

## REVIEW OF PUBLIC COMMENTS

**The U.S. Fish and Wildlife Service has reviewed public comments received during a public comment period, from January through July of 2005, for a tentative agreement between the federal government and Doyon, Inc., an Alaska Native regional corporation, to exchange some lands within the Yukon Flats National Wildlife Refuge, Alaska.**

**SUMMARY:** On November 22, 2004, the U.S. Fish and Wildlife Service (Service or we) released an *Agreement in Principle* (Agreement) with Doyon, Limited (Doyon) to exchange and acquire lands within the Yukon Flats National Wildlife Refuge (Refuge). The Agreement and an *Evaluation and Review of a Proposed Land Exchange and Acquisition of Native Lands* (*Evaluation and Review*) document were released to the public, and comments were solicited for six months. As a result of comments received during the public comment period and a request from Doyon, the Service has agreed to prepare an environmental impact statement (EIS). The EIS will evaluate the proposed action and alternatives, and will more fully assess the potential impacts of the exchange. The public, state and federal agencies, and tribes will be asked to provide comments on alternatives that will be addressed in the draft and final EIS. The public comments received on the Agreement and the *Evaluation and Review* helped the Service develop some draft alternatives that will be evaluated in the EIS. As a result of the EIS and future comments received on that document, the Service may renegotiate the Agreement, adopt the original Agreement, or take no further action to exchange lands.

**Public Involvement** — The Service announced the basic elements of the proposed exchange to the public on October 21, 2004, and the *Agreement in Principle* was released on November 22, 2004. Public notices were placed in the principal daily newspapers in Anchorage and Fairbanks, Alaska. Two joint Service-Doyon news releases were sent to Alaska media offices. Public meetings were held in Anchorage, Arctic Village, Beaver, Birch Creek, Central, Chalkyitsik, Circle, Fairbanks, Fort Yukon, Stevens Village, and Venetie during the months of January, February, and March of 2005. Public comments were also solicited through a Refuge Newsletter that was printed and mailed to approximately 900 individuals and organizations both within and outside of Alaska in April 2005. Public comments have been accepted since the public announcement of the *Agreement in Principle*. The original comment period was extended by an additional 120 days due to public requests that there had not been enough time to review the *Evaluation and Review* document, and this extension was also published widely. The public notices, the news releases, the public meeting dates and locations, the *Agreement in Principle* and the *Evaluation and Review* document were posted on the Service's Alaska web site.

**Nature of Public Comments** — The Service received a total of 7,810 comments; several individuals submitted more than one comment. We received comments in person, via electronic mail (e-mail) and letters by either mail or facsimile (or both), addressed to the Regional Director, Rowan W. Gould, or to the Refuge Manager, Ted Heuer. We received 6,866 e-mail messages, including 6,737 e-mail messages generated by a Wilderness Society "action alert." Similar methods of position endorsement occurred by petitions

(414) and postcards (306). The number of individuals attending meetings by location was as follows: Anchorage – 12, Arctic Village – 37, Beaver – 16, Birch Creek – 10, Central – 8, Chalkyitsik – 14, Circle – 17, Fairbanks – 90, Fort Yukon – 48, Stevens Village – 19 and Venetie – 15. All questions and statements delivered during public meetings, as well as written and oral comments received through other means, were reviewed and placed in the public record. We received one oral comment from the Director of the Alaska Department of Natural Resources, eighteen comments from organizations, and twenty-three letters, petitions, or resolutions from Indian tribes, tribal entities, or other Native American organizations, groups, or corporations. The preponderance of comments (7,037 out of 7,810) recommended against the Service going forward with the Agreement as written. These comments ranged from outright opposition to requesting more time to evaluate the Agreement and supporting documentation. The Service received 773 comments supporting the Agreement unconditionally; the majority of these people had signed a petition or a pre-printed postcard created by Doyon, Limited. The section below summarizes and/or characterizes recurring individual and collective comments received.

