
**STATE OF ALASKA
CITIZENS' ADVISORY COMMISSION
ON FEDERAL AREAS**

2010 ANNUAL REPORT



STATE OF ALASKA

SEAN PARNELL, Governor

CITIZENS' ADVISORY COMMISSION ON FEDERAL AREAS

*3700 AIRPORT WAY
FAIRBANKS, ALASKA 99709*

*PHONE: (907) 374-3737
FAX: (907) 451-2751*

Dear Reader:

This is the Annual Report of the Citizens' Advisory Commission on Federal Areas for 2010. This report to the Governor and the Alaska State Legislature is required by AS 41.37.220(f).

INTRODUCTION

In 2010 the Citizens' Advisory Commission on Federal Areas continued its work on an extensive list of federal land management issues and projects. The Commission held regular meetings in Juneau, Fairbanks and Anchorage. During those meetings, members of the public brought before the Commission problems and concerns on topics such as access to inholdings, subsistence management and uses on federal lands, wilderness management, use of cabins, guiding for hunting and fishing, transporting services, and land selections.

Members also had the opportunity to meet and discuss management and planning activities, regulatory changes, endangered species listings, transportation planning, fish and game management issues, as well as other federal policies and programs with representatives from the National Park Service, U.S. Fish and Wildlife Service, U.S. Forest Service, Bureau of Land Management, National Marine Fisheries Service and the Department of the Interior. Commission staff continued to provide information to the public on federal activities and to help resolve problems or issues related to use of federal public lands and resources.

During 2010, the U.S. Department of the Interior made significant changes to long standing policies for the planning and management of federal public lands in Alaska. In January, the National Director of the U.S. Fish and Wildlife Service directed the Alaska Regional Office to conduct a complete wilderness review of refuge lands and waters when the comprehensive conservation plan for an Alaskan refuge is revised. The National Park Service announced that the amendment to the general management plan for Gates of the Arctic National Park & Preserve also would include a wilderness suitability review, with possible recommendations for designation of additional wilderness.

Citizens' Advisory Commission on Federal Areas 2010 Annual Report

Secretary of the Interior Salazar closed the year by issuing Secretarial Order 3310 directing the Bureau of Land Management to inventory the wilderness characteristics of all lands under its management. The order also created a new Wild Lands classification for BLM lands. These actions potentially affect the status of millions of acres of federal lands and the future use of those lands by Alaskans.

BACKGROUND

The Citizens' Advisory Commission on Federal Areas was originally established in 1981 as a temporary advisory agency in the executive branch of the state. Its purpose was to provide assistance to the citizens of Alaska affected by the management of federal lands within the state. In its first life, the Commission operated from 1982 until funding was eliminated in 1999. The Commission was reestablished in 2007 by the Alaska State Legislature and resumed full operations in July 2008. The Commission is attached administratively to the Department of Natural Resources, Office of the Commissioner, but operates independently of the department. Its purpose, duties and responsibilities remain unchanged from the original and are outlined below.

DUTIES OF THE COMMISSION

The duties and responsibilities of the Commission are contained in AS 41.37.220:

- (a) The commission shall consider, research and hold hearings on the consistency with federal law and congressional intent on management, operation, planning, development and additions to federal management areas in the state.

- (b) The commission shall consider, research and hold hearings on the effect of federal regulations and federal management decisions on the people of the state.

- (c) The commission may, after consideration of the public policy concerns under (a) and (b) of this section, make a recommendation on the concerns identified under (a) and (b) of this section to an agency of the state or to the agency of the United States which manages federal land in the state.

**Citizens' Advisory Commission on Federal Areas
2010 Annual Report**

- (d) The commission shall consider the views, research, and reports of advisory groups established by it under AS 41.37.230 as well as the views, research, and reports of individuals and other groups in the state.
- (e) The commission shall establish internal procedures for the management of the responsibilities granted to it under this chapter.
- (f) The commission shall report annually to the governor and the legislature within the first 10 days of a regular legislative session.
- (g) The commission shall cooperate with each department or agency of the state or with a state board or commission in the fulfillment of its duties.

