

**DRAFT MEETING AGENDA**  
**BRISTOL BAY ADVISORY GROUP**  
**10 AM – 12 PM, November 20, 2018**

Teleconference Dial-In: (866) 918-8374 passcode 428-558-6462

10:00	Call to order and roll call	Chair
10:05	Approval of minutes	Chair
10:15	Follow up on pending items	Moderated by DNR Staff
10:45	Discussion of advisory group's future activities	All
11:00	Additional comments	All
12:00	Adjourn	Chair

# BRISTOL BAY ADVISORY GROUP MEETING

August 27, 2018

Meeting Minutes (Updated Review Copy)

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## Background, Location and Purpose:

**Location:** \* Department of Natural Resources (DNR) Commissioners Office, Anchorage.

\* Teleconference

**Time:** Scheduled for 2:00pm – 4:00pm

**Record:** This meeting was audio-recorded and summary notes transcribed

**Attendees:** \* DNR Commissioners Office:

Andrew Mack (DNR Commissioner) (Meeting Chair)

Heidi Hansen (DNR Deputy Commissioner)

Elizabeth Bluemink (DNR Commissioners Office) (Moderator)

Brent Goodrum (DNR, DMLW Director)

Marty Parsons (DNR, DMLW Deputy Director)

Monica Alvarez (DNR, DMLW, RADS Section Chief)

Brandon McCutcheon (DNR, DMLW, RADS, NRM II)

Raymond Keough (DNR, DMLW, RADS, NRS II)

\* Via Teleconference:

*Bristol Bay Advisory Group Members (BBAG):*

Luki Akelkok

Brad Angasan

Gayla Hoseth

Russell Nelson

Brian Kraft

Ventura Samaniego

Norm Van Vactor

Ernie Weiss

Myra Olsen

*Ex Officio Members:*

Andrew Mack

Tim Troll

*State Agency Representatives:*

David Rogers (ADF&G, Division of Habitat Director)

Andrew Sayers-Fay (ADEC, Division of Water Director)

*Other Attendees:*

Kelly Pearson (The Nature Conservancy); other callers in listen-only mode

**Purpose:** Discuss the BBAG's purpose, administrative proceedings and the draft BBAG Charter. Identify and further refine issues in the area and discuss the initial scope of work. A meeting agenda was forwarded to the BBAG members, prior to the meeting.

**Background:** DNR recently reestablished the BBAG as a forum to foster dialog on potential land use and other matters under DNR's purview within the Bristol Bay Region. The BBAG is charged to work cooperatively to identify resource issues and potential solutions in the Region and develop and provide consensus-driven recommendations to DNR and other state agencies as appropriate. In September 2018, eleven voting members were appointed by the DNR Commissioner for a three-year staggered term. On May 29, 2018, DNR hosted a public meeting in Dillingham to gather input from the public and stakeholders on the BBAG's scope of work and a list of issues were identified. These issues are to be discussed further during this meeting.

## **The Meeting:**

**NOTE:** ***THESE NOTES PROVIDE A SUMMARY OF THE MEETING. RECORDED AUDIO PROVIDES THE COMPLETE RECORD***

**Call to Order:** 1:55 p.m.

**Roll Call:** Attendees identified themselves (see section above)

### **Introduction(s):**

Andrew M: Thank you to the BBAG; of the 20 plus applications received, 11 BBAG Members were chosen; face-to-face meetings in the future should be substantive and well organized; DNR should listen to the

people of the communities concerning DNR decisions that can affect the lands. Commissioner Mack asked BBAG and Ex Officio Members to state a few words about themselves and one or two objectives (or issues) that they are most interested in.

Tim T: Ex Director of the Bristol Bay Heritage Land Trust; the Trust has conserved approximately 35,000 acres of land in the Region.

Myra O: Member of the Lake and Peninsula Borough Assembly and deputy mayor; chair of the Bristol Bay Marine Mammal Council; Egegik City Council member; retired drift gillnetter of 30-plus years; advocating for strong, healthy, self-sustaining communities, and protection of fisheries, subsistence, land, and resources.

Ernie W: Currently the Director of Natural Resources for the Aleutians East Borough and former Mayor of King Cove; interested in sustainable communities; tracking oil and gas issues; currently surveying municipal entitlements; possibility of kelp farming.

Gayla H: Director of Natural Resources at the Bristol Bay Native Association; attends all subsistence and ADF&G advisory committee meetings; interested in the protection of fish and land resources.

Ventura S: President and CEO of Kijik Corp; active in land use planning; worked with Sealaska; seven years on the City of Juneau planning commission.

Brian K: Owner of the Bristol Bay Lodge and the Alaska Sportsman's Lodge; interested in sport fishing issues; this is a large area with many issues.

Norm V: CEO/President of Bristol Bay Economic Development Corp.; longtime resident of Dillingham; several decades working in Alaska commercial fisheries; interested in Bristol Bay needing a robust area plan; encourage cooperative planning in the region.

Brad A: VP of Corporate Affairs for Alaska Peninsula Corporation and a commercial fisherman; interested in land management issues; conservation; working with the villages to take care of the shareholders; preservation of family fishing; listening to the members and maintaining an open mind.

Russell N: Former commercial fisherman, priority on the subsistence way of life; Bristol Bay has maintained good salmon runs in the past few years; former Land Specialist for the local native corporation in Dillingham; the Bristol Bay Area Plan changed without much public participation; the ACOE EIS schedule is too aggressive; not letting salmon spawning areas diminish.