**Major Themes of Public Comments** – The comments covered many topics (some of commonality, others unique). For brevity, we discuss below only the major, recurring themes in the comments and statements made by members of the public.

1. **Oil and gas development will/will not harm the environment.** The majority of commenters, both those opposing and supporting the Agreement, mentioned the environment of the Yukon Flats region. For example, a person may have stated their belief that the Agreement would lead to environmental degradation, or that oil and gas activities could be done in a manner that will pose little to no harmful impacts on the environment.
2. **The Agreement will/will not create jobs, lessen America's reliance on foreign oil and strengthen the national economy.** Many comments focused on the economic impact the exchange would have on Doyon shareholders, local villages, the Fairbanks area, the State of Alaska or the national economy in general. If a person opposed the Agreement he/she may have expressed concern that employment would not be realized by local residents, or that the Agreement would not adequately address the nation's energy needs. Supporters of the Agreement tended to mention one of two issues – the potential for the exchange to bring jobs and income into the local, regional, and state economy or lessen national dependence on imported petroleum.
3. **The Agreement will/will not conflict with the purposes of the Refuge.** Many people expressed concern that the Agreement was in direct conflict with the purposes of the Refuge, and/or the very idea of a national wildlife refuge. Others thought the additional fish and wildlife habitat that would be protected by the Refuge (as a result of the exchange) would be in concert with the purposes of the Yukon Flats Refuge.
4. **The Agreement will protect additional wildlife habitat.** Supporters of the Agreement often expressed their belief that the proposed exchange would make sense in terms of simplifying ownership boundaries, and furthering the Refuge's goal of acquiring and protecting additional high-value fish and wildlife habitat.

5. **The Agreement should be evaluated under the auspices of the National Environmental Policy Act.** Many commenters cited the need for a more detailed review of the Agreement and requested preparation of an EIS.
6. **The Agreement represents a “win” for Doyon, and a “win” for the Service.** The supporters of the Agreement often expressed their belief that the land exchange would present an opportunity for both parties to further their missions.
7. **There is not enough information in the *Evaluation and Review* (e.g. land appraisals are unavailable, analysis of environmental and subsistence impacts is insufficient, etc.).** Some of the comments reserved judgment, or opposed the Agreement based upon the belief that there was not enough information to offer an educated opinion.
8. **The Agreement will have a detrimental effect upon federal land designations such as the proposed White/Crazy Mtns Wilderness Area, Beaver Creek Wild River, and the White Mountains National Recreation Area.** A large percentage of those who opposed the Agreement cited potential negative impacts upon the wilderness values, solitude, and/or environment of the surrounding landscape.
9. **The Agreement will/will not negatively impact local communities and subsistence users.** Some people believe the Agreement would have a negative impact on subsistence users and/or villages of the Yukon Flats while others believe economic benefits would outweigh the negative consequences. Two common concerns were that oil industry crews and/or a road to the exchange area would lead to direct competition for subsistence foods and damage to fish and wildlife habitat from off-road vehicle use.
10. **Doyon should not trade or sell Alaska Native lands.** This issue was a concern voiced by some residents of Yukon Flats villages who opposed the divestiture of Doyon corporation lands. Others were against the royalty payments that could be used to acquire additional Alaska Native lands and other private lands within the Yukon Flats Refuge or other refuges in Alaska.

**Service Response.** The Service has attempted to address the major concerns expressed by the public with the following actions:

- 1) The comment period was extended from April 2 to July 30, 2005 to give the public more time to review and comment on the Agreement and the *Evaluation and Review*.
- 2) The Service agreed to evaluate the proposed land exchange under the provisions of the National Environmental Policy Act, which will require the development of an EIS.
- 3) By preparing land appraisals this year, land values will be available for public review during the scoping period for the draft EIS.
- 4) To answer many questions and concerns raised by the public, the EIS process will provide greater detail on the potential impacts to the human environment resulting from the exchange and possible oil and gas activities within the Yukon Flats region.
- 5) The public comments have been used to develop alternatives to help focus public discussion during the scoping period for the draft EIS.