The Commission may establish advisory groups. Members of an advisory group must be broadly representative of individuals involved in activities affected by the establishment or management of units of federal land within the state.

Although the Commission's role is advisory, it is authorized by AS 41.37.240 to request the attorney general to file suit against a federal official or agency if the Commission determines that the federal agency or official is "acting in violation of an Act of Congress, congressional intent, or the best interests of the State of Alaska."

COMPOSITION

The Commission is composed of twelve members, six appointed by the Governor and six appointed by the Legislature. Commission officers for 2010 were: Chairman, Mr. Rick Schikora (Fairbanks) and Vice-Chairman, Mr. Mark Fish (Anchorage). The Chairman, Vice-Chairman and Mr. Rod Arno (Wasilla) and Mr. Charlie Lean (Nome) comprise the Commission's Executive Committee.

2010 MEMBERS

Rod Arno Willow	Mark Fish Anchorage	Rep. Wes Keller Wasilla
Charlie Lean Nome	Mike Meekin Palmer	Sen. Linda Menard Wasilla
Warren Olson Anchorage	Colleen Richards Anchorage	Rick Schikora Fairbanks

**Citizens' Advisory Commission on Federal Areas
2010 Annual Report**

**Susan Smith
Chitina**

**Alex Tarnai
Tanana**

**Frank Woods
Dillingham**

STAFF

The Commission currently has two staff positions: Executive Director, Stan Leaphart, and Commission Assistant, Karrie Improte. The office is located in the Department of Natural Resources Northern Regional Office, 3700 Airport Way, Fairbanks, AK 99709-4699. (907) 374-3737. FAX 451-2751.

2010 COMMISSION ACTIVITIES

Following is an overview of some of the issues the Commission addressed during 2010. The full text of comments and correspondence, as well as previous annual reports can be found on our website at <http://dnr.alaska.gov/commis/cacfa/>. Printed copies of all documents can also be obtained from to the Commission's office at the address above.

U.S. Fish and Wildlife Service

Arctic National Wildlife Refuge Comprehensive Conservation Plan Revision (CCP)

In April 2010 the U.S. Fish & Wildlife Service issued a notice of intent to revise the comprehensive conservation plan (CCP) for the Arctic National Wildlife Refuge (ANWR). It also announced, consistent with the new agency policy, it would conduct reviews of all undesignated refuge land for potential wilderness recommendations. The plan revision was also to include studies to determine the eligibility of refuge rivers for possible designation as components of the National Wild and Scenic River System. Any recommendations for designation could then be submitted through the Secretary of the Interior to Congress.

The Commission discussed the plan revision with the refuge manager at its June 2010 meeting in Fairbanks. Following that meeting, the Commission submitted scoping comments objecting to the agency's decision to conduct wilderness and wild and scenic river reviews. The Commission believes the reviews are inconsistent with the provisions of ANILCA Section 1326, the so-called "no more clause." This section prohibits any further studies for the purpose of creating new conservation system units in Alaska. The Commission pointed out that the question of additional wilderness designations for all

Citizens' Advisory Commission on Federal Areas 2010 Annual Report

national wildlife refuge units in Alaska was previously addressed in studies mandated by ANILCA Section 1317. The wilderness study for ANWR was conducted in conjunction with the development of the current CCP. Eight million of the 19 million acres in the refuge are already designated as wilderness. The 1988 Record of Decision for the current plan recommended no additional wilderness designation within the refuge.

The Commission also reminded the planning team that since completion of the Section 1317 studies, more than 20 Congressional bills to designate all or portions of the Arctic Refuge, including the 1002 Coastal Plain Area, as wilderness have been introduced without passage. In spite of the new policy directive, the Commission maintains the new wilderness studies and recommendations exceed the agency's authority under ANILCA. Such studies also detract from other management issues on the refuge.

In October 2010 the ANWR planning staff released a *Wild and Scenic River Eligibility Report*. At its October meeting in Anchorage, Commission members reaffirmed their opposition to any further review of refuge rivers for the purpose of recommending adding them to the National Wild and Scenic River System. Staff reviewed the document and submitted comments to the agency.