Luki A: Native Alaskan and long-time resident of Bristol Bay.

#### **Review the Public Meeting and Agenda:**

Elizabeth B: Briefly explained the notice and the agenda materials; all meetings will be public.

Andrew M: Materials will be posted on the public website.

#### **The Draft BBAG Charter:**

Andrew M: The charter contains the contents and rules of the BBAG; an expression of the organization and of the group; the draft was sent to the group this morning; the language (for the large part) was taken from the board of forestry among others.

Elizabeth B: (Explained the outline and read the substantive parts of the draft charter).

Myra O: (she will have to leave the meeting soon, for a prior engagement).

Andrew M: Note the provisions in paragraph 1, although individual members of the BBAG can always voice their issues or concerns.

Elizabeth B: DNR will always be here to listen and for guidance.

Ventura S: Agree that the document needs to address the procedures and so forth ... The issues are important.

Andrew M: Comments regarding the draft charter will need to be submitted within the next ten days, for us to be ready to public notice the next meeting.

Elizabeth B: We could also formulate committees.

Ernie W: Will travel be provided to the members?

Elizabeth B: Unfortunately, we have investigated this issue and DNR cannot provide travel or related expenses. Although, Mary Kay Ryckman (Commissioners Office) can provide logistical support if needed.

Brad K: Concern about the proposed September 24, 2018 meeting date, if attendance is low what will be done?

Andrew M: The late September proposed meeting date could be modified. Any additional questions about the draft charter the members can contact Elizabeth B., for others please forward comments/concerns to [dnr.commissioner@alaska.gov](mailto:dnr.commissioner@alaska.gov).

### **The Initial Scope of Work:**

Andrew M: What are the important issues to the BBAG? We want to create a strong agenda for the first face-to-face meeting next month.

Heidi H: Are there any items on the resource management issues list that anyone would like to remove? Are there any additional items that may be added?

Ventura S: Maybe climate change should not be a priority for this particular group; what are we going to really do about climate change? As long as climate change does not become a distraction. Also, what are mitigation issues?

Brandon M: This issue was developed resulting from the meeting discussions; Mitigation issues could include special stipulations/restrictions attached to a DNR authorization such as a permit or lease.

Ernie W: Commercial fishing bycatch is not really within the purview of natural resources, it is managed by ADF&G.

Brian K: Permitting commercial operations in special use areas is an issue, especially within the Talarik Creek area.

Heidi H: Are there any other issues on the list anyone wishes to discuss?

Ventura S: Review of regulatory framework needs to be clarified/narrowed down.

Heidi H: What elements would the group like to narrow down regarding specific regulations?

Russell N: I may not be able to attend the September 24 meeting.

Tim T & Brian K: There is one Special Use Area in the Bristol Bay Region at Lower Talarik Creek. There is a private native allotment in the area that was sold, and now there is a commercial plane operator utilizing the area. Fairly urgent.

Brad A: I would like more information on this issue.

Andrew M: I can send some information to the entire group.

Heidi H: Is anyone in the group opposed to having their contact information sent to all the members?

(no response)

**Next Meeting Date:**

Elizabeth B: Are there any conflicts regarding the location or date for the next meeting?

Russell N: It would be better for me on September 27.

Gayla H: September 27, does not work for me.

Andrew M: We will try to ensure that all meetings are held in the Region.

**Closing Comments:**

Russell N: I'll try to shift things around and be at the September 24 meeting.

Brad A: Broad language of the issues creates engagement; the key discussions are good; it's going to be tough to meet some of these meetings.

Brian K: I appreciate the open discussion.

Gayla H: I look forward to working together.

Tim T: I look forward to the meeting.

David R: I am here to help.

Heidi H: Everyone please get the requested materials back in a timely manner. Thanks everyone for their efforts.

Andrew M: We need comments on the Charter and the issues list ASAP; we will post notice of the meeting; The meeting may take up most of the day; Thanks everyone.

**Meeting Adjourned:** 3:45pm

# BRISTOL BAY ADVISORY GROUP MEETING

September 24, 2018

## *DRAFT Meeting Minutes*

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### Background, Location and Purpose:

**Location:** \* Southwest Alaska Vocational & Educational Center, King Salmon, AK

\* Teleconference

**Time:** Approximately 10 a.m. – 4 p.m.

**Record:** This meeting was audio recorded and summary notes transcribed

**Attendees:** \* DNR Staff in attendance:

Andy Mack (DNR Commissioner) (Meeting Chair)

Heidi Hansen (DNR Deputy Commissioner)

Elizabeth Bluemink (DNR Communications Director and Tribal Liaison)

Brandon McCutcheon (DNR, DMLW, RADS, NRM II)

\* Bristol Bay Advisory Group (BBAG) members in attendance:

Brad Angasan

Gayla Hoseth

Russell Nelson

Brian Kraft

Ventura Samaniego

Norm Van Vactor

Ernie Weiss

Myra Olsen

Alexander Tallekpalek (via teleconference)

Rick Halford

*Ex Officio Members:*

Andy Mack

Bryce Edgmon (via teleconference)

\* Other State Agency Representatives in attendance:

Sam Cotten (ADF&G, Commissioner)

Alida Bus (ADEC, Legislative Liaison)

Other Attendees:

Chris Maines (BBNA), Izzy Ross (KDLG), David Albert (The Nature Conservancy), Abe Williams (Pebble Partnership Limited), Heidi Kritz (BBNA), Loretta Brown (Salmon State) other callers in listen-only mode.

