

Native Village of Selawik
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Resolution 22-09

A Resolution in support of the Joint Record of Decision for the Ambler Access Project and Requesting Consultation with the U.S. Department of Interior

WHEREAS, The Native Village of Selawik (referred to as the Tribe) is the governing body of the sovereign federally recognized tribe of the Inupiat people of Selawik located in the Northwest Arctic Borough in the State of Alaska; and

WHEREAS, the mission of the Tribe is in support of the Joint Record of Decision for the Ambler Access Project and Requesting Consultation with the U.S. Department of Interior, and

WHEREAS, Order No. 3403 signed and effective November 15, 2021, explicitly requires the U.S. Department of Interior to collaborate with affected Indian Tribes to ensure that Tribal governments play an integral role in decision making related to the management of Federal lands and waters through consultation, capacity building and other means consistent with applicable authority; and

WHEREAS, the subsistence way of life is core to Inupiat culture and identity and subsistence harvest and participation data for Selawik establishes that 100% of households, use, receive and try to harvest subsistence resources such as caribou, berries, fish; and

WHEREAS, subsistence activities require financial resources to participate in annual activities that support families and communities, and the cost of home heating fuel and gasoline was \$6.25 per gallon in December of 2021; and

WHEREAS, the community of Selawik is not connected by road to any other community and receives all food, household goods, fuel, and other supplies by air and barge service which is not available every spring or summer; and

WHEREAS, the non-seasonally adjusted unemployment rate for the Northwest Arctic Borough in December 2021 was 9 percent and the national unemployment rate was 3.9 percent in December 2021; and

WHEREAS, economic development opportunities in the community are limited due to the remote rural nature of the area and the 2020 census estimates that the rate of poverty for the Northwest Arctic Borough was 18.5 percent compared to the National rate in the same year of 11.4 percent; and

WHEREAS, exploration of the Ambler Mining District began in 1948 continuing intermittently and an agreement in 2011 between NANA Regional Corporation, Inc., the Alaska Native Corporation from Northwest Alaska, and NovaCopper US Inc, now Ambler Metal LLC establishing the Upper Kobuk Mineral Projects for deposits near Bornite; and

WHEREAS, NANA Regional Corporation (NANA) is the Alaska Native Corporation established pursuant to the Alaska Native Claims Settlement Act of 1971 and whose shareholders are the Inupiat of Northwest Alaska, which includes Selawik, and whose mission is to improve the quality of life for its shareholders by maximizing economic growth, protecting and enhancing its lands and promoting healthy communities; and

WHEREAS, NANA became the successor of interest for the village corporation of Selawik after a merger in 1976 and NANA's lands policies establish that subsistence is the highest and best use of NANA lands and evaluates economic opportunities with this in mind; and

WHEREAS, 21.5 miles of Ambler Access Project includes NANA lands; and

WHEREAS, exploration of the Arctic and Bornite deposits under the Upper Kobuk Mineral Projects have opened jobs to tribal members and NANA shareholders in the Northwest Arctic Borough; and

WHEREAS, the Tribe is situated within the Ambler Mining District, the Northwest Arctic Borough and is a part of NANA Regional Corporation's, an Alaska Native Corporation, region under the terms of the Alaska Natives Claims Settlement Act of 1971; and

WHEREAS, the potential of the Ambler Mining District to be developed led to the inclusion of the following Section 201(4)(b) in the Alaska National Interest lands Conservation Act of 1980 stating "(b) Congress finds that there is a need for access for surface transportation purposes across the Western (Kobuk River) unit of the Gates of the Arctic National Preserve (from the Ambler Mining District to the Alaska Pipe Haul Road) and the Secretary shall permit such access in accordance with the provisions of this subsection" and the Alaska Pipeline Haul Road is now known as the Dalton Highway; and

WHEREAS, ANILCA Section 201(4)(d) states "The Secretary and the Secretary of transportation shall jointly prepare an environment and economic analysis solely for the purpose of determining the most desirable route for the right-of-way and terms and conditions which may be required for the issuance of that right-of-way"; and

WHEREAS, the Alaska Department of Transportation and Public Facilities (ADOT) evaluated the potential for a road connecting the Ambler Mining District to the Dalton Highway by completing the Western Alaska Access Study on 2009 after engagement with communities in the Northwest Arctic Borough; and

