

Grandmothers Growing Goodness

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December 4, 2023

Submitted via the Federal eRulemaking Portal

Director Tracy Stone-Manning
Bureau of Land Management
1849 C Street NW, Room 5646
Washington, DC 20240

Comments re: Proposed Rule on Management and Protection of the National Petroleum Reserve in Alaska (RIN 1004-AE95)

Dear Director Stone-Manning:

Grandmothers Growing Goodness welcomes the opportunity to comment on the proposed rule on the management and protection of the National Petroleum Reserve in Alaska (Reserve). Grandmothers Growing Goodness is an Inupiat group dedicated to elevating the understanding and protection of Inupiat culture and people in the face of serious impacts from oil and gas development and climate change.

In Nuiqsut, we live a traditional lifestyle hunting, fishing, whaling, gathering, and teaching our family and extended family and community members the traditional and cultural activities as our elders taught us. We hunt, fish, and gather along the Chukchi and Beaufort Sea coasts, on Fish and Judy Creeks, along the Colville River and its tributaries, and throughout the lands and waters around Nuiqsut. We hunt and eat various birds, including ptarmigan, ducks and geese, fish, including char, salmon, whitefish, dolly varden, grayling, pike, trout, and cisco, land mammals, including caribou, moose and muskox, and marine mammals, including bearded seals, walrus, and beluga and bowhead whales. In the winter, we trap furbearers, including wolverines. We harvest berries, plants, roots, and herbs.

We have extensive sharing traditions that unite our families and communities across the North Slope and beyond. These extensive sharing patterns have given us much of the variety we eat and reaffirm our family and community ties. We hunt much of our own food, but others share unique items such as beluga whale and walrus meat. We send cisco, caribou, moose, muskox, or bowhead to others.

The rulemaking is an opportunity for BLM to strengthen the role of Tribal governments and better protect the life, health, safety, culture, and traditions of the people who live in the Reserve or depend on its resources. We support BLM's efforts thus far in this regard, including that a primary objective of the proposed regulation is to protect and enhance access for subsistence activities throughout the Reserve. We also welcome the recognition of the importance of and threats to subsistence in the draft rule's description of current conditions, the direction to ensure Special Areas are managed to protect and support subsistence use under proposed section 2361.50, and the requirement for BLM to consider

Indigenous Knowledge. And we strongly support the requirement for consultation with Tribes under proposed sections 2361.10(e)(1), 2361.30(b)(3), and 2361.40(h).

Our comments below make three recommendations to strengthen the rule:

First, we support the rule's emphasis on the agency's obligation to mitigate significantly adverse effects and to ensure maximum protection for special resource values in Special Areas. It is essential that BLM ensure, pursuant to both of these obligations, that subsistence use and caribou habitat are protected. We therefore provide recommendations that help support these key obligations.

Second, our organization supports the process to create new Special Areas, and we recommend the creation of a Nuiqsut Subsistence Use Special Area as part of this process as soon as possible.

Finally, the draft regulations provide opportunities for co-stewardship, which we welcome, and we provide additional recommendations to strengthen this section.

I. Measures to Protect Subsistence

The current draft regulations provide that "In each decision concerning proposed activity in the Reserve, the Bureau will document consideration of, and adopt measures to mitigate, reasonably foreseeable and significantly adverse effects on fish and wildlife, water, cultural, paleontological, scenic, and any other surface resource." We support BLM's effort to provide more guidance regarding its obligation to mitigate significantly adverse effects to the Reserve's resources. However, the regulations should be strengthened to ensure the protection of the Reserve's resources, including subsistence and the caribou herd.

Despite the years of environmental review and BLM's identification of various mitigation measures throughout this time, the impacts from oil and gas activities to Nuiqsut have only grown worse. BLM's engagement with the village is consistently focused on how to allow projects to go forward—how to permit the continuous expansion and concentration of oil and gas activity on our traditional lands. We express our concerns, but BLM continues to weaken or waive mitigation measures, or fails to enforce them, and the impact to our daily life continues. People who state opposition to the endless expansion of oil development and the complete encirclement of our village face repercussions.