**Purpose:** Review minutes from previous meeting and advisory group charter; review DNR planning activities in the region and provide overview of DNR planning; discuss and refine BBAG initial tasks.

**Background:** DNR reestablished the BBAG as a forum to foster dialog on potential land use and other matters under DNR's purview within the Bristol Bay Region. The BBAG is charged to work cooperatively to identify resource issues and potential solutions in the region and develop and provide consensus-driven recommendations to DNR and other state agencies as appropriate. In September 2018, eleven voting members were appointed by the DNR Commissioner for a three-year staggered term. On May 29, 2018, DNR hosted a public meeting in Dillingham to gather input from the public and stakeholders on the BBAG's scope of work and a list of issues were identified. These issues were discussed further during this meeting.

**Actions taken:** Commissioner Mack announced that DNR has reopened the Bristol Bay Area Plan and identified the BBAG as an entity to provide input through the process.

BBAG members drew straws establishing the length of their terms (1-year, 2-year, or 3-year)

**The Meeting:**

**NOTE:** *THESE NOTES PROVIDE A SUMMARY OF THE MEETING. RECORDED AUDIO PROVIDES THE COMPLETE RECORD*

**Call to Order:** Approximately 10 a.m.

**Roll Call:** Attendees identified themselves (see section above)

**Opening Comments from the Chair:**

Andy M: Noted participation from other state agencies (DF&G and DEC); issues around the state around development and conservation; the agencies working collaboratively in this effort is one of the early things we talked about; advisory groups are ad hoc; encourage people to bring things up; we feel like the input we get from the region is going to carry us forward; published agenda does not limit the things we can talk about. Introduced the DNR staff in the room.

**Review of Meeting Minutes:**



Elizabeth B: Gathered corrections on previous meeting minutes offered by members (primarily to correct their biographical information).

Andy M: Will recirculate the corrected minutes and not approve them today.

Brandon M: Handed out meeting materials including agenda, final charter, DNR correspondence with BBNA and other organizations, draft minutes, etc.

### **Announcements**

Andy M: Read from his memo to the Division of Mining, Land & Water Director directing the division to begin the review of documents and to undertake pre-scoping and planning activities for the opening of the Bristol Bay Area Plan; DNR had received a letter from five groups in Bristol Bay requesting changes to the plan; there are a whole range of options and no predetermined outcomes; this group to provide input through the process.

Brandon M: Described generally what's next in terms of pre-scoping – outreach to other agencies and Bristol Bay stakeholders.

Andy M: Clarified that this group does not need to confine its input to DNR to the topic of the area plan.

Norm V: Where does this place for example the Citizen's Alternative?

Andy M: The alternative was generated largely by groups in region; the state has responsibility to develop a plan; the question is to what extent we want to modify the plan if there is a proposal to adopt parts of the initiative; state will have a plan that comports with constitutional and statutory requirements; the letter from five groups is pretty broad; we're now in pre-scoping; there will be time to have a thorough discussion about what area plan looks like; this will include municipalities, businesses, etc.

Heidi H: Brandon will walk through some of the planning activities in the region, the mechanics; may shape some of the parameters we have and the tools available with regards to the Citizen's Alternative and anything else.

Myra O: What weight does the advisory group's recommendations have?

Andy M: We believe the 2005 plan was heavily criticized by folks in region, resulting in litigation, negotiations, extensive hearings. Not suggesting a bad decision was made. The role of the advisory group is advisory in nature so we do have to retain the ultimate decision making authority; expect substantial input from group, and we expect too that each of (multiple) organizations that you are affiliated with will weigh in and we'll take that into consideration; no matter where we go there will be some criticism; will do best we can.

Rick H: The 1984 plan I think there is interest in seeing ... the one starting point, amendment 2 is that there will be an advisory group attached to the system. On one hand you are doing what was asked; I think tying that together makes a lot of sense and gives people confidence that there will be a process.

Norm V: I concur with that comment; have heard some concern about political grandstanding; suggest that the advisory group be part of the plan.

Andy M: Appreciate those comments; where it works best is when we can adopt some local groups' recommendations and fit within the constitutional mandate and statutory framework. Sees support from BBAG as "golden endorsement."

Gayla H: What is timeframe for pre-scoping?

Andy M: When we open area plan there are no set timelines and deadlines.

Brandon M: We might set a goal of two to three years for completion. But depending on complexity of issue and information needs, could take a little longer.

Andy M: And depending on resources available.

Brandon M: Correct.

Andy M: One of the big pushers for area plans is municipal entitlement issues. This is a high priority. Personal perspective, we see a lot of stuff happening here in Bristol Bay and it is happening right now. This is a priority for DNR, a priority for governor and lieutenant governor. We are going to judiciously move forward.

Norm V: Two to three years just to consider reopening ... and then complete it?

Brandon M: Clarified that pre-scoping involves a lot of work just to get to the point of coming to public meetings informed about current issues; that's usually 3-4 months; then we would have notice of plan kickoff and public meetings scheduled shortly thereafter. Right now, we have to get staff assigned and get up to date on data/information available. That's when we start reaching out to other agencies.

Andy M: Brandon is the staff assigned right now.

Brandon M: Timelines will be reviewed later in agenda and available on website. Seven very detailed steps.

Andy M: The plan and this group is a priority for the state.

Russell N: From meeting minutes of August meeting, regarding providing consensus-driven recommendations, if there was one person objecting to something would it hold the whole thing up?

Elizabeth B: We do set a relatively high bar (meeting participants looked at charter language).