WHEREAS, engagement by ADOT found that communities in the Northwest Arctic Borough would only support a road connecting the Ambler Mining District to the Dalton Highway if subsistence protection were put in place and the road would be a private industrial access only road; and

WHEREAS, the Alaska Industrial and Development and Export Authority applied for a permit to pursue the Ambler Mining District Industrial Access Project to the U.S. Department of Interior which lead to the Bureau of Land Management (BLM) acting as the lead agency to complete the Environmental Impact Statement (EIS) for the project and the National Park Service (NPS) completed the Environmental and Economic Analysis (EEA) as required by ANILCA; and

WHEREAS, during the development of the EIS and the EEA, the BLM and NPS' undertook the robust engagement and consultation with communities in the Northwest Arctic Borough and, specifically the tribe; and

WHEREAS, the BLM issued a Joint Record of Decision (JROD) based on the final EIS and EEA that established a programmatic agreement for what is now called Ambler Access Project; and

WHEREAS, the JROD grants a right-of-way to AIDEA to continue the feasibility of the Ambler Access Project, but does not permit construction of the road and includes stipulations and conditions that must be met before a road can be considered under a construction plan including but not limited to:

- Establishment of a Subsistence Advisory Committee and a Tribal Liaison Program,
- AIDEA to submit documentation of consultation with affected subsistence communities to the BLM within 90 days of approving 90 percent road design at each phase of construction,
- Alaska Department of Conservation (ADEC) has the right to revoke its Certificate of Reasonable Assurance of compliance with state water quality standards (WQS) if there is no longer a reasonable assurance of compliance with WQS due to changes in circumstances, and
- The U.S. Army Corps of Engineers may revoke the permit for authorized work if AIDEA fails to implement and enforce the Programmatic Agreement; and

WHEREAS, the Tribes supports the JROD, the Programmatic Agreement for the Ambler Access Project, and has confidence in the process laid out for continued engagement with the Tribe and other communities in the Northwest Arctic Borough to ensure protections for subsistence activities and resources are in place throughout the Project; and

WHEREAS, the Ambler Access Project also crosses lands own by Doyon, Limited (Doyon), an Alaska Native Corporation, and NANA and Doyon's lands combined represent about 15% of the mileage of the proposed project; and

WHEREAS, the Ambler Access Project proposed route begins on NANA lands within the Ambler Mining District and terminates on Doyon. Limited's (Doyon), an Alaskan Native Corporation, lands at the Dalton Highway and NANA and Doyon's lands combined represent about 15% of the milage of the proposed project; and

WHEREAS, NANA and Doyon have not issued rights-of-way across their lands for the Ambler Access Project, essentially amounting to veto of the project if conditions laid out by these two Alaska Native Corporations are not met for a right-of-way; and

WHEREAS, the Tribe has confidence NANA to engage the community and the Tribe in the evaluation of a right of across NANA lands and to ensure protections for subsistence activities are included at each stage of the Ambler Access Project; and


WHEREAS, the Tribe has confidence in the ongoing process laid out in the JROD and that process should continue to allow the Tribe and its members to weigh the opportunity to address the high-cost living and unemployment rate alongside protecting subsistence activities and cultural resources as part of the Ambler Access Project; and

NOW THEREFORE BE IT RESOLVED, it is imperative that the U.S. Department of Interior consult with the Tribe on matters pertaining to the Ambler Access Project JROD and programmatic agreement because of the significant impact the Project could have on the quality of life of the members of the Tribe.


BE IT FURTHER RESOLVED, that the Tribe supports the JROD and the process it lays out for the Ambler Access Project and requests consultation with the U.S. Department of Interior to discuss the status of the Ambler Access Project JROD.

CERTIFICATION

We, hereby certify that the Native Village of Selawik Tribal Council is composed of seven (7) members of whom 4 constituting a qorum were present and that the foregoing resolution was passed and adopted by the Selawik Tribal Council in Selawik, Alaska on this 15th day of March 2022. Vote: 4 yes, 0 no, and 1 absent.



Allen Ticket Sr. 3/15/22
President Date
Native Village of Selawik Tribal Council



Sheila Foxglove 3/15/22
Secretary Date
Native Village of Selawik Tribal Council