As the City and Native Village of Nuiqsut explained as cooperating agencies in the Willow SEIS process, the existing Required Operating Procedures (ROPs) do not adequately protect the people of Nuiqsut.¹ The mitigation measures simply study the additional impacts to our village and our resources as they occur. The measures do not include thresholds for impacts or any actions that BLM would take if those thresholds were exceeded. In addition, BLM does not consider or require an analysis of the effectiveness of mitigation measures. Nor does the agency have a process for incorporating lessons learned from monitoring and mitigation into new management decisions.

The process for identifying and imposing mitigation measures should be changed. The current approach requires us to advocate for mitigation measures in every decision-making process. This places an unfair burden on a village already overburdened by the impacts of industrial activity.

¹ Letter from City of Nuiqsut and Native Village of Nuiqsut, Comments on Willow MDP Preliminary Final EIS (Jan. 25, 2023).

We therefore recommend that the regulations include a regular process for identifying new and updating existing measures, similar to the process for Special Area amendments proposed by the draft regulations. This process should ensure that mitigation is based on the best available information, that the impacts of activities and the effectiveness of mitigation is monitored, and that management decisions are responsive to this information.

Specifically, the regulations should include a requirement for BLM to establish baseline data for resources in the Reserve. Some of the baseline data we are most in need of are caribou distribution and movement (especially in the winter), subsistence food contamination, and better air quality data. The regulations should require BLM to identify mitigation based on traditional knowledge and the best scientific information available.

In addition, the regulations should require the monitoring of impacts and of the effectiveness of mitigation during and after any approved activity. Information about caribou distribution and movement and subsistence use is especially important. Further, the regulations should require an analysis of whether there are statistically significant differences compared to the pre-activity studies. The regulations should also require BLM to identify expected and actual air and road trips, timing, and location. All this information should be made available to the public.

Like the Special Area amendment process, this process to regularly update mitigation should require BLM to rely on the best available scientific information, including Indigenous Knowledge, as well as the best available information concerning subsistence uses and resources within the Reserve. It should also provide the public and interested stakeholders with notice of, and meaningful opportunities to participate in, the evaluation process. This lack of public process and input is missing from the studies ConocoPhillips designs and submits to the North Slope Borough, and for this reason, BLM should not defer, as it does, to this process for ensuring adequate mitigation for the caribou herd.

The draft regulations affirm the BLM's authority to condition, delay action on, or deny activities in proposed section 2361.10(a). The regulations should specifically provide that if differences in caribou behavior, distribution, or harvests are detected, BLM will prohibit additional development. The regulations should also provide additional guidance on other circumstances that would warrant denial.

BLM and EPA have recognized that oil and gas activities have already caused significant impacts to subsistence and environmental justice, and that additional development in the Reserve will only make these impacts worse. Yet, there are 2.5 million acres of leased land in the Reserve. Much of the area leased is within Nuiqsut's heavy use subsistence areas.

Section 810 of the Alaska National Interest Lands Conservation Act (ANILCA) sets forth a procedure through which effects to subsistence resources must be considered and provides that actions which would significantly restrict subsistence uses can only be undertaken if they are necessary, will involve the minimal amount of public lands necessary, and if reasonable steps are taken to minimize "adverse impacts upon subsistence uses and resources resulting from such actions." Section 811 requires the Secretary to "ensure that rural residents engaged in subsistence uses shall have reasonable access to subsistence resources on public lands." BLM should ensure that the regulations incorporate ANILCA's mandates. The regulations should also include a presumption that BLM will not approve additional seismic, exploration, or development on these lands unless BLM finds that no adverse effects will occur to subsistence.

II. Special Areas

We are happy to see the regulations acknowledge that the Colville River area is important habitat for other bird species and fish. The families in Nuiqsut catch fish in the Colville River throughout the year, and this is an important part of our diet. We are also happy to see moose included, and that BLM recognizes that the area is important for subsistence use and cultural resources. Every year, starting in July, we travel to the Colville to set up the moose camps. We stage supplies and fuel all the way to Umiat for hunters that come in August and September. When they are at camp, the hunters harvest not only moose, but also bear, fish, caribou, and wolverine. The regulations should add caribou habitat as a significant resource value in the Colville River Special Area.

Even though the area is designated a Special Area, BLM has not provided meaningful protections for it. The crossing at Ocean Point, for example, turns an important subsistence location into an industrial river crossing. Our hunters have relied on this lookout point to scan the tundra for animals, but with the heavy traffic at the crossing, the animals don't come to the area anymore. The value of this area is destroyed even once the winter industrial activity has ended, because staged equipment and soil and vegetation damage remain. Much of the Colville River Special Area has been leased, and recent exploration drilling on some of these leases demonstrate the potential future threats to the herd's migration.