Andy M: It doesn't mean DNR can't make a decision, act, or publish meeting minutes, if you will. If there is a consensus recommendation from the group, this is what we generally look at.

Elizabeth B: Concurred. This is what we need to call it a consensus recommendation. But if it's impossible to reach consensus it will still be part of the record and members will be able to air that and give it to DNR.

### **Review of Final Charter**

Elizabeth B: We discussed it at the last meeting; have not received requests for any revisions; Commissioner approved charter on Sept. 14; if we need to revisit anything, please let us know. Other than to provide opportunity for review and ask questions, this agenda item is to ensure that you have the charter.

Russell N: We can only miss two voting members to have a vote? Nine people for a quorum?

Elizabeth B: Correct. For a formal recommendation.

Gayla H: Should we draw straws (for term length) today?

Elizabeth B: Concurred.

Andy M: Let me know if something needs to change in charter.

Gayla H: How will we do motions?

Andy M: If you want to recommend a revision to the charter, let me know. Up to group's preference whether that is done formally or informally.

Myra O: Think it should be formal.

Andy M: OK.

Elizabeth B: Clarified that the charter itself wasn't intended to be subject to a vote.

Andy M: Sometimes the agency takes a different direction despite an advisory group vote. Then agency needs to explain why we did what we did. Moving to next item on agenda, review of DNR planning activities in region and overview of planning.

Elizabeth B: Noted Brandon's presentation materials are posted on the BBAG website.

Andy M: Anyone else joined teleconference?

Loretta B: Loretta Brown of Salmon State stated she has joined the call.

#### **Review of DNR planning activities in region and overview of planning:**

Brandon M: Walked through planning presentation materials posted and available at <http://dnr.alaska.gov/commis/bbag/> under September 24 meeting header.

#### **Review of planning activities in region:**

- 1984 Bristol Bay Area Plan: a cooperative plan between state and federal government; state withdrew from that effort, took the recommendations of that process and incorporated those into the 1984 plan
- 2005 Revision: plan was more than 20 yrs old and there was outstanding entitlement that needed to be classified so borough could receive its entitlement
- Question from Rick H: How long did 2005 revision take?
- Brandon M: Don't have that in front of me. Andy M: Well get you an answer on that.
- DNR also issued recreation river plan; in 2013, we adopted a revised version of that 2005 plan; I was involved in the later stages, attended public meetings; visited several of the communities

#### **General planning overview:**

- Why develop a plan? Required to by law, through inventory, planning and classification. The inventory aspect is easier than it used to be due to electronic record keeping. The pre-planning still does take a bit of time.

- Plans only address state lands and state-selected lands.
- Reasons – allows consistency and transparency to public, and opportunity for public to participate; once a plan is adopted, it is DNR policy.
- Pre-scoping is planning the plan; looking at new information on land ownership; we've already begun work on identifying the preliminary issues; we like to know ahead of public meetings what the issues are, with input from ADF&G; in past we've created project website – great way for public to get information and provide comment
- For scoping, one of best methods is to come to public meetings with maps on the table and have conversations back and forth, put a circle right on the map; meeting format – there's still a place for talking into a microphone but conversations is valuable; can have issue tables where people can talk to staff on a specific topic
- After the scoping period, we take that information and start drafting the plan. Could be a year, could be two years, depending on the issues. Items that might come out during the drafting stage is "planning update" or a "what we've heard" document.
- Public review draft stage – another round of public meetings; this is when the department gets the most comments; public is encouraged to raise issues during scoping so those can be considered before draft is issued; but it's not too late to make changes to plan at this point
- After public review stage, we consider input received and make sure the Commissioner is fully briefed on it.
- Plans don't address mental health trust land or Wood Tikchik State Park.
- Components of plan include land designations, classifications, buffers and setbacks, municipal conveyances.
- Q from Heidi H: Will you explain what classifications are and what are the ones available?
- A from Brandon M: Referred to Infobase for the full list of classifications; we have to classify land with the classifications already identified in regulation; if we were to have a change in classifications, that would need to be adopted in regulations if we were to use it in a plan; creating a new classification was one of the issues identified as part of this effort. Could add time to the process to get to public review draft.
- Changes to classifications could affect what lands are available for conveyance to a municipality; one of the reasons for 2005 plan revision was to make sure enough land was available for selections.
- Q from Gayla H: During scoping would you have to make a request for land classification changes, or after plan is finalized?
- A from Brandon M: If a new classification is to be used in the plan, regulations would need to be promulgated beforehand; it might be one of the first issues this group would work on if that is the direction it wants to go.
- Q from Gayla H: What that be case if we reclassified in areas that were taken out (subsistence or habitat classification)?
- A from Brandon M: We don't have a subsistence classification, would require a regulatory process; we do have a habitat classification (no regulatory revision required)
- Q from Sam C: Does a change in classification impact an existing oil and gas lease?
- A from Brandon M: We don't affect that in our plan process; if there are other mineral interests; all classifications are multiple use, no matter what they are; any existing claim is not extinguished by a classification.

