

# INFORMATION MEMORANDUM FOR THE DEPUTY ASSISTANT SECRETARY FOR FISH, WILDLIFE AND PARKS

**DATE:** February 8, 2019  
**FROM:** Greg, Siekaniec, Alaska Regional Director, U.S. Fish and Wildlife Service  
**SUBJECT:** U.S. Fish and Wildlife Service Issues of Interest in Alaska

## **I. STATEMENT OF PURPOSE**

Provide information on key U.S. Fish and Wildlife Service (USFWS) issues of Congressional or other significant interest in the state of Alaska.

## **II. BACKGROUND**

The Alaska Region has a number of distinct programs and directives that guide our conservation mission. Three distinct pieces of legislation influence land management of the 78 million acres of National Wildlife Refuges in Alaska. The Alaska Statehood Act in 1958; the Alaska Native Claims Settlement Act (ANCSA) in 1971; and the Alaska National Interest Lands Conservation Act (ANILCA) in 1980. Notably, the ANILCA followed through on commitments by the Federal government to protect a rural subsistence way of life. Consequently, the Alaska Region houses the Office of Subsistence Management and USFWS provides leadership to the Federal Subsistence Management Program. Other important aspects unique to USFWS - Alaska include the only Marine Mammal Management Program in the Service, a variety of collaborative and co-management initiatives with Alaska Native peoples, and the U.S. Chairmanship of the Conservation of Arctic Flora and Fauna working group of the Arctic Council.

## **III. DISCUSSION**

### ***Oil and Gas Program in the Coastal Plain of the Arctic National Wildlife Refuge***

On December 22, 2017, the Tax Cuts and Jobs Act of 2017, Public Law 115-97 (Tax Act) was signed. Title II, Section 20001 of the Tax Act directs the Secretary of the Interior through the Bureau of Land Management (BLM) to establish and administer a competitive oil and gas program for leasing, developing, producing, and transporting oil and gas in and from the Coastal Plain area in the Arctic National Wildlife Refuge (Arctic Refuge). As the administrator of the oil and gas program, the BLM is developing an Environmental Impact Statement (EIS) for leasing land for development on the Arctic Refuge Coastal Plain. The USFWS is a cooperating agency and is working closely with the BLM to develop the draft EIS. At the beginning of the Coastal Plain Leasing EIS process, the Service formed an interdisciplinary team to continue to contribute our knowledge about the Refuge's wildlife and habitat to the planning process led by the BLM. Team leaders from both agencies meet on a weekly basis. The public comment period on the draft EIS is scheduled to close March 13<sup>th</sup>, followed by a final EIS and Record of Decision in summer 2019. The first issuance of leases is planned for December 2019.

### ***Arctic Seismic Survey in the Coastal Plain Area of Arctic National Wildlife Refuge***

The U.S. Fish and Wildlife Service co-administers the Endangered Species Act and Marine Mammal Protection Act. We work collaboratively with companies, Alaska Native tribes and corporations, and the state to conserve the Arctic National Wildlife Refuge and to ensure that wildlife impacts incidental to resource exploration and extraction activities are minimized and

appropriately permitted. In April 2018, SAExploration, Inc. (SAE) requested authorization to conduct 3-D winter seismic activities in the Coastal Plain for a 2-year period. The USFWS is a cooperating agency on the development of the Environmental Assessment for the seismic exploration permit requested by SAE. The proposed seismic exploration would begin in the winter of 2018/2019, and if not finished within one year, SAE would apply to renew the permit for an additional year and continue the exploration activities during the winter and spring of 2019/2020. In addition, SAE has submitted an application to the USFWS for two year Incidental Take Regulations to authorize the incidental take of polar bears in association with their proposed seismic operations. SAE has informed us they will not be conducting seismic exploration in the 1002 area this winter. We are in discussions with SAE to determine the potential for seismic activity next winter. Once their proposal is finalized, we will determine how to move forward with incidental take regulations. Any proposed incidental take regulations would provide opportunity for public comment. Responsible oil and gas exploration in the Arctic is a priority for this administration and we are working expeditiously to process applications that ensure the continued conservation of this ecologically unique and diverse area.