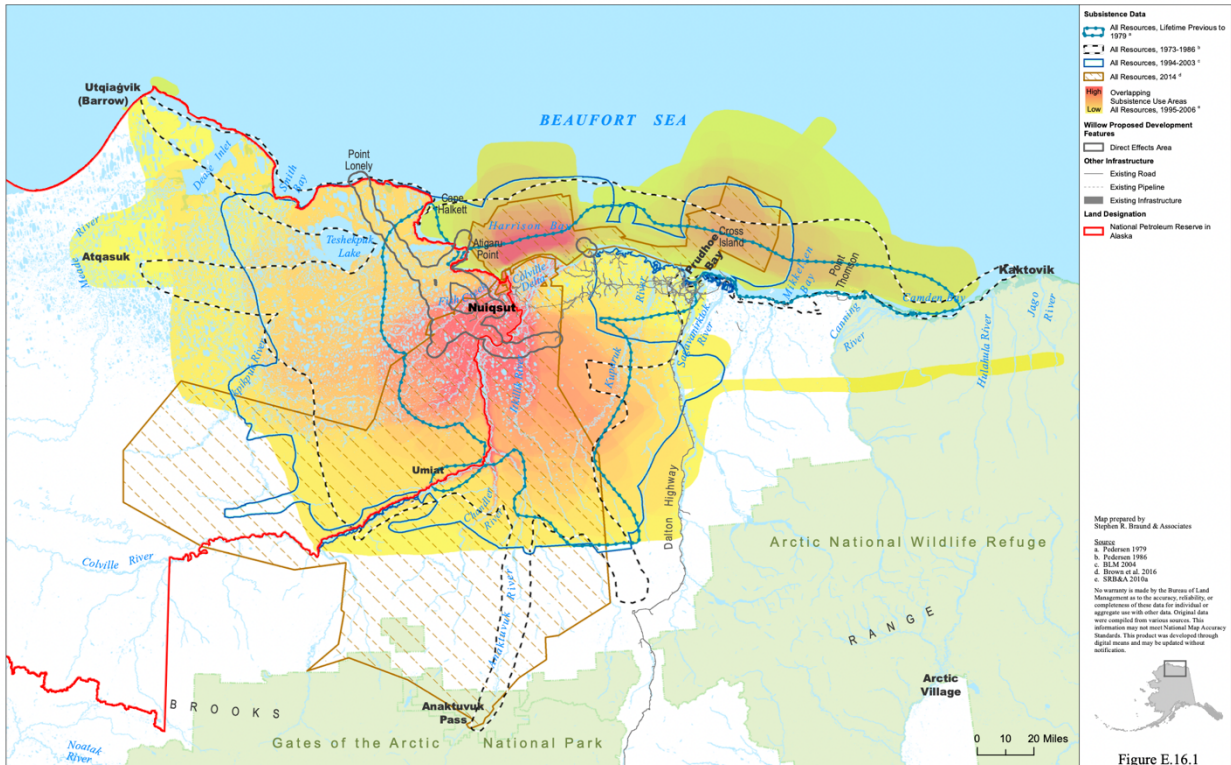
We also welcome the BLM's identification of the Teshekpuk Lake Special Area as important to subsistence and overwintering habitat for fish. The proposed regulation's description of the protections afforded the Teshekpuk Lake Special Area since ConocoPhillips relinquished 60,000 acres of leases there is somewhat misleading, because the relinquishment doesn't create a buffer from activity such as seismic exploration, which affects caribou movement, our ability to hunt, and causes lasting damage to the tundra. There is also no assurance that these leases will not be offered in the future.

The proposed regulations require BLM to "identify and adopt maximum protection measures for each significant resource value that is present in a Special Area." Existing mitigation measures do not ensure maximum protection for subsistence or the Teshekpuk Caribou Herd. BLM should identify maximum protection measures for subsistence and caribou, as well as other existing and newly proposed significant resource values. For maintaining the caribou migration and population, maximum protection will require a prohibition on any seismic exploration, drilling, or infrastructure.

