



November 13, 2017

Ms. Ellen Lyons
USACE Project Manager
U.S. Army Corps of Engineers, Alaska District
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Re: Nanushuk DEIS

Dear Ms. Lyons:

I am providing comment on the Iñupiaq Place Names and Terms (3.1.3), and Cultural Resources (3.16) sections of the 2017 Draft Nanushuk Environmental Impact Statement (EIS) issued by U.S. Army Corps of Engineers (USACE).

Iñupiaq Place Names and Terms (3.1.3)

Thank you for including Iñupiaq Place Names and Terms (Section 3.1.3) in this DEIS. This is refreshing because they have their own section and are mentioned in the cultural resources section. Unfortunately, there are no citations, which prohibits verification. Please provide citations for the Iñupiaq place names and terms for resources. One remedy is to add a References column to the tables.

Cultural Resources (3.16)

Cultural Resources Section 3.16 warrants several comments. First, there are three definitions for the term “cultural resources” in Section 3.16.1:

- “Cultural resources are elements of the environment (physical, intangible, natural, and human-made) that have cultural value to a group of people (King 2008);”
- “Cultural resources are sites, objects, buildings, structures, districts, and landscapes that are considered to have historic or cultural value (and are detailed later in the chapter);” and
- “Cultural Resources Buildings, structures, sites, and objects that provide evidence of the prehistory and history of a community; term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization.”

This is confusing, because one definition is in the Glossary, one definition has a citation, and none of the definitions are defined in regulation. I encourage you to follow and cite the regulations for NEPA (40 CFR 1508). In addition, the Glossary definition does not include districts. The implementing regulations for NEPA (40 CFR 1508.14) address the “human environment,” which the regulations define as the “natural and physical environment and the relationship of people with that environment.” In addition, regulations (40 CFR 1508.27(b)(8)) state that the federal agency should consider “The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places *or may cause loss or destruction of significant scientific, cultural, or historical resources* (emphasis added).” The “or” is important, because NEPA covers a broader spectrum of cultural resources than cultural resources eligible or listed on the National Register of Historic Places (Council on Environmental Quality [CEQ] et al. 2013). NEPA regulations do not provide an age or eligibility requirement for “scientific, cultural, or historical resources.” Cultural landscapes, traditional land use areas, and locations with Indigenous place names, are “scientific, cultural, or historical resources” regardless of age. Also, please define “traditional land use areas.” This term appears 10 times in the Cultural Resources section. Not knowing the meaning of this term makes reviewing this section difficult. Readers are likely coming up with different definitions. For comparison, “Archaeological Resources” are defined in the Glossary and this term only appears four times in the Cultural Resources section. In addition, please match the spelling of “Archaeological Resources” in the Glossary and Cultural Resources sections.

The cultural resources section (Page 3-565) states Iñupiaq place names are cultural resources, but there is no analysis of the place names in the cultural resources section. There are locations with Iñupiaq place names in the project area, because they have their own section in the DEIS. Please do this analysis, because without it, the cultural resources analysis is incomplete. One example of a place name analysis is the Draft Alaska Stand Alone Pipeline Draft Supplemental EIS (USACE 2017). In this analysis, the USACE (2017 Section 3.15.5.1.6) compiled, classified, cataloged, and mapped indigenous place names in the project study area. In addition, literal translations of the Iñupiaq place names and names for animals, plants, fish, and other things would contribute to clarifying impacts to these places and resources. As it stands now, the analysis of Iñupiaq place names and terms for resources is not replicable.

In section 3.16.1, the DEIS states, “Cultural landscapes and traditional land use areas that have importance for cultural practices or use of the natural environment are also considered cultural resources.” Section 3.16.1, page 3-566 defines “cultural practices” as “Patterns of behavior associated with a particular way of life, including traditional forms of housebuilding; *subsistence activities* (emphasis added); religious, family, and community ceremonial activities; and expressive activities, such as musical performance, craft production, and folklore” and lifeways as “Cultural patterns observed and maintained by a group. These include but are not limited to technology, settlement patterns and *modes of subsistence* (emphasis added), kinship systems, political structure, ritual, art, and religion.” Section 3.17.1 defines subsistence and traditional use as, “A traditional way of life in which wild renewable resources are obtained, processed, and distributed for household and community consumption according to prescribed social and cultural systems and values.” Furthermore, Section 3.17.1 states “Both federal and state regulations define subsistence uses to include the customary and traditional uses of wild renewable resources for food, shelter, fuel, clothing, and other uses (Alaska National Interest Lands Conservation Act [ANILCA], Title VIII, Section 803, and AS 16.05.940[33]).” Certainly “traditional way[s] of life,” “subsistence,” “cultural practices,” “lifeways,” and “customary and traditional uses of wild renewable resources” occur in “traditional land use areas.” Given the interconnectedness of cultural resources and subsistence, why is there no mention of the Nuiqsut Cultural Landscape (BLM 2015; Brown 1979, 2001; Stephen R. Braund & Associates [SRB&A] 2013, 2017)? The Nuiqsut Cultural Landscape encompasses the project area and is assessed in the USACE (2017) Draft Supplemental EIS for the Alaska Stand Alone Pipeline Project. The Nuiqsut Cultural Landscape is a cultural resource based on traditional use by the people of Nuiqsut. Please include the Nuiqsut Cultural Landscape in the cultural resources analysis.

