MEETING AGENDA
BRISTOL BAY ADVISORY GROUP
10 AM – 4:30 PM, September 24, 2018
Southwest Alaska Vocational & Educational Center
647 Airforce Rd, Building 645, Room 135, King Salmon, AK
Teleconference Dial-In: (877) 226-9607, passcode 962-611-6637

10:00 Call to order and roll call
10:05 Approval of minutes from last meeting
10:15 Review meeting agenda and materials
10:30 Announcements and updates
10:45 Review final charter
11:00 Review of DNR planning activities in the region and overview of planning
12:00 Lunch break
1:00 BBAG initial task discussion
4:00 Next meeting date and agenda items
4:15 Additional comments
4:30 Adjourn/Shuttle to airport
BRISTOL BAY ADVISORY GROUP MEETING
August 27, 2018

Meeting Minutes (Updated Review Copy)

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:** 1:55pm

**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.

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
To: Brent W. Goodrum  
Director, DMLW  

From: Andrew T. Mack  
Commissioner  

Date: September 24, 2018  

Subject: Bristol Bay Area Plan  

I hereby direct the Resource Assessment and Development Section (RADS) to begin the necessary review of documents and to undertake pre-scoping and planning activities essential for the formal opening of the Bristol Bay Area Plan (BBAP).

The BBAP is a planning document generated by the Alaska Department of Natural Resources (DNR), authorized in statute by AS 38.04.065. That statute provides that land use planning documents adopted by the Commissioner shall consider a variety of factors in drafting a plan and classifying land.

The state adopted the first BBAP in 1984 and later updated that document in 2005. Following litigation of the 2005 plan, the State agreed with the parties involved in the litigation to address the eight causes of action from the petition through a plan amendment process. Substantial changes were made to the 2005 BBAP through that process resulting in the 2013 BBAP Amendment. The 2013 Plan Amendment is currently in place and guides authorization of activities on state land for an area that encompasses approximately 12.6 million acres of state uplands and 6 million acres of state tidelands and submerged lands.

The pre-scoping and planning activities are the first steps of an open and public plan revision process.
Bristol Bay Advisory Group Charter

Statement of Purpose

The Bristol Bay Advisory Group (BBAG) has been reestablished by the Alaska Department of Natural Resources (DNR) as a forum to foster dialog on potential land uses and other matters under the department’s purview in the Bristol Bay region. The advisory group is charged 1.) to work cooperatively to identify resource management issues and potential solutions in the Bristol Bay region, and 2.) to develop and provide consensus-driven recommendations to DNR and other state agencies as appropriate.

Article VIII, section 1 of the Alaska Constitution establishes “the policy of the State to encourage the settlement of its land and the development of its resources by making them available for maximum use consistent with the public interest.” Other sections in Article VIII of the Alaska Constitution recognize the important public interest in sustainable management of the State’s natural resources. As members of the public who rely on the natural resources in Bristol Bay, members of the BBAG are uniquely situated to provide input to DNR and other state agencies – within the context of existing statutes – on resource management issues and solutions in the Bristol Bay region.

Administrative Procedures

The BBAG is composed of up to 11 voting members who represent overlapping and diverse interests throughout the Bristol Bay region. Members should have direct knowledge of and/or reliance on the region’s natural resources. Members are expected to:

1.) Present and review information in a respectful manner;
2.) Listen to and understand other points of view;
3.) If representing formal entities or stakeholder groups, keep these organizations or groups briefed on the process; and
4.) Strive for consensus in making recommendations.

Voting members are appointed to a three-year staggered term, and straws will be drawn among the initial appointed members to determine when individual terms will expire.

The Commissioner of the Department of Natural Resources chairs the group as an ex officio member and serves an indefinite term. The Commissioner may appoint up to three additional ex officio members to the group. The Commissioner, either by his or her own initiative or at the request of the group, may enlarge or reduce the number of ex officio members. Ex officio members do not vote on issues being considered by the group.
The DNR Commissioner’s Office provides administrative support services to the advisory group. The DNR Division of Mining, Land and Water’ Resource Assessment & Development Section, the DEC Division of Water, and the ADF&G Division of Habitat provide technical staffing and information as needed.