We also support the process created by the regulations to designate or expand Special Areas, identify additional significant resource values, and require new maximum protection measures. The regulations should make clear that BLM is required not only to identify and adopt new maximum protection measures, but also to evaluate existing measures and strengthen them as needed. BLM should also clarify whether it believes the land use allocations and restrictions in the IAP maps are maximum protection measures, and if so, the agency should explain this determination.

We encourage BLM to begin the Special Area amendment process as soon as possible. As part of that process, we recommend that BLM consider a Nuiqsut Subsistence Use Special Area.

As demonstrated by the map below, reproduced from the Willow SEIS, Nuiqsut heavily uses the area — spanning 50 miles and beyond—to the south, southwest, and west of the village. At a minimum, the high and medium subsistence use area should be designated as a Nuiqsut Subsistence Use Special Area.



III. Co-stewardship opportunities in Special Areas

We appreciate BLM’s proposed addition of a new subsection, 43 C.F.R. § 2361.60, “Co-stewardship opportunities in Special Areas.” Below, we emphasize the significance of true Tribally-led management and co-stewardship and provide recommendations to strengthen this provision.

a. The Importance of Tribally-led Stewardship and Co-Stewardship

As stated in the preamble, proposed section 2361.60 would encourage BLM to “explore” co-stewardship opportunities for Special Areas, including co-management, collaborative and cooperative management, and Tribally-led stewardship. The language of the proposed section is also non-committal, stating that BLM will “seek opportunities to engage Tribes.” This language does not advance previous mandates or offer specifics on *how* BLM might engage Tribes or *which* models of management might be adopted. The proposed rule offers less support for Tribally led stewardship than the Joint Secretarial Order on Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters Order 3404,

which calls for “empower[ing] Tribal stewardship of those resources” and “the development of agreements with federally recognized Indian Tribes for stewardship of lands and waters.”

Providing for meaningful co-stewardship and Tribally-led stewardship is important because most of the management that has taken place to date in Alaska has not been actual co-management—even when called co-management. A meaningful role for Tribes would help reverse a legacy of colonially imposed management that has had harmful impacts to Indigenous peoples.

Congress enacted the Alaska National Interest Lands Conservation Act (ANILCA) in 1980 to address conservation as well as subsistence concerns. Section 809 of ANILCA allows the Interior Secretary to “enter into cooperative agreements or otherwise cooperate with other Federal agencies, the State, Native Corporations, other appropriate persons and organizations, and acting through the Secretary of State, other nations to effectuate the purposes and policies of this title.” Agreements with Native entities have primarily related to harvest monitoring activities and do not provide for any Native decision-making on harvests.²

The 1994 Tribal Self-Governance Act allows federal agencies to transfer authority over aspects of federal programs, including land management, to Indian tribes. A number of Lower 48 tribes have used this authority to enter into co-management agreements, such as those between the National Park Service and the Navajo Nation to manage Canyon de Chelly.³ In Alaska, the 2004 agreement between the Council of Athabascan Tribal Governments and the U.S. Fish and Wildlife Service for the Yukon Flats Wildlife Refuge allowed the Council to perform activities including locating easements, environmental education and outreach, and monitoring the moose population and hunt in cooperation with ADFG—but not to determine harvest allocations.⁴

The Marine Mammal Protection Act⁵ gives the National Marine Fisheries Service (NMFS) and FWS authority to enter into cooperative agreements with Alaska Native organizations. This authority has allowed for the agreement between the Alaska Eskimo Whaling Commission (AEWC) and the National Oceanic and Atmospheric Administration (NOAA) to manage the bowhead whale hunt, which has been renewed every few years since 1981.

Alaska Natives can participate in state and federal advisory boards on fish and game. But not all see the subsistence rule-making process as being truly open to participation by Alaska Natives. The State Board

² Eric Smith, *Some Thoughts on Comanagement*, 14 HASTINGS W.-N.W. J. ENV. L. & POL'Y 763, 769n28 (2008). One example is the 1991 agreement signed between FWS and the Tanana Chiefs Conference (the non-profit tribal services entity for Interior Alaska) to document subsistence uses in four villages and report subsistence harvests of caribou in three villages. James A. Schwarber, *Conditions leading to grassroots initiatives for the co-management of subsistence uses of wildlife in Alaska*, Thesis, University of British Columbia (1992), available at <https://open.library.ubc.ca/cIRcle/collections/ubctheses/831/items/1.0086163>.