Kodiak National Wildlife Refuge

Commercial Fisheries Support Facilities Management Plan

In April, Kodiak National Wildlife Refuge released a draft plan for managing support facilities for commercial fishing activities. These onshore facilities consist of small cabins to seasonally house fishermen operating salmon set-net sites, as well as small outbuildings for gear, generators and ice making equipment. Many of the buildings have been in place decades.

Commercial fishing and support facilities in National Wildlife Refuges in Alaska, including the Kodiak Refuge, are recognized and provided for by Section 304(d) of ANILCA:

The Secretary shall permit within units of the National Wildlife Refuge System designated, established, or enlarged by this Act, the exercise of valid commercial fishing rights or privileges obtained pursuant to existing law and the use of Federal lands, subject to reasonable regulation, for campsites, cabins, motorized vehicles, and aircraft landings directly incident to the exercise of such rights or privileges: Provided that nothing in this section shall require the Secretary to permit the exercise of rights or privileges or uses of the federal lands directly incident to such exercise, which he determines, after conducting a public hearing in the affected

Citizens' Advisory Commission on Federal Areas 2010 Annual Report

locality, to be inconsistent with the purposes of a unit of the National Wildlife Refuge System as described in this section and to be a significant expansion of commercial fishing activities within such units beyond the level of such activities during 1979.

Congress provided no definition or guidance on what would constitute a “significant expansion” and in the case of Kodiak NWR, the U.S. Fish & Wildlife Service has simply chosen to define it in a manner that does not allow any increase in the number of onshore sites. Since 1980, the agency has allowed some temporary facilities to be converted to permanent structures. Permittees also have been allowed to construct small outbuildings to house generators and store gear, but the draft plan proposes to limit the number of sites on the refuge to the 1979 level.

In its comments on the plan, the Commission argued that the policy was overly restrictive and inconsistent with ANILCA. The Commission extended an offer to work with the agency, commercial fishermen, the Alaska Department of Fish and Game to craft an acceptable definition that provides for continuing opportunities for commercial fishing and also protects the resources and purposes of Kodiak NWR. As of the date of this report, no final management plan has been adopted.

O'Malley Bear Viewing Program

The Commission reviewed a compatibility determination for the O'Malley River Bear Viewing Program. In 2009 the Commission had reviewed proposed regulation changes that would open this area of the refuge and allow this program to be established. Those regulations were finalized in April 2010. The U.S. Fish and Wildlife Service is required by statute and policy to determine if an activity or use in a national wildlife refuge is compatible with the purposes for which that refuge was established. Activities or uses will be allowed only if there is an affirmative determination. This compatibility determination found the proposed program to be compatible, setting the stage for renewal of a program that existed for a few years in the 1990's before being halted.

The Compatibility Determination indicated that the viewing program would be patterned after the previous bear viewing program, but that it could differ in some respects. It also stated that the program would be developed by the Service in consultation with the Alaska Department of Fish and Game and other interested parties. The Commission suggested that since the exact specifications of the program have not been determined, the process of developing the program should also be open to public involvement and that all appropriate State agencies be involved. The Commission requested inclusion in this effort.

Citizens' Advisory Commission on Federal Areas 2010 Annual Report

The Commission further noted that hunters and others had expressed concern that a bear viewing program could lead to proposals to restrict bear hunting activities in the O'Malley River area. Some have suggested that bear viewing programs can lead to habituation and that harvest of bears considered to be habituated may raise objections from various user groups. The Commission's review of the draft compatibility determination, other available information and discussion with ADF&G staff indicated that a properly structured and managed viewing program would likely cause little or no habituation or displacement of bears. We concurred with the determination that a bear viewing program is compatible with refuge purposes. Impacts to refuge resources as well as to the other public uses of the refuge, including hunting and fishing, will be minimal.