The BBAG meets at least three times per year, with a goal of rotating meetings between different hub communities in the Bristol Bay region. While in-person meetings are preferred, teleconference-only meetings may be held as necessary.

In advisory group deliberations, BBAG voting members strive to achieve consensus. A formal BBAG recommendation requires an affirmative vote by all but one of the voting members present. A quorum requires that no fewer than all voting members less two be present.

All Bristol Bay Advisory Group meetings will be conducted in accordance with the Open Meetings Act, AS 44.62.310 - 44.62.319. DNR will post advance public notice of meetings and ensure all non-protected materials considered or generated by the group are publicly posted. All meetings will be open to the public, and outside of an open meeting, more than three members should not gather to consider a matter upon which the advisory group is empowered to act.

Records of the BBAG are subject to inspection and copying as public records under AS 40.25.110 – 40.25.220 (Alaska Public Records Act).

The Commissioner may at any time remove a member for significant lack of participation or noncompliance with the BBAG charter. The Commissioner may, but is not required, to solicit applications from the public to replace a member who has resigned or been removed by the commissioner. The Commissioner may at any time appoint a new member to maintain balanced representation.

The role of the BBAG is advisory in nature and its input does not modify or supersede any other public process set forth in statute or regulation or the authority of the DNR commissioner.

The public members of the BBAG receive no compensation or other remuneration from the State as members. DNR is not authorized to pay travel expenses or per diem for the BBAG.

Andrew P. Mack
Commissioner, Alaska Department of Natural Resources

September 14, 2018
Planning for Alaska’s State Land

Bristol Bay Advisory Group

Resource Assessment and Development Section
Why Develop Plans?

Statutory Requirements

- **Sec. 38.04.005. Policy.** (a) In order to provide for maximum use of state land consistent with the public interest, it is the policy of the State of Alaska to plan and manage state-owned land to establish a balanced combination of land available for both public and private purposes. The choice of land best suited for public and private use shall be determined through the inventory, planning, and classification processes set out in AS 38.04.060 - 38.04.070.

- **Sec. 38.04.065. Land use planning and classification.** (a) Except as provided in (d) and (h) of this section, the commissioner shall, with local governmental and public involvement under AS 38.05.945, adopt, maintain, and, when appropriate, revise regional land use plans that provide for the use and management of state-owned land.
Why Develop Plans?

Functional Reasons

- Provides the policies that will be followed when making decisions affecting use of state resources on a comprehensive regional basis.

- Provide clarity, predictability, and transparency for the public and DNR. The public knows how DNR will manage the lands, waters, and resources of the State.

- Provides the opportunity for the public to participate in resource and land use decision making at the policy level.
How Plans are Developed
It’s a process

- **Pre-scoping and Scoping**
  - Identify preliminary issues that may be addressed in a plan revision
  - Identify existing data sources and data needs to address issues
  - Collect and review information on land ownership, resources, land uses, and social and economic factors
  - May develop a project website
  - Begin developing contact list to use for project noticing
  - Public meetings are held to identify issues and concerns within the planning area
  - Review public input and comments to understand issues and concerns and reassess data needs
  - Review data and information and refine issues
  - Begin development of the plan

- **Planning website:**
  - [http://dnr.alaska.gov/mlw/planning](http://dnr.alaska.gov/mlw/planning)
How Plans are Developed

It’s a process

- Drafting the plan
  - After reviewing public and agency information, DNR staff begins drafting the plan
  - Agency subject matter experts provide updated information and data, provide input to the team, and review document text
  - The first draft of the plan is reviewed internally and then by contributing agencies to resolve outstanding issues, if any
  - A Public Review Draft of the plan is released to provide an opportunity to review and comment on the plan document
  - Public meetings are held to provide information and allow for public input and discussion with agency staff
  - Public input and comments are reviewed and necessary changes are made to the plan
  - The final plan is presented for approval
How Plans Affect State Land Management

- Identifies lands best suited for private use such as year-round settlement areas or remote settlement areas used seasonally and lands that should be retained in public ownership for a variety of beneficial uses including subsistence, energy development, sport hunting and fishing, mining and mineral leasing, and to protect wildlife habitat to name a few.