- Q from Alexander T: Are we going to have any discussion on state owned tidelands? And how much is overseen in terms of acreage in area plan?
- A from Brandon M/Andy M: Bristol Bay area plan includes both tidelands and uplands; 6 million acres of tidelands.
- Bristol Bay state lands represents one of the state's largest land holdings; tendency has been to divide up large areas into smaller areas for planning; so far have not heard any suggestion like that for Bristol Bay; could consider input regarding the plan boundary during this process.
- Reviewed map of area plans with "stars" on plans that are under review. Most of the state where there are large areas of state land, those lands have been classified.
- Q from Norm V: There will be a star on Bristol Bay?
- A from Andy M: Yes.
- What plans can and can't do: plans can make a recommendation for a legislatively-designated area; only the legislature has that authority; we do have ability to identify "special use" lands in a plan or outside of a plan; typically there has been a desire from agency or public to restrict what would otherwise be generally allowed uses; the state generally manages its lands as open unless closed or restricted; example – camping restrictions on duration at Togiak.
- Reviewed structure/chapters/appendices of area plans. Changes to classifications are made through a Commissioner's land classification order.
- What plans don't do: They don't change "generally allowed uses," that is done through special use area, and if so, we need to do a regulations process; it isn't enough to identify it as a special use area to enforce the restrictions; almost everything you do on state land – hiking, biking, cutting a trail if you are trapping, ATVs under certain weight – are generally allowed uses. Otherwise you apply for a permit/authorization. Plans do not affect fish and game allocation, oil and gas leasing, they do not change laws or regulations. We can recommend a refuge or reserve, but it would take legislative action. We plan for state-selected lands so management; we have about 5 million acres of outstanding state selections; the plan does not make decisions on projects – that's through adjudication.
- Reviewed other types of plans: management plans or site-specific plans.
- Special use areas – Lower Talarik, Togiak, Thompson Pass are examples. It can be part of a planning effort.
- Q from Norm V: Now that process has started how sensitive is it to political changes or Commissioner change? Could you stop it next week, a new Commissioner in four months?
- A from Andy M: This is a decision by the administration and it could be changed by any subsequent administration. We typically use 20 years as the period by which a plan is deemed outdated. We have discretion. It's a policy call. We're on a schedule that makes it sense – to do it well.
- Norm V: Regardless of straws, as a committee I think we're committed to seeing this through.
- Andy M: My sense is these issues are going to persist here. Not just Bristol Bay.
- Ventura S: Hypothetical, if a 17(b) easement connects two parcels of state land, is the 17(b) accounted for in the area plan?
- Brandon M: It's typically outside of a plan process. Typically, what you would see in the plan is an RS 2477 that would potentially overlay a 17(b). 17(b) issues are addressed by other programs in DNR and DF&G.
- Andy M: I don't know if we'd preclude it from being addressed in a plan.

- Ventura S: Potentially hundreds of examples. A plan may not have purpose without a 17(b) which provides access from state tidelands through ANCSA land to uplands. It's a huge factor.
- Rick H: They aren't static; if there is a land exchange the purpose of a 17(b) easement could go away.
- Heidi H: Leads to a question of does BLM have a comprehensive inventory of everything overlaying.
- Ventura S: I think the answer to that is no.
- Andy M: If its something that needs to be resolved or discussed in area plan, or addressed by the BBAG, we should do it. My experience is that 17(b)s are negotiated somewhat independently.
- Ventura S: One of the stumbling blocks is that no one wants the liability and the Native corporation doesn't want the easement to begin with.
- Gayla H: When DNR decided to do the 2013 plan revision it took 9 months, a shorter timeframe.
- Heidi H: Noted that revision was related to litigation.
- Andy M: Would like to defer the issue of timing to a future meeting. Referenced Rick's earlier question about how long the 2005 plan took. I'd like to more thoroughly discuss this.
- Gayla H: Would be good to cross-reference, have a cheat sheet of the changes from 2005 to 2013.
- Andy M: We can do that, will be very relevant.
- Ventura S: Doesn't DOT have a transportation plan for this region that affects state land? As we exchange information, are we going to see what that looks like?
- Brandon M: They do; DOT is one of the agencies we work with getting information; in early 2000s there was a regional transportation plan that identifies routes, airports; they do have a comprehensive plan for region; we will get that information for the area plan; noted other resources such as DCCED.
- Rick H: The 2005 plan that DOT did referred to 2 or 3 previous plans, for transportation corridors and so forth.
- Rick H: What resources you use? Huge plans for region in areas of concern, both from advocates and regulators. I'd assume you'd use entire Pebble assessment and the EPA watershed assessment as part of database.
- Brandon M: As comprehensive as we can; we'll look at existing planning file; reach out to sister agencies, federal agencies, whatever local information we can find; you are welcome to inform us of additional information.
- Andy M: We would consider all the things you mentioned, Rick. We told the Corps of Engineers they should consider the watershed assessment, in a separate process. Critical to consider municipal plans.
- Brad A: How do you consider communities that are shrinking? Highly dynamic process. We have to consider sustainability.
- Brandon M: Gather socio-economics information; population can change before the plan is done. Is the question what can we do as a state to reinvigorate the community?
- Brad A: It's also consideration for lineage. I'm no less a stakeholder in a community despite having left. It's important to consider the stakeholders who no longer live there.
- Myra O: Just because they are gone doesn't mean they won't have opportunity to come back; driving away by economics.