Alaska Maritime National Wildlife Refuge

Unimak Island Caribou Herd

In June 2010, the Commission requested Secretary of the Interior Salazar declare a biological emergency in order to protect the Unimak Island caribou herd from further decline. The request was submitted when the U.S Fish and Wildlife Service Alaska Region prevented the ADF&G from selectively removing a number of wolves targeting caribou calves during the calving season. The Unimak herd has been in serious decline for a number of years and there was a strong possibility that loss of the 2010 calf crop would cause further decline and possible extirpation of the herd. The Service would not consider allowing removal of any wolves until an environmental assessment to determine possible impacts to other refuge resources and values was completed. The Service declined to utilize an environmental review prepared by the ADF&G and determined it would prepare a separate assessment. The Secretary took no action to declare an emergency and the ADF&G was not allowed to remove any wolves. As expected, few caribou calves survived, further threatening the viability of the herd. The State of Alaska filed suit in Federal court, but no ruling has been made.

In early 2011, the Service released an environmental assessment for management of the Unimak Caribou herd. The proposed alternative, if adopted, will allow the ADF&G to conduct a selective predator reduction program, targeting only those wolves that are primarily responsible for taking caribou calves. The alternative also would permit supplementing bulls to the Unimak herd from the Southern Alaska Peninsula herd in order to improve bull to cow ratios. The Commission supports adoption of the proposed alternative.

Draft Friends Policy

Citizens' Advisory Commission on Federal Areas 2010 Annual Report

The U.S. Fish and Wildlife Service released for public review a proposed policy designed to provide guidelines for how the Service manages its relationships with volunteers and volunteer organizations. While recognizing the contributions made by volunteer organizations, the Commission's review of the *Friends Policy* found that the policy failed to provide sufficient guidance or safeguards to prevent serious conflicts of interest, potential abuses of authority and possible improper expenditure of appropriated funds by agency personnel in their working relationships with volunteers.

For example, the draft policy allows the Service to provide Friends organizations with support such as office space, office equipment and communication systems, utilities such as water, electricity, heat and air conditioning, information, technical assistance and training. As such, the Service is indirectly using or allowing the use of appropriated funds. Federal law prohibits use of any part of an agency's appropriated funds to influence an official of any state, local or territorial government or an Indian tribe. When a Friends organization receiving this in-kind support (all of which is paid for by appropriated funds) engages in activities intended to influence members of Congress or other government officials, even if those activities do not occur on Service managed property or when using Service equipment, federal law could be violated.

The Commission recommended that the draft policy be revised to disallow grants or in-kind support for any organization engaged in advocacy or lobbying of Congress or other government entities. This should be the case even if that advocacy represents only a portion of the organization's functions. The Service was encouraged to retract the draft policy and to more clearly define the boundaries between friends organizations and the agency. The Commission recommended further that serious consideration be given to not allowing use of Service managed property or facilities or providing other in-kind support to any friends group that engages in lobbying or advocacy activities.

National Park Service

National Park Compendiums

The Commission participated in the annual review of the proposed revisions to the Superintendent's Compendium for Denali National Park & Preserve, Gates of the Arctic National Park & Preserve, Glacier Bay National Park & Preserve, Katmai National Park & Preserve, Lake Clark National Park & Preserve and Wrangell-St. Elias National Park & Preserve. Each of the park area in Alaska has a compendium consisting of the compiled designations, closures, openings, permit requirements, and other provisions established by the Superintendent under the discretionary authority granted in National Park Service regulations.

Citizens' Advisory Commission on Federal Areas 2010 Annual Report

The original Commission was extensively involved in efforts to improve the National Park Compendium process during the 1990's. The main problem with the earlier compendiums was the inclusion of closures and restrictions that had been adopted without proper compliance with the regulatory process for park units in Alaska. While many of the general National Park Service regulations apply to the Alaskan units, there are Alaska specific regulations that outline a process that must be followed before certain activities and uses can be restricted. The agency was not following that required process in a number of parks, resulting in activities being restricted without clear justification and without the public being allowed to participate in the decision process.