***Land Exchange in Izembek National Wildlife Refuge for development of a road between King Cove and Cold Bay, Alaska***

The USFWS is facilitating the completion of a land exchange agreement with the King Cove Corporation (KCC) signed by the Secretary of Interior on January 22, 2018. In April 2018, the Trustees for Alaska filed suit challenging the land exchange. The field work for the U.S. Survey of Refuge lands was completed by the BLM in mid-July, and the final U.S. Survey was published in the Federal Register in September 2018, however BLM received a protest from the Trustees for Alaska and a revised survey Notice was published in mid-November 2018. A Statement of Reason was then served on the revised Notice and is currently being reviewed by the Solicitor's Office. The final U.S. Survey will be used as the legal description of the Refuge surface and subsurface lands the KCC has identified for exchange and subsequent construction of a road connecting King Cove to Cold Bay. Once the final U.S. Survey is complete, the USFWS will send it to the Appraisal and Valuation Services Office (AVSO) to begin the appraisal process. Once the appraisal of all surface and subsurface lands is complete, the Department will identify the exact number of acres needed from KCC to complete an equal-value exchange. The land exchange, with an Alaska Native Corporation, will be made pursuant to the Secretary of the Interior's authority under section 1302(h) of the ANILCA, and as such, the exchange will be a conveyance under the ANCSA, which subjects the conveyance to section 910 of ANILCA. Section 910 of ANILCA waives the requirements of the National Environmental Policy Act.

***Proposed Revision of Public Use Regulations for Kenai National Wildlife Refuge***

In October 2017, the USFWS published a Notice of Intent to initiate a rulemaking process to amend the Kenai National Wildlife Refuge (Kenai Refuge) public use regulations in order to enhance access for hunting, fishing and other recreational opportunities. The Service is now reviewing many of these regulations to ensure consistency with Secretarial Orders 3347 and 3356. The Secretary has provided direction to increase access to public lands and provide additional recreational opportunities as appropriate. The Orders describe how the Department should manage recreational hunting on the lands and waters it administers, and directs greater collaboration and alignment with state, tribe, and territorial partners in doing so. A proposed rule has been drafted which revises Kenai Refuge regulations to allow for take of brown bear over bait, firearm discharge along the Kenai and Russian Rivers during certain times of the year,

increased access by bicycles and game carts within the refuge, and the use of snowmobiles, all-terrain vehicles, and utility task vehicles on certain lakes when there is adequate snow/ice cover.

#### ***Sterling Highway Milepost 45-60 Project (Cooper Landing Bypass)***

The Federal Highway Administration and the Alaska Department of Transportation and Public Facilities (Alaska DOT&PF) issued a Record of Decision in June 2018 on their Final EIS for the Sterling Highway Milepost 45-60 Project (Cooper Landing Bypass project). The alignment for the Preferred Alternative includes routing an approximately 1-mile section through a small portion of designated Wilderness lands within the Kenai National Wildlife Refuge. The Alaska DOT&PF is entering the engineering and design phase for the project, which is expected to take a minimum of three years. In anticipation of new routing of the Sterling Highway, a potential land exchange involving refuge lands, including designated Wilderness lands, and lands owned by the Cook Inlet Region, Inc. (CIRI) was envisioned under the 2001 Russian River Section 14(h)(1) Selection Agreement between the USFWS, the U.S. Forest Service, and CIRI. The Agreement was ratified by Congress in 2002 through the Russian River Land Act (PL 107-159); including Congressional authorization of the land exchange involving Wilderness lands on the Refuge. Negotiations between the USFWS and CIRI were initiated immediately following issuance of the Record of Decision and are currently ongoing through formal meetings. It is anticipated that a successful land exchange process would take 12 to 18 months to be completed.

#### ***The USFWS Arctic Youth Ambassadors Program - Future Leaders of the Arctic***

The U.S. Fish and Wildlife Service is leading the way for Future Leaders of the Arctic with our Arctic Youth Ambassador Program. Due to the Alaska Region's leadership across the international Arctic, we created the Arctic Youth Ambassador program during the U.S. Chairmanship of the Arctic Council (2015-2017). In partnership with the U.S. Department of State and nonprofit partners, over the past four years, we have hosted two cohorts of Alaskan youth from communities and villages across Alaska who share their local perspectives on conservation, community, and culture in the Arctic with leaders from around the world. A few of our ambassadors have just returned from the Arctic biodiversity Congress in Finland where they represented not only their communities, but the United States.