- Andy M: Odds of getting feedback? If there was opportunity there would be higher numbers of people in community.
- Myra O: Their heart is still there.
- Gayla H: One way to have input on that is through tribal councils. A lot of people who have moved away are still members of their tribes. I know the state doesn't recognize tribes.
- Andy M: Interjected that the Attorney General published an October 2017 opinion establishing that the state recognizes tribal sovereignty and for what purposes. DNR wants to engage with tribes and recognizes them for purpose of what we are discussing here. Would it be appropriate to talk to municipalities, ANCSA corporations, etc., and not tribes? Not while I'm the commissioner.
- Brad A: Want to steer back to original question.
- Brandon M: When we send information out, we've found that those individuals sometimes are not sharing that information. We now establish a local contact to help get the word out, so we have better communication upfront and participation in meeting. Also share information through website.
- Brad A: That's fair. Emphasis continues to be on getting participation from stakeholders who have moved away.
- Brandon M: Noted opportunity for people to attend meetings that are in different communities. Easiest way to influence the plan is to make your voice heard.
- Andy M: Brad, if there is a strategy we can employ here, happy to do that.
- Heidi H: One of the questions when we were seeking members was, who are the constituents you would be able to reach out to. We're also looking to you as members to gather information from your people and share that back.
- Brad A: It's clearly understood.

*Approximate 1 p.m. break.*

### **BBAG Initial Task Discussion**

Andy M: We do not have to limit discussion to area plan; there are things that don't naturally fall in an area plan; at its core the plan is a policy statement; asked Heidi to lead a discussion on issue prioritization.

Elizabeth B: Regarding issue prioritization, we received responses from 7 members, didn't distribute because it wasn't fully representative; we can provide copies if you'd like to see it.

Heidi H: Brandon is available to answer mechanical discussions; due to his planning section role he is not part of the policy conversation here; walked through summary of ranked list of priorities submitted by 7 BBAG members; summary highlights: all 7 ranked review land classifications and designations, mineral orders; 6 of 7 ranked review of Citizen's Alternative and consider adopting its recommendations; 6 of 7 identified review of regulatory framework for resource development projects. 4 of 7 identified: review of additional state/federal land use designations; preserve culture and incorporate local TEK; and wildlife and stream habitat.

Andy M: If you did not submit priorities, there is no deadline here; this is an ongoing process.

Ernie W: We are interested in regulatory framework, muni entitlements, erosion, hydro, oil and gas leasing.

Rick H: Priority is adopting the Citizens Alternative; wondering what impact extending the anadromy has on the water reservations case.

Andy M: Discussed the Chuitna water reservations case and clarified that it doesn't set a precedent for issuing water reservations to private entities; noted DNR has issued multiple reservations to the Nature Conservancy in the Lower Talarik watershed.

Rick H: The real precedent is the Nature Conservancy reservations?

Andy M: Yes. Elaborated further on the four prongs for issuing a decision on water reservation.

Rick H: Sensitive to state's commitment to Mental Health Trust. Was concerned the whole system had changed.

Andy M: The state should hold all molecules of water close whether for water reservations or traditional water rights/use.

Rick H: Many states would be envious of state's water resources. We have the best constitution in country for reservation of water; water is what unifies Bristol Bay.

Andy M: I'd argue that it unifies the state.

Heidi H: Asked Rick to identify what specific recommendations in the Citizens Alternative are priorities.

Rick H: Will defer to Tim Troll and Gayla H.

Heidi H: Asked Ernie to clarify his priorities. You mentioned hydro.

Ernie W: Mayor is trying to promote energy projects in the area. Fishing is everything to us. Going through process of getting municipal entitlements surveyed. Regarding oil and gas leasing, AEB watches carefully and are pro-development; however, our attitude is changing somewhat. As far as regulatory framework, we're looking at grants for offshore kelp – borough is still new to this sector and doesn't know all the needs yet.

Ventura S: High level of interest in first 5 or 6 issues mentioned. AEA has a plan for BB region; how does borough zoning authority relate to the planning process; didn't hear anything about archaeological site protection and information.

Brandon M: Could look at that information.

Brad A: Want to get some clarification on Lower Talarik special use area issue raised at previous meeting.

Andy M: This is a permit that has been appealed to my office; issue raised by BBAG members; referred to Brian Kraft to describe issue.

Brian K: Shared history of Lower Talarik special use area; it prevents commercial operators from monopolizing world-class trout fishing opportunities; protects common access to prolific stretch of water for trophy rainbow trout; system had worked well; concern now relates to the use of four wheelers to drive to the fishing area and monopolizing the fishing area; could create precedent in other areas of the state.

Brad A: How many operators are we talking about?



Brian K: Throughout season, probably have 10 to 12 commercial operators, through first week of October. The intention of the special

Andy M: How many folks are using ATVs?

Brian K: Two different lodges now using ATVs. Use of four wheelers is creating a race to get to these spots; operators are finding ways to operate at dark which is a potential safety issue.

Andy M: To the extent this could be an issue in multiple places would like to know appetite of this group to take this issue up.

Brian K: Noted that there are stream crossings and a DF&G habitat permit was issued with no public notice; maybe it's more of a broader stroke issue.

Norm V: Given DNR memo today, my #1 would be spending time on BBAP; look at the Citizen's Alternative amendments.

Heidi H: Which ones?

Norm V: Automatic reservations for salmon rise to surface; appreciate Andy's comments on water reservations.

Andy M: We've issued 100s of reservations to DF&G. Do need to be careful, noted examples around state including 1002 Area. Question we're grappling with on number of levels is how we protect and use water resources appropriately.

Russell N: My biggest issue is salmon habitat; thinks state did it backward by requiring habitat to be cataloged before stream is considered anadromous; is fisherman and enjoys floating rivers; skeptical of mine plan for Pebble in relation to size of resource; concerned about potential impact from mining on Koktuli king salmon; concerned about flow of groundwater between watersheds; want to make sure land is pristine and there as many fish for my grandchildren.