- Identifies the primary use for which lands will be managed however – all land classifications are intended for multiple use

- Provide guidance on buffers, setbacks, and easements along waterbodies.

- Classifies lands that may be conveyed to municipal entities

- Lands can only be classified through a land use or site specific plan

- Informs other land managers and municipalities of DNR's long-term management intent

- May recommend legislative designations: state parks, wildlife refuges, forests
Types of Plans

- Area Plans
  - General guidance for large areas
- Management Plans
  - Detailed guidance for a region, subregion, or defined area
- Site Specific Plans
  - For state lands without an area plan
Completed for the most heavily populated areas of the state.

Most land use authorizations are affected by these plans.

Areas still without plans: North Slope, Brooks Range, Middle and Lower Yukon Rivers, Aleutians.
Chapters

- **Chapter 1**
  Introduction - Purpose, background, summary

- **Chapter 2**
  Areawide policies - uses and resources found within area

- **Chapter 3**
  Site-specific guidelines - parcel level management direction

- **Chapter 4**
  Recommendations and Implementation

- **Appendices**
  Glossary, Index, LCO, Other info
What area plans don't do

- Address “Generally Allowed Uses.”
- Affect methods, means, and allocation of fish and wildlife harvest.
- Address oil and gas leasing.
- Change laws and regulations (especially relating to land sales).
- Address non-state lands (except state-selected lands).
- Decision documents that authorize projects.
Address more intensive activities and typically “Generally Allowed Uses”

For these types of areas:

- Development projects (Hatcher Pass, Girdwood ski areas).
- Sub-regions (Fish Creek)
- Special resources (forestry, recreation).
- Areas set aside by legislature (State: Parks, Wildlife Refuges, Forests, Recreation Rivers).
Site Specific Plans

- Used in absence of a plan or prior classification (disposal of interest).
- Relatively small areas.
- Usually initiated in response to an application for a lease on state uplands or tidelands.
- Relatively few completed in recent years.
- Infrequently used and can only be used when an area plan does not exist and if one is not scheduled to be prepared.
Special Use Lands

How developed
- Often part of an area or management plan.
- Some are developed on their own.

What they accomplish
- Usually change “Generally Allowed Uses” on state lands (e.g. camping limits).
- May limit some Generally Allowed Uses (e.g. length of camping, boats by sea lion rookeries).
- May require a permit for uses that normally don’t require permits.
- May provide more specific management intent.
April 19, 2018

Via email to:

Norm Van Vactor, President/CEO  
Bristol Bay Economic Development Corp.  
P.O. Box 1464  
Dillingham, AK 99576

Jason Metrokin, President/CEO  
Bristol Bay Native Corp.  
111 West 16th Ave., Ste. 400  
Anchorage, AK 99501

Robert Heyano, President  
United Tribes of Bristol Bay  
P.O. Box 1252  
Dillingham, AK 99576

Dear Stakeholders:

I write today to acknowledge receipt of your November 21, 2017 letter and to respond to the requests it contains. Your letter makes the specific request that the Department of Natural Resources (DNR) reevaluate certain aspects of the Bristol Bay Area Plan (BBAP), and states that your primary goal is to discuss with DNR how to incorporate into the plan certain policy recommendations that you submitted to DNR in 2013, including: “creation and use of additional land use designations and classifications categories; area-wide guidelines and management unit classifications that provide more protection for habitat and public uses; guaranteeing instream flow protection for fish; and reestablishing the Bristol Bay Advisory Group.”

We agree that the Bristol Bay Advisory Group (BBAG) has been an important part of previous land management decisions in the Bristol Bay region. DNR has determined it appropriate to reconstitute the BBAG as a forum to foster continued dialogue on potential land uses, resource management issues, and regulatory matters under the Department’s purview. By notice published in the near future, DNR will solicit interest from stakeholders in the region for service on the BBAG and schedule a public meeting in the Bristol Bay region to begin the scoping process for the group’s mandate. DNR anticipates the BBAG will recommend changes to the BBAP.