³ Mary Ann King, *Co-Management or Contracting? Agreements between Native American Tribes and the U.S. National Park Service Pursuant to the 1994 Tribal Self-Governance Act*, 31 HARV. ENVTL. L. REV. 475 (2007).

⁴ See Fish and Wildlife Service and Council of Athabascan Tribal Governments Sign Annual Funding Agreement, 69 Fed. Reg. 41838-41845 (July 12, 2004).

⁵ Public Law 103-238, Section 119, 16 U.S.C. 1388.

of Game has traditionally been primarily composed of urban, non-Natives with commercial interests.⁶ Agency decisions are often made in forums with language and procedures that can marginalize Indigenous knowledges and participation.⁷

The NPRA Subsistence Advisory Panel established by the 1998 Northeast NPRA ROD consisted of representatives from the four Reserve-based Tribes. This panel made hundreds of recommendations to BLM on ways to minimize the impacts of oil and gas exploration and development on subsistence practices in and around the Reserve, though many were not followed.⁸ The panel was discontinued with the 2013 ROD's creation of the NPRA Working Group, which consisted of representatives from North Slope local governments, Native corporations, and tribal entities.⁹

Also relevant to the Reserve is the Western Arctic Caribou Herd Working Group, which holds an annual meeting with federal and state decision-makers and stakeholders. There are 14 seats representing rural communities engaged in subsistence hunting of caribou. The Group identifies concerns, requests information, and advocates for actions that will conserve and benefit the herd, including habitat studies or protections from the impacts of development. The Group has no decision-making authority; it simply serves as a basis for informal consultation.

While the above opportunities for Native involvement have often been called “co-management,” they are typically more akin to “consultation” or “information prior to a decision being issued” than meaningful Indigenous stewardship.¹⁰ As such, the term “Tribally led stewardship” used in the proposed rule matters. With this proposed rule, BLM can finally implement Tribally led stewardship and co-stewardship, rather than just creating another instrument that allows for an Indigenous role but fails to mandate it.

b. Options for Increasing Tribally-Led Stewardship and Co-stewardship

This subsection provides options for increasing Tribally led stewardship and co-stewardship through an NPRA Governing Commission, drawing elements from existing models as well as those that could be allowed in NPRA under existing statutes.

i. Models for a NPRA Governing Commission

⁶ Shannon M. McNeeley, *Examining Barriers and Opportunities for Sustainable Adaptation to Climate Change in Interior Alaska*, 111 CLIMATIC CHANGE 835, 841 (2012); Gary P. Kofinas et al., *Resilience of Athabaskan Subsistence Systems to Interior Alaska's Changing Climate*, 40 CANADIAN J FOREST RESEARCH 1347, 1354 (2010); Philip A. Loring et al., *Ways to Help and Ways to Hinder: Governance for Effective Adaptation to an Uncertain Climate*, 64 ARCTIC 73, 81 (2011).

⁷ Philip H. Jos and Annette Watson, *Privileging Knowledge Claims in Collaborative Regulatory Management An Ethnography of Marginalization*, ADMIN. & SOC'Y 1 (Jan. 2016).

⁸ BLM, Northeast National Petroleum Reserve-Alaska Final IAP/EIS Record of Decision (1998), http://www.blm.gov/ak/st/en/prog/planning/npra_general/ne_npra/ne_npr-a_1998_iap.html; Personal Communication with NPRA SAP member (Jan. 17, 2014).

⁹ BLM, NPR-A Working Group, https://www.blm.gov/programs/energy-and-minerals/oil-and-gas/about/alaska/NPR-A/npr-a_working_group (last visited Dec. 1, 2023).

¹⁰ Sherry R. Arnstein, *A Ladder of Citizen Participation*, 35 J. AM. INST. PLANNERS 216 (July 1969).

The regulations could create a Governing Commission with a role for Tribes in decision-making over subsistence harvests as well as land use management, either within Special Areas or preferably throughout the Reserve. We suggest that the Commission have a role throughout the Reserve. There are several possible models. One is the Bears Ears National Monument Commission, which is composed of representatives from five local Tribes.¹¹ An agreement between this commission and federal agencies gives the commission a role in land use planning, including preparation of a monument management plan, and requires regular meetings with the commission. But this agreement does not give the commission any power to make regulations or decisions, such that it runs the risk of consultation rather than Tribally led stewardship or co-stewardship. It also fails to provide any funding to the Tribes or the commission for their role in management.