## **SUPPLEMENTARY INFORMATION:**

**What is the Yukon Flats National Wildlife Refuge?** The Yukon Flats Refuge is the third largest refuge within the National Wildlife Refuge System, and is administered by the Service in accordance with the National Wildlife Refuge Administration Act, as amended, 16 U.S.C. 668dd. Established by the Alaska National Interest Lands Conservation Act of 1980, the Refuge boundary encompasses 11.2 million acres. Village corporations and Doyon own over two million acres within the boundary. A 300-mile stretch of the Yukon River flows through the heart of the Refuge. There are over 20,000 shallow lakes, ponds and wetlands in the Refuge, which is internationally recognized as an important breeding area for North American waterfowl and water birds. The mission of the National Wildlife Refuge System is to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of fish, wildlife and plant resources and their habitats within the United States for the benefit of present and future generations of Americans.

**What is Doyon, Limited?** Doyon, Limited is one of thirteen Alaska Native regional corporations established by Congress under the Alaska Native Claims Settlement Act. With a land entitlement of 12.5 million acres, Doyon is the largest private landowner in Alaska and one of the largest private landowners in North America. Doyon's lands extend from the Brooks Range in the north to the Alaska Range in the south. The Alaska/Canada border adjoins Doyon's eastern boundary and Doyon's westernmost holdings extend almost to Norton Sound. Doyon has over 14,000 shareholders. Their headquarters is in Fairbanks, Alaska. Doyon's mission is to continually enhance its position as a financially strong Native corporation in order to promote the economic and social well being of its shareholders and future shareholders, to strengthen the Native way of life and to protect and enhance its land and resources.

**What events led to this action?** Discussions between Doyon and the Service to exchange land interests within the Refuge extend back to 1993. First, Doyon suggested noncompetitive oil and gas leases in exchange for conservation easements on Doyon lands. The Service expressed reservations about the long-term benefits of acquiring conservation easements, but did express interest in acquiring fee title interest in important wetland habitats. In April of 1995, Doyon submitted a formal proposal for a "management partnership" to the Service. The proposal stated that, "in return for the conservation easements and other habitat protection tools by Doyon, the Service would grant noncompetitive oil and gas leases on Refuge lands adjacent to and in the vicinity of Doyon lands." In January of 1998, the Service responded that: 1) oil and gas leasing and development were not consistent with the selected management alternative in the *Yukon Flats Comprehensive Conservation Plan, Environmental Impact Statement, and Wilderness Review* (CCP); and 2) noncompetitive oil and gas leases could not be issued under the authority of the Minerals Leasing Act of 1920; however, the Service could exchange interests in land. The response also stated that in order to justify such an exchange, the Service must acquire lands (or interests therein) consistent with the purposes for which the Refuge was established, and the exchanged land interests must be of equal value. In December of 1999, Doyon asked for a competitive oil and gas lease sale on the Refuge. The Service responded in January of 2000, stating that the Refuge

CCP did not allow oil and gas leasing on the Refuge. Leasing could be allowed on Refuge lands only if: 1) the CCP was reviewed and amended, and 2) oil and gas leasing and development were determined to be compatible with the purposes for which the Refuge was established. In November of 2002, the Service and Doyon began discussions that eventually led to the current Agreement.

**FOR FURTHER INFORMATION:** Additional information may be obtained from:

1. Fairbanks – Yukon Flats National Wildlife Refuge Headquarters, 101 12<sup>th</sup> Avenue, Room 264, Box 14, Fairbanks, Alaska 99701.
2. Anchorage – Fish and Wildlife Service Regional Office, 1011 East Tudor Road, Anchorage, Alaska 99503.
3. Internet - < <http://alaska.fws.gov/nwr/yukonflats/current.htm> >