Month. I encourage all Americans to experience our Nation's outdoor heritage, to recreate responsibly and leave no trace, to celebrate the value of preserving an enduring wilderness, and to strengthen our commitment to protecting these vital lands and waters now and for future generations.

JOSEPH R. BIDEN JR.



THE WHITE HOUSE
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