A model that gives slightly more weight to Indigenous groups is the Canadian agreement for Porcupine Caribou herd management, which creates a governing board with equal government and native user representation.¹² The board can make recommendations on herd and predator management and harvest allocation, but these are only advisory. The Minister of Renewable Resources may reject the recommendations with a written explanation provided to the board.¹³

A third model that is much closer to co-stewardship is the Alaska Eskimo Whaling Commission's (AEWC) cooperative agreement with the National Oceanic and Atmospheric Administration to manage the annual bowhead whale hunt in Alaska.¹⁴ The International Whaling Commission allocates a certain amount of bowhead whale strikes to AEWC, which in turn allocates the strikes among Alaska's eight whaling villages. Each strike at a whale that a hunter takes will count against that village's quota for that year. AEWC and whaling captains are responsible for enforcing the limits on strikes. AEWC is responsible for ensuring that local hunters follow the quota limits and other regulatory measures, and NOAA must consult with AEWC "on any action undertaken or any action proposed to be undertaken by any agency or department of the Federal Government that may affect the bowhead whale and/or subsistence whaling."¹⁵ Significantly, this model relies on NOAA funding as well as external funding sources for AEWC.¹⁶ Given that Tribes in Alaska generally lack an economic basis, such funding is critical.¹⁷

¹¹ Inter-Governmental Cooperative Agreement between the Tribal Nations whose representatives comprise the Bears Ears Commission, the Hopi Tribe, Navajo Nation, Ute Mountain Ute Tribe, Ute Indian Tribe of the Uintah and Ouray Reservation, and the Pueblo of Zuni and the United States Department of the Interior, Bureau of Land Management and the United States Department of Agriculture, Forest Service for the Cooperative Management of the Federal Lands and Resources of the Bears Ears National Monument. (2022)

¹² Canada, Yukon, Northwest Territories, Council for Yukon Indians, Inuvialuit Game Council, Dene/Metis, Porcupine Caribou Management Agreement (1985).

¹³ *Id.* at F(6).

¹⁴ NOAA, Cooperative Agreement between the National Oceanic and Atmospheric Administration and the Alaska Eskimo Whaling Commission (2019), <https://media.fisheries.noaa.gov/dam-migration/aewc-cooperative-agreement-0819.pdf>.

¹⁵ NAT'L OCEANIC AND ATMOSPHERIC ADMIN. & ALASKA ESKIMO WHALING COMM'N, COOPERATIVE AGREEMENT (2013), available at http://www.nmfs.noaa.gov/ia/species/marine_mammals/inter_whaling/aewc_cooperative.pdf.

¹⁶ AEWC, Grant Funding Partners, <https://www.aewc-alaska.org/about-7> (2021)

¹⁷ E.B. Ristroph, How Alaska Native Corporations Can Better Support Alaska Native Villages, *American Indian Journal of Law* 10(1):64-94 (2022).

We suggest a model that, like the AEWC-NOAA Agreement, gives Tribal delegates true decision-making authority. Like the Porcupine Caribou Heard management board, the decision-making body would be composed both of Tribal representatives and BLM or other government representatives. But it would need to be broader in scope than the AEWC-NOAA Agreement or the Porcupine Caribou Herd Management Agreement since these agreements cover a single species. The scope of topics may be more akin to those in the Bears Ears National Monument Agreement (land use planning and implementation). The model we propose would include a representative from each Tribe within the Reserve (4 total) and five federal government representatives, to avoid improper delegation. It is essential that these positions be held by Tribes and not by representatives of Native or private corporations, because those entities are driven by economic profit, not the protection of our subsistence and traditions. It is also essential that people holding Tribal seats do not have conflicts of interest, such as financial interests in the industry.

Regulations could delegate authority to the Commission to regulate certain aspects of the Reserve, such as the authority to regulate subsistence harvest, direct or advise land management decisions, including decisions regarding the implementation of ANILCA, develop and implement management plans, manage Special Area, and issue permits.