Myra O: Still getting mind wrapped around issues and will defer comments on priorities until later.

Gayla H: Citizen's Alternative should be template for looking at area plan; subsistence classification is a priority of our people; adding back habitat classifications that were taken out; we should be able to manage our fish and wildlife in the region – that might be something to look at; Title 16 would be a priority especially if Ballot Measure 1 doesn't pass; public recreation classification.

Brandon M: Addressed use of habitat classifications; they used to be used more liberally (ex: the entire range of caribou) but more recent plans have used habitat classification to address what areas need to be protected from impacts (calving areas, insect relief areas, etc.).

Andy M: Any other thoughts on the lack of a subsistence classification?

Norm V: If it can't be addressed any other way, I would have to agree, it's something we should talk about.

Brian K: What protections to mineral closing orders provide for the rivers they are on? Just structures or does it just cover mining? Title 16 – look at Ballot Measure 1, if it doesn't pass, for items in it we should bring forward to legislature; is there a time limit for water rights to be adjudicated or are they held in

perpetuity until DNR is ready to adjudicate? Should water rights be vacated or restricted if the applicant's plan changes?

Andy M: Legislature has not set a deadline for water right or instream flow reservation; sounds like we need to talk about (timeline) issues; it is possible to revoke a water reservation; the state can review a reservation every 10 years, but it is generally held as long as parameters are met.

Alexander T: Culture and habitat in our area; climate changes and impact on habitat; more scientific work in our area – spawning grounds, mining/exploration, marine mammals in fresh water, bird migration; want to gather more information to pass along to my community; try to tie all of that into the land use.

Sam C: DF&G closely involved with climate change and works with university; largest science organization in state; very interested in the work you are going to do here.

Alexander T: Would like to learn more about freshwater seals in the Iliamna area and their protection.

*Short break*

Alexander T: Has questions about the 2013 area plan revisions; there was no board; maybe for next meeting agenda, look over the 2013 revisions; there are some questions in those revisions I'd like to ask.

Heidi H: Is group interested in coming back to next meeting about those revisions and how those fold in to these issues.

Russell N: Should go back to 2005, since that was the bigger revision; they are tied together, one corrected the other.

Myra O: Supports review of revisions (raises both hands). I think we need it.

Heidi H: Concluding input from each member present, discusses putting those issues in "buckets" and enlists Brandon's assistance to address among the things that were raised, what can and can't be addressed in the plan; address questions about surveys and land conveyance?

Brandon M: When decision to convey lands is approved, there's equitable title to the municipal governments; when they'd like to reconvey those or sell them, that's when survey comes in; that's part of the adjudication process (outside of the plan); the plan does not speak to oil and gas leasing; if going through plan it was identified, there is an classification for oil and gas land, just like there is for coal.

Heidi H: Asked Brandon to speak to habitat classification.

Rick H: What I was thinking, was if a subsistence land classification has any bearing on potential future ruling in Sturgeon case and what it means for water management, reserved water doctrine, subsistence in general. Not just an issue for this group. It's a sleeper that's going to get decided.

Andy M: State has an interest in Sturgeon case; this case was about what ANILCA said, (subsistence) doesn't need to be raised.

Rick H: It's a big threshold in water politics.

Andy M: Yeah it is.

Ventura S: Asked about oil and gas classification and coal/coalbed methane.

Brandon M: Those are classifications we can use. Used on North Slope.

Ventura S: Where does coalbed methane fit?

Sam C: This is just about Bristol Bay area classifications, correct? Can be more restrictive?

Brandon M: When the management intent is provided in an area plan, for example, the area has public recreation, habitat, the adjudicator will take that piece of information and decide does this or does this not impact moose habitat; that's when they would reach out to DF&G; determine whether they can issue permit.

Sam C: It could be this group would want to make recommendations for legislation that would classify land in a more restrictive fashion.

Brandon M: Correct. If DF&G supported that recommendation, then it would be in the plan itself as a recommendation for the legislature to act on as they choose.

Heidi H: Asks Brandon to talk about the first 5 issues identified, how they would be addressed or not in a plan.

Brandon M: Classifying lands, yes, done in a plan; how much land should be put into a classification – that's where we get public input; mineral closing orders typically accompany a plan, esp. where there are settlement areas; MCO 393 in the region covers many anadromous waterbodies; in a plan process, DNR could make a decision to expand an MCO; it wouldn't affect existing rights but it would affect future mineral entry.

Rick H: Is size of an MCO still limited to 640 acres?

Brandon M: Yes, with some exceptions (existing infrastructure such as TAPS).

Heidi H: What about recommendations in Citizens Alternative?

Brandon M: This one is potentially a whole bunch of different issues that are probably more appropriately identified by the group; one that stands out is subsistence classification; either the group or the state could move forward on a proposal for that; if we end up with a classification, that would be one of the considerations as we move forward; there are probably other specific items in Citizens Alternative that people would like to get addressed; would be good to get down to what those real issues are, what would be a recommended change?

Heidi H: Is it fair to ask those to cull their top 3 things out of there they would like to see, so we know where the interest lies?

Andy M: Is there a summary we can share? Anything done previously to consolidate. I think I've seen something. Want people to take a little time so we can discuss it at next meeting. It's not a one meeting discussion.

Heidi H: If you can get back to us with any sort of timeline beforehand and we'll put a timeline in there, so we can be prepared to talk about what it means, how it folds to other things being discussed, etc. Next item – review regulatory framework for resource development projects.

