



CALISTA CORPORATION
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October 17, 2022

Steven Cohn, State Director, Bureau of Land Management
222 W 7th Avenue #13
Anchorage, AK 99513

Via e-mail: blm_ak_state_director@blm.gov

Via: <https://eplanning.blm.gov/eplanning-ui/project/2018002/510>

Re: *Calista comments on BLM consultation request letter 1790 (930) re public scoping process for EIS to consider the effects of revoking ANCSA Section 17(d)(1) withdrawals*

Dear State Director Cohn:

Calista Corporation (“Calista”) is pleased to provide the following comments in response to the Bureau of Land Management’s (“BLM”) August 22, 2022 consultation request letter 1790 (930), and also the August 18, 2022 Federal Register notice and request for comments at 87 FR 50875, regarding the public scoping process for an Environmental Impact Statement (“EIS”) on the effects of opening lands in Alaska that are currently subject to ANCSA Section 17(d)(1) withdrawal.

Calista and the Y-K Region

Calista is the Alaska Native Claims Settlement Act (“ANCSA”) Regional Corporation (“ANC”) for the Yukon-Kuskokwim region of Alaska (“Y-K Region”), with over 35,000 Alaska Native Shareholders. Calista is committed to the corporate purpose established by our Elders in 1971 of promoting the social and economic well-being of the Alaska Natives of the Y-K Region. Our ANCSA land entitlement is 6.5 million acres, all of which is in or near the Bering Sea – Western Interior (“BSWI”) and Bay Resource Management Plan (“RMP”) areas.

Calista’s mission is to increase Shareholder benefits and economic opportunities through innovation, growth, leadership, execution and financial discipline. Since inception we have provided our Shareholders with over \$112 million in distributions and \$6.1 million in scholarships. We also provides employment opportunities and career development for our Shareholders, and we have employed hundreds of Shareholders from internship positions up to and including our senior-most executive positions.

In addition to Calista, the Y-K Region is home to 56 Federally Recognized Tribes and 45 ANCSA Village Corporations. Calista strongly supports the Tribes and Village Corporations of the Y-K Region.

Extinguishment of Aboriginal Title, Tribal Sovereignty and the Promise of ANCSA

ANCSA extinguished the aboriginal title of Alaska Natives and Tribes to our traditional lands, including our aboriginal hunting and fishing rights. In return, Alaska Natives were authorized to create, oversee, and receive benefits from their ANCSA Corporations – which for the Y-K Region includes Calista and

our region's 45 Village Corporations. Importantly, ANCSA did not extinguish the sovereignty of Alaska's Tribes. Calista respects the 56 Tribes of the Y-K Region and supports their exercise of sovereignty.

In this respect, Alaska Tribes and Alaska Natives are in the same situation as Treaty Tribes and their Tribal Citizens: The federal government extinguished aboriginal title to our traditional lands in exchange for certain sacred promises. However, for us, those sacred promises were contained in ANCSA rather than in a Treaty. Those promises included ANCs receiving all of the land we were promised in ANCSA.

To Alaska Natives, the promise of ANCSA is sacred, and an important part of the federal government's Trust Responsibility to Alaska Natives and Alaska Tribes. Why? Because aboriginal title to our traditional lands and our aboriginal hunting and fishing rights were extinguished in exchange for those promises.

Calista is committed to fulfilling the promise of ANCSA that "the settlement should be accomplished rapidly, with certainty, in conformity with the real economic and social needs of Natives." At the most basic level, this includes receiving the land entitlements that we were promised in ANCSA 50 years ago. Our Elders carefully and thoughtfully selected particular areas of land many decades ago to maximize benefits to our Shareholders. Yet to this day, hundreds of square miles have not yet been conveyed.

The Attempted Revocation of ANCSA 17(d)(1) Protections by PLOs 7901 and 7902 was Unlawful

The DOI's attempted revocation, through Public Land Orders ("PLO") 7901 and 7902, of ANCSA's Section 17(d)(1) withdrawal protections of federal lands was unlawful for several reasons.

First, it was unlawful because the Department of the Interior ("DOI") did not engage in prior consultations with ANCs and Tribes, as required by DOI Policy, Executive Order 13175 and Statute. As DOI recently stated in a filing in *Alaska v. Haaland*, the decision to revoke an ANCSA Section 17(d)(1) withdrawal is separate from the decision to adopt a Resource Management Plan ("RMP") authorizing such an action. ANCs and Tribes may have been consulted on the proposed RMPs authorizing the eventual revocation of ANCSA 17(d)(1) withdrawals in the BSWI and Bay RMPs in the Y-K Region, but we were certainly **not** consulted on the sudden, immediate revocation of these ANCSA 17(d)(1) withdrawals. Frankly, we were all surprised and shocked when these PLOs were signed and released.

Second, it was unlawful because PLOs 7901 and 7902 were issued under circumstances where DOI had still not conveyed over 330 square miles of land that Calista was statutorily promised in ANCSA. In fact, much of this acreage had not even been selected yet. Additionally, many of the Y-K Region Village Corporations had also not received the entirety of the land that they were promised in ANCSA.

Until the federal government fulfills the sacred promises that it made in ANCSA to all of the Y-K Region's Alaska Natives, to our 56 Tribes, to Calista, and to our 45 Villages Corporations, it would be wrong, a breach of trust, and detrimental for DOI to revoke the ANCSA Section 17(d)(1) withdrawal protections in the Y-K Region – including those in the BSWI and Bay RMP areas. DOI has a sacred

duty to keep those lands withdrawn in order to have sufficient acreage to fulfill all statutory ANCSA entitlements of Calista and all of the Village Corporations in the Y-K Region.

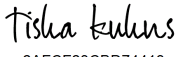
Conclusion

Calista firmly opposes revocation of the ANCSA 17(d)(1) withdrawal protections in the BSWI and Bay RMP areas within the Y-K Region. Any such proposed revocation would be unlawful unless and until DOI: (1) Consults with Calista, the other affected ANCs, and the Tribes on any proposed revocation as required by Department Policy, Executive Order 13175, and relevant statutes; (2) fulfills the sacred promise and statutory duty to convey all of the land to which Calista and the 45 Village Corporations of the Y-K Region are entitled; and (3) meets all other legal requirements for such revocations, including those listed in the applicable Federal Register Notice at 87 CFR 50875.

Calista thanks the BLM for the opportunity to comment on this important matter.

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CALISTA CORPORATION

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Tisha Kuhns
Vice President of Land and Natural Resources

Cc: Seth Deam, Alaska Regional Solicitor, Department of the Interior (seth.deam@sol.doi.gov)