Regulations could indicate that the Commission will have an office in Utqiagvik as well as one in Anchorage. This would increase responsiveness to local people and changing on-the-ground conditions and facilitate coordination with the Indigenous monitors group described below. All Commission activities should be fully funded by the Department of Interior.

ii. Indigenous Monitors

While the Governing Commission described above could make management decisions for the Reserve, regulations could also create one or more different groups to provide for more on-the-ground stewardship (e.g., enforcement of permits and hunting). Comparable models include the Indigenous Ranger groups in Australia and the Indigenous Guardians in Canada. There are over 70 Guardians programs operating across Canada.¹⁸ Each is different, but all involve some form of monitoring and knowledge exchange, and some involve enforcement. There are over 120 separate Indigenous Ranger groups (2600 Indigenous ranger positions) in Australia that carry out on-the-ground stewardship in Australia's Indigenous Protected Areas (IPAs).¹⁹

Management schemes vary among IPAs, depending on the agreement between the traditional aboriginal owners and the Commonwealth Government. The Rangers are involved in clearing weeds, trapping feral animals, protecting rock art, working with researchers, managing burning regimes to avoid wildfires, and welcoming visitors. The Rangers work alongside scientists and other land managers to bring together different knowledges. Indigenous rangers are funded through a few different mechanisms, but the most significant is the Australian federal government's Working on Country program. A 2016 analysis found that an investment of 35.2 million Australian dollars from the government and other funders from 2009

¹⁸ Indigenous Leadership Initiative, Indigenous Guardians, <https://www.ilinationhood.ca/guardians> (last visited Dec. 1, 2023).

¹⁹ Country Needs People, What Are IPAs? https://www.countryneedspeople.org.au/what_are_ipas (last visited Dec. 1, 2023).

to 2015 generated social, economic, cultural and environmental outcomes with an adjusted value of 96.5 million Australian dollars.²⁰

There are already examples of U.S. Indigenous involvement in public land management, including the Canyon de Chelly National Monument agreement mentioned above, where most management costs have been covered by the National Park Service or the Bureau of Indian Affairs.²¹ Also mentioned above is the Council of Athabascan Tribal Governments and USFWS for Yukon Flats Wildlife Refuge management.²² Another example is USFWS's Tribal Wildlife Grants, which provide funding for Tribes to restore and manage habitat and wildlife on reservations and elsewhere.²³ Another example is the "Sentinels" hired by St. Paul to monitor wildlife species and environmental conditions in the Pribilof Islands. This program was subsequently expanded to St. George Island and other Bering Sea and Aleutian Island communities.²⁴ Like Rangers and Guardians, Sentinels get training and payment.

Responsibilities of the Indigenous monitors group could include:

- Patrolling the Reserve to monitor harvests and ensure compliance with permits
- Serving as independent liaisons between the community, industry, and the Commission
- Collecting data on the environment and species, including monitoring aspects of climate change (e.g., identifying areas where permafrost thaw is occurring)
- Assisting with invasive species control
- Collecting traditional knowledge about present and past conditions
- Monitoring cultural resource sites and assisting with cultural resource surveys

iii. Tribes as Cooperating Agencies

Tribes are already empowered to serve as Cooperating Agencies in NEPA review.²⁵ Yet they often do not participate since no funding is provided to cooperating agencies. Regulations could provide funding for Tribes to serve as Cooperating Agencies and guarantee that they are able to view and comment on all documents and processes prior to public scoping and the issuance of drafts for public review.

Thank you for your consideration of these comments and for your work to protect the Reserve.

Sincerely,

Rosemary Ahtuanguaruk
Grandmothers Growing Goodness

²⁰ SVA Consulting, Department of the Prime Minister & Cabinet, *Consolidated report on Indigenous Protected Areas following Social Return on Investment analyses* (2016).

²¹ David M. Brugge and Raymond Wilson, *Administrative History: Canyon De Chelly National Monument, Arizona* (1976), https://home.nps.gov/cach/learn/historyculture/upload/CACH_adhi.pdf.

²² See USFWS, Fish and Wildlife Service and Council of Athabascan Tribal Governments Sign Annual Funding Agreement, 69 Fed. Reg. 41838-41845 (July 12, 2004).

²³ See USFWS, Summary of Projects Supported by the U.S. Fish and Wildlife Service Tribal Wildlife Grants Program (2007 – 2012) (2013).

²⁴ Indigenous Sentinels Network, <https://www.beringwatch.net/> (last visited Dec. 1, 2023).

²⁵ 42 U.S.C. § 4331 (2006); 40 C.F.R. §§ 1501.8.