#### ***U.S. Chairmanship of the Conservation of Arctic Flora and Fauna working group of the Arctic Council***

On behalf of the United States, the USFWS-Alaska serves as the permanent U.S. Head of Delegation to the Conservation of Arctic Flora and Fauna working group (CAFF) of the Arctic Council. We are also currently coordinating the U.S. Chairmanship of the CAFF, a rotating responsibility among the eight Arctic nations. The CAFF's mandate is to address the conservation of Arctic biodiversity, advance sustainable use of the Arctic's resources and communicate findings to the governments and residents of the Arctic. In FY18, the CAFF made considerable inroads in developing a working relationship with industry, particularly the mining industry; negotiated the first ever Arctic Council event, the Arctic Migratory Birds Initiative workshop, to be held in China in December 2018; inspired by the successful USFWS Arctic Youth Ambassadors program, the CAFF is broadening the concept into an international Arctic youth exchange initiative; and engaged indigenous peoples in biodiversity conservation from planning to implementation through efforts like the "Salmon Peoples of Arctic Rivers Project".

#### ***Migratory Bird Apology to the Alaska Native Peoples***

In recognition that the indigenous peoples of Alaska have traditionally harvested fish, wildlife, and plants, and that they have been stewards of these lands and resources for millennia, the U.S.

Fish and Wildlife Service (USFWS) and the Alaska Department of Fish and Game (ADF&G) joined together to reconcile an unhappy period of history related to unintended impacts of past harvest regulations of migratory birds and their eggs. The USFWS together with the State of Alaska made an official apology for harm caused during the 1960s and 1970s implementation of the Migratory Bird Treaty Act. It is important that we own up to past mistakes and right those wrongs. We will continue to listen to the traditional people of our public lands and we will walk forward together.

***Collaborative Management with Alaska Native Peoples of Subsistence Resources***

Collaborative management is essential to delivering the USFWS mission in the Alaska Region, as illustrated by our work in a number of collaborative management efforts. These collaborative efforts are indispensable to our ability to successfully conserve wildlife resources and ensure continued availability for subsistence and customary & traditional use.

***Kuskokwim Inter-Tribal Fish Commission and U.S. Fish and Wildlife Service***

***Memorandum of Understanding (MOU):*** The Kuskokwim River salmon subsistence fishery is one of the most critical cultural resource challenges to those who live along the river. Since 2010 the Chinook run has been insufficient to provide for the people of the river. In 2015, the Kuskokwim River Intertribal Fisheries Commission (KRITFC) was formed by member tribes and entered into a MOU with the Service in 2016. The KRITFC works collaboratively with the USFWS to formulate management strategies and actions in coordination with the State.

***Eskimo Walrus Commission:*** The Service has a cooperative agreement with the Eskimo Walrus Commission (EWC) to support collaborative efforts, including an annual meeting of the EWC where information is shared on the status of walrus and ongoing management efforts. The USFWS is also working closely with the Native Village of Point Lay to assist them in their efforts to offer protection to Pacific walrus hauling out on their beaches.

***U.S.-Russia Polar Bear Commission:*** The USFWS Alaska Regional Director serves as the U.S. Commissioner to the U.S.-Russia Polar Bear Bilateral and in that capacity worked with the Alaskan Native Commissioner to agree with Russia on a sustainable harvest level for Chukchi Sea polar bears. In July 2018, the U.S.-Russia Polar Bear Commission held its tenth meeting for the conservation and management of the Alaska-Chukotka (choo-KOHT-kuh) Polar Bear Population. During the meeting the Commissioners, by unanimous vote and backed by sound science, adopted an annual sustainable harvest limit of 85 polar bears. This annual limit reflects an increase from the previous year's limit of 58 bears. At the Commission meeting, the U.S. Fish and Wildlife Service also highlighted the recent formation of a new polar bear co-management organization, the Alaska Nannut (nan-nook) Co-management Council, which represents villages in the State of Alaska that engage in the subsistence harvest of polar bears.

***Alaska Migratory Bird Co-management Council:*** The USFWS, Alaska Department of Fish & Game, and eleven Alaska Native regional partners have worked collaboratively since 2003 to co-manage the spring and summer migratory bird subsistence hunt. The Co-management Council is designed for direct involvement by Alaska Native peoples and other qualified individuals living and subsisting in the many remote communities within Alaska. The USFWS as part of the Alaska Migratory Bird Co-management Council has also developed regulations to allow the sale of Alaska Native handicrafts using inedible migratory bird parts such as feathers.