While the Commission worked with park and regional office staff for years to improve the compendium process, many procedural and substantive issues remained unresolved at the time our operations ceased in 1999. However, thanks to the continued efforts of the State of Alaska ANILCA Program staff and with the cooperation of the National Park Service Alaska Regional Office significant improvements were made in the process. The major improvement was addition of a public review process and the opportunity for the public to comment on any proposed changes, closures or restrictions to uses and activities.

In spite of the improvements, a number of problems remain. For example, compendiums are often used to implement temporary seasonal closures of park areas to certain activities or uses. These temporary seasonal closures can remain in place from year to year. The National Park Service maintains that since the closures are only seasonal, or less than 12 months in duration, they are temporary and do not require the initiation of a formal rulemaking. The Commission, however, has consistently maintained that if a closure or restriction is in effect every year, it actually constitutes a permanent closure. This requires that a formal rulemaking process be initiated. That process requires publication of proposed regulations, public meetings or hearings in the affected area, opportunity for public comment and a clear finding by the agency that the proposed action is necessary to protect park resources.

Comments submitted on the 2010 Compendiums addressed a number of issues, including a seasonal closure of an area near Chinitna Bay in Lake Clark NP&P, aircraft operations near Brooks Camp and traditional fishing activity in Katmai NP&P, camping and cabin use in Wrangell-St. Elias NP&P and hunting restrictions in Denali NP&P and Gates of the Arctic NP&P.

At the Commission meetings in June and again in October, members discussed the park compendiums with the National Park Service Regional Director, Sue Masica and Deputy Regional Director, Vic Knox. In addition, Commission staff participated in a meeting with regional office and individual park unit staff to preview and discuss possible changes to the

Citizens' Advisory Commission on Federal Areas 2010 Annual Report

2011 compendiums. The Commission found these meetings to be informative and productive.

Gates of the Arctic - General Management Plan Amendment

In early 2010, Gates of the Arctic National Park and Preserve initiated an amendment to its current General Management Plan (GMP). The current GMP was adopted in 1986 and is outdated. Because of the change in agency policy, the amendment will include a wilderness suitability review. In scoping comments submitted to the Superintendent, the Commission raised objections to this review.

As with the decision to conduct a wilderness review in ANWR, the Commission pointed out that a wilderness suitability review, originally required by ANILCA Section 1317(a), had already been conducted. That review was included in the 1986 Final GMP. Some 1,052,561 acres in the park and preserve were determined to be suitable for wilderness designation. As the next step in the Section 1317 process, a final environmental impact statement (FEIS) for the wilderness recommendation was completed in 1988. The proposed alternative was to recommend the northeast preserve unit of approximately 330,846 acres for wilderness designation. The 617,783 acre Western preserve unit and approximately 104,000 acres within the park were not recommended.

ANILCA Section 201(4) provides authorization for a right of way for surface transportation purposes across the Western (Kobuk River) unit of the preserve, including the Kobuk Wild and Scenic River. This right of way would provide access from the Ambler Mining District to the Alaska Pipeline Haul Road (Dalton Highway). This right of way authorization is the major reason that the Western unit of the preserve was previously determined to be unsuitable for wilderness designation.

Congress clearly intended to retain the option for development of a surface transportation route to this important mining district by providing an expedited permitting and review process. The Commission pointed out that although the special authorization for a transportation corridor would not require further Congressional approval, as would be the case in any other designated wilderness area, any recommendation for wilderness designation of this portion of the preserve would prove problematic.

In later action, the Commission also advised the agency of its objections to any wild and scenic river studies as part of the plan amendment. The National Park Service was also encouraged to retain all existing cabins within the park and preserve, make them available for public use and allow maintenance of the cabins by the public.

Citizens' Advisory Commission on Federal Areas 2010 Annual Report

Wrangell-St. Elias National Park & Preserve - ATV Management Plan

The National Park Service released the *Nabesna Off-Road Vehicle Management Plan Draft Environmental Impact Statement (DEIS)* in August 2010. This document outlines a range of alternatives for managing off-road vehicle use in Wrangell – St. Elias National Park & Preserve. Preparation of this plan and DEIS was required under the terms of a settlement agreement between the National Park Service and the National Parks and Conservation Association.