Andy M: Whatever we do applies across the state. Everyone needs to be aware, it's got to apply equally across the state. Just something to think about.

Brandon M: Related to review of additional state/federal land use designations, there may be areas that folks want to add into a refuge; the plan is a vehicle that can recommend that; relating to archeological/cultural sites, protection and site information, this is very sensitive information for the state; we research that information and don't put dots on map; we can identify a unit that has important cultural resources without giving away the location; in North Slope area management plan, working to include more information about local use/subsistence/culture; trying to include this in plans going forward; might be something where the advisory group wants to provide input for the plan, usually we would ask DNR staff to take that on; regarding local coastal zone management plans, we look for what might be missing; DNR does not adopt every provision of a local plan; we need to be consistent; important to identify for us which aspects are important for DNR to include from the local plan.

Brad A: The list is big. To whittle it down to 10 things takes a little thought. As we come together and gel, my input around those issues will become more clear.

Andy M: Interpreted Brad's conversation related to Ugashik was community resilience and survival?

Brad A: Sustainability for fishery resource is important for everyone around the table. I need to consider the most important resource which is the human resource, that's what we are up against. I represent five communities and possibly the largest land base here. We're putting together a plan that has impacts we need to consider. Whatever we come up with will impact my communities. We are going to impact a lot of people. In my case, a remaining people.

Andy M: Understanding the viability and economy of a region and the various industries, is not something that fits neatly in an area plan but it is critically important; some communities seem to be thriving, others not so much. In many cases the DNR work has a lot to do with communities. Easy to figure out benefits from barrels of oil. More complex economies elsewhere.

Rick H: The 1984 plan came out of the Esther Wunnicke administration; it was pretty protective; didn't have the anadromous database we had today; I've heard DF&G people say the anadromous catalog probably has 50 percent of the anadromous streams statewide.

Brandon M: My note to self is akin to providing a chronology or background information just noting the more significant points between the 84, 2005, to the 2013 plans; some of that has already been done in Citizen's Alternative; get it one place; maybe get a GIS comparison between the plans; during scoping everything is on table; there will be project staff assigned to this and will have quite a job getting up to speed on what all has been done in region. The North Slope is probably the most studied, and the Bristol Bay region close behind that. Another note to self is that ISER may already have a report.

Rick H: There is an exchange between Upper Talarik Creek and South Fork/Frying Pan Lake. Shown in Pebble information and EPA watershed assessment.

Brandon M: Sounds like we need to review existing reports. Related to Gayla's comments on co-management and Title 16, they appear to be DF&G issues and not aware of these being addressed in a plan. We can't give away our responsibility to manage land; could a plan reference a co-management plan? It probably could if there was one in existence, but it would probably be more with DF&G than DNR.

Gayla H: We have to start somewhere, to have local people a part of making decisions on fish & wildlife; we do have some tribal representation on boards, but bring it down to a smaller local input; we can start small but it needs to start somewhere; in an area plan, where we are stewards of our land, it would be good to incorporate that.

Sam C: We are always interested in new ways to get there; understand the frustration of local users; agencies can get defensive; we should look for ways to be smarter;

Gayla H: We're slowly getting our ways incorporated into the regulatory process. Something I really want to work on at BBNA is co-management.

Brandon M: Regarding mineral closing orders, it stops a new third-party interest, doesn't extinguish existing ones.

Rick H: What do you permit on an MCO? The presumption at time they were put in (82-84) was that they prohibited all activity related to mining. The interpretation more recently has been more lenient in the activities you can do inside an MCO.

Heidi H: We can research compare, contrast and bring back to group.

Brandon M: Agreed. A great one to bring back to group.

Heidi H: Recapped Alexander's concerns and noted that there will be recommendations on climate change made to the governor; we're happy to send those to this group which could precipitate a conversation on this group's involvement? Brandon could climate change be addressed in plan?

Brandon M: Looking at climate change long-term effects in North Slope area management plan. There are some of those changes that we can talk about in a plan.

Heidi H: Asked if DF&G could provide information that could be shared with advisory group related to changing migration patterns?

### **Closing comments and drawing of straws**

Ernie W: Pretty excited about this process; looking forward.

Rick H: Lots of questions. Hopefully answers.

Ventura S: Very interesting process

Brad A: Looking forward

Russell N: When I was in Newhalen when Jay Hammond was speaking, he had three criteria. Think we need to incorporate that into area plan: environmentally sound, do people support it, does it pay for itself?

Myra O: Really good we got a chance to meet face to face. Really appreciative. Looks like we are going to be very busy. It's exciting; was at RuralCAP, when we first brought forward co-management; to us it meant we wanted a seat at the table; the indigenous knowledge is valid; rather than anecdotal evidence, using the Native way of knowing as a separate discipline; hope this committee can be a part in seeing that grow.

Gayla H: Think it was a productive meeting, looking forward.

Alexander T: Thank you.

Brian K: Thanks; will do best to attend in person for next meeting.

Andy M: Thanked Sam Cotten and Alida Bus for participating.

Sam C: There's a lot of promise.

**Results of drawing of straws:**

1-year term: Gayla, Russell, Norm, Ernie

2-year term: Myra, Brad, Rick, Alexander

3-year term: Brian, Luki, Ventura

Andy M: Discussed possibility of hosting next advisory group meeting in Anchorage around AFN, or another date in November. Aware that AFN is busy time, not always the best. Thank you everybody.

*Meeting adjourned at approximately 4:15 p.m.*

DRAFT