Section 3.16.2.1.1 states “[Alaska Heritage Resources Survey] (AHRS) sites and [Traditional Land Use Inventory] (TLUI) sites geographically overlap. Because most of the TLUI sites are traditional land use areas,

they are not comparable to AHRS data categories; therefore, they were considered independently.” This statement is incorrect. AHRS sites can be traditional land use areas. Table 3.16-3 lists the Aanayuk site twice, once as an AHRS site and once as a traditional land use area. Site HAR-00162 is the same place as TLUIHAR093 based on a review of the “Other Number(s) field of the AHRS record for this site in the AHRS database (Office of History and Archaeology [OHA] 2017). This is a good example of how the same site can be in both datasets and some AHRS sites need 0.5-mile buffers. TLUI sites are comparable to “AHRS data categories” and can have “traditional land use areas” associated with them. This also means the DEIS analysis counts HAR-00162/TLUIHAR093 twice. Please place a 0.5-mile buffer around the Kuparuk Pingo site (XBP-00033) as it is likely a “traditional land use area.”

In Section 3.16.2.1.1, the DEIS states “analysis did not include AHRS sites documented as destroyed or as isolated discoveries (isolates).” I disagree with the blanket exclusion of “isolates” from the analysis. The DEIS definition of “Isolates” as “A small number of artifacts discovered without association to an archaeological site” is problematic. It contradicts the DEIS definition of archaeological resources which are “Material remains or physical evidence of past human life or activities that are of archaeological interest, including the record of the effects of human activities on the environment” and the Society of American Archaeology (SAA) (2017) definition of archaeology sites as “any place where physical remains of past human activities exist.” Both definitions indicate “small number[s] of artifacts” are “physical [evidence or] remains of past human activities.” Also, the term “small” is a qualitative descriptor. Does small mean one, five, 10, 20 artifacts in this analysis? Furthermore, in an analysis of the concept of archaeological isolates, Morton (2015) details how inadequate testing strategies are usually why archaeologists identify sites as isolates. The DEIS has no discussion of archaeological survey methods in the project area, so it is not clear if archaeologists used adequate testing strategies to confirm these sites are truly isolates. In addition, dropping isolates from the analysis and essentially saying these sites are insignificant and can be impacted is detrimental to the cultural heritage of the region. What kinds of artifacts make up the “Isolates” sites in the project area? Are they Clovis spearpoints, historic rifle cartridges, rusty 55-gallon drums? “Even the smallest archaeological site may contain a wealth of important information (SAA 2017).” Isolates can contribute to the knowledge of the human past through spatial and temporal distribution, artifact types, and material usage. Please include sites consisting of isolates in your analysis.

Section 3.16.4.2 relates impacts to National Register eligibility in the Context criteria. This is problematic. NEPA law, regulations, or agency guidance do not recommend this. Why should the impacts to a cultural resource be dependent on whether someone has evaluated it for the National Register? NEPA broadly defines cultural resources (40 CFR 1508.27(b)(8)) as “districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or ... *significant scientific, cultural, or historical resources* (emphasis added).” The regulations do not rank National Register eligible cultural resources above those not evaluated or determined ineligible. The Handbook for Integrating NEPA and Section 106 (CEQ et al 2013:9) explains that “Historic properties, as a subset of cultural resources, are one aspect of the “human environment.” The Handbook (CEQ et al 2013) does not say historic properties are more important. Please revise the impact criterion for Context and update the cultural resource impact analysis.

Section 3.16.5.1 only addresses impacts of climate change on “archaeological and historic sites.” Please include impacts of climate change on cultural landscapes, traditional land use areas, cultural practices, lifeways, and places with Iñupiaq place names.

Table 3.16-4 summarizes impacts this project and its alternatives may have on cultural resources. Please explain why construction activities would not result in changes to the “use of traditional land use areas” while other stages of the project would result in changes of use. In my experience, it is difficult to use traditional land use areas while construction is occurring.

Please let me know if you have any questions. Thanks.

Sincerely,

A handwritten signature in black ink that reads "Monty Rogers". The script is cursive and fluid, with the first letters of "Monty" and "Rogers" being capitalized and prominent.

Monty Rogers
Archaeologist and Owner
www.culturalalaska.com

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U.S. Army Corps of Engineers

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