At its October 2010 meeting in Anchorage, the Commission unanimously endorsed the overall objective of the preferred alternative, which is to provide for the continuation of off road vehicle use by subsistence users, general hunters and other recreational users of the park and preserve. Commission members also supported the proposal to improve the degraded segments of the nine trails in the Nabesna area to a maintainable condition so that ORV use could continue. Off road vehicle use occurred in this and other areas of the park and preserve prior to its creation in 1980. Off road vehicle use, for subsistence hunting and fishing, access to inholdings, general hunting and other recreational activities is provided for by ANILCA and its implementing regulations. It represents a legitimate and traditional use within the park and preserve. The Commission fully supports the continuation of ORV use for these purposes.

One element of the proposal that the Commission did not support was the revision to the amount of acreage in the Nabesna area determined as eligible for wilderness designation. The result of this revision would be an increase of 16,929 acres classified as eligible for designation. In comments on the original General Management Plan for Wrangell-St. Elias, as well as the subsequent 1988 Wilderness Recommendation Draft EIS, the Commission opposed designation of any additional wilderness. While the Commission agreed that portions of the Nabesna area which included existing ORV trails were incorrectly determined eligible (suitable) under the 1986 criteria in the GMP, members did not support an action that would result in an increase in the amount of acreage subject to wilderness management.

The Commission suggested that rather than classifying a one half mile wide corridor along the 9 trails as ineligible for designation, a more workable solution would be to classify the general area as ineligible. This would recognize the longstanding motorized use of the area and reduce potential conflicts with other park and preserve visitors engaged in activities not supported by motorized uses. The Commission also stated that no funds should be spent on the construction of any non-motorized trails until all motorized trails had been upgraded or re-routed.

Citizens' Advisory Commission on Federal Areas 2010 Annual Report

The plan, as proposed, would require ORV use by subsistence users in designated wilderness to remain on trails. We recommended that off-trail ORV use be allowed in designated wilderness for subsistence users. Such use is consistent with the provisions in ANILCA Section 811 and the National Park Service regulations. The area involved is limited, but important to local subsistence users. The Commission found there was little need to confine ORV use for subsistence activities to designated trails. Adequate monitoring, with appropriate restrictions, when determined to be necessary, will provide sufficient protection.

Release of a final management plan and final environmental impact statement is expected by mid-2011.

Lake Clark National Park & Preserve – Right of Way Certificate of Access

The Commission submitted comments in support of a proposal to issue a Right of Way Certificate of Access (RWCA) in Lake Clark National Park & Preserve. This would certify access to private property located within the Silver Salmon Creek area of the park and preserve. It would also authorize construction of two new trail segments and allow year round use of motorized access to the inholding.

Use of these RWCA to certify access to private inholdings in national park in Alaska recognizes the guarantee of access provided by ANILCA Title XI is increasing. The Commission recognizes the utility of these certificates and has actively supported their use in other park units. The Commission has also encouraged other agencies to adopt a similar process for ANILCA Title XI inholder access where appropriate.

Bureau of Land Management

Delta Wild and Scenic River – Draft Special Recreation Management Area Plan

This plan was released in March 2010 with only a 30 day public comment period. The agency also failed to hold any public meetings during the review period. The Commission immediately objected to the short comment period and was able to convince the BLM to extend it for an additional 15 days. However, we were not able to convince the agency to hold any public meetings. In addition, the Commission opposed the proposed alternative that would close portions of the river corridor to motorboat use and aircraft landings. We also questioned the process used to establish the criteria used to determine the need for use restrictions and limits proposed in the plan.

The commission further recommended that before finalizing either the river plan or the Resource Management Plan amendment, the environmental assessment be revised and

Citizens' Advisory Commission on Federal Areas 2010 Annual Report

expanded. We also requested that an additional public comment period be provided, with a series of public meetings held in the affected area, as well as in Anchorage and Fairbanks.

The Commission determined that the plan and environmental assessment did not present sufficient justification for the proposed closures. The agency was also reminded that implementation of any