DNR believes a stakeholder forum will greatly assist in a broader understanding of the issues you have presented. To this end, I have directed key members of the Commissioner’s Office and the appropriate DNR division-level staff to participate. The Alaska Departments of Fish and Game and Environmental Conservation also have agreed to participate in an initial public meeting as soon as possible to shed light on their responsibilities and authorities in the region.
I appreciate the work done by affected stakeholders in the region and look forward to our meetings.

Sincerely,

Andrew T. Mack
Commissioner

Enclosure

cc: Governor Bill Walker
Commissioner Sam Cotten, Department of Fish and Game
Commissioner Larry Hartig, Department of Environmental Conservation
November 21, 2017

Via email to:

Commissioner Andy Mack
Alaska Department of Natural Resources
550 W. 7th Ave., Suite 1400
Anchorage, AK 99501

Re: Bristol Bay Area Plan

Dear Commissioner Mack:

As Bristol Bay celebrates the close of another record-setting fishing season, we wish to bring to your attention an issue of great importance to the region: the ongoing effort to improve the Bristol Bay Area Plan (BBAP). The BBAP directs how the Alaska Department of Natural Resources (DNR) will manage the nearly 19 million acres of state uplands, shorelands, tidelands, and submerged lands within the Bristol Bay region. In general, the BBAP guides DNR’s decision-making for leases, sales, and permits that authorize use of state lands. As you know, Alaska Statute 38.04.065 requires the DNR Commissioner to “adopt, maintain, and, when appropriate, revise regional land use plans that provide for the use and management of state-owned land.” We believe it is again appropriate for DNR to reevaluate certain aspects of the BBAP in order to: integrate new scientific information about the region; ensure state lands and resources are managed in a way that addresses the unique needs, interests, and concerns of local residents; and adopt new policies guaranteeing meaningful state and local collaboration on land use in the Bristol Bay region.

DNR developed the first BBAP in 1984. The 1984 BBAP classified most state land for the protection of habitat and recognized the deep-rooted public interest in fish and game for commercial, subsistence, and sport usages. In 2005, DNR revised and published a new BBAP. In contrast to the 1984 BBAP, the 2005 plan eliminated the habitat classification from most state lands in favor of unspecified general uses and mineral development. The 2005 changes did not reflect the ongoing and increasingly intense role of subsistence and recreation uses of state lands in Bristol Bay, nor did it adequately account for the increased importance of state lands to critical species like salmon, moose and caribou. Subsequent litigation and settlement negotiations over the 2005 BBAP led DNR to propose and consider amendments to the plan, which were formally adopted in 2013. It was during the 2013 revision process that the people of Bristol Bay developed
and published the Citizens’ Alternative BBAP (Citizens’ Alternative). In addition to technical recommendations on particular land use designations, the Citizens’ Alternative provided several important policy recommendations to ensure future area planning in the Bristol Bay region be done in a way that reflects the values, needs, and input of its people.

While the 2013 amendments to the BBAP were an improvement over the 2005 BBAP, those gains were incremental and we believe it is again appropriate for DNR to revise the existing BBAP to better reflect the needs and priorities of the people of the Bristol Bay region. Although we remain concerned with the current classifications of specific areas within the region, our primary goal is to discuss with you and your staff how better to incorporate the over-arching policy recommendations enumerated in the Citizen’s Alternative, including: creation and use of additional land use designations and classification categories; area-wide guidelines and management unit classifications that provide more protection for habitat and public uses; guaranteeing instream flow protection for fish; and reestablishing the Bristol Bay Advisory Group.

Our organizations are committed to ensuring that our region’s lands and waters are used in a way that benefits all Bristol Bay residents and Alaska as a whole. It is therefore critically important to us to have an area plan that reflects those values. We believe that an ongoing dialogue with you and your staff on this issue will ensure that mission is met. Please contact Alannah Hurley, the Executive Director of United Tribes of Bristol Bay via email at ahurley@utbb.org or by phone at (907) 843-1633 with any follow-up discussion.

Sincerely,

Norm Van Vactor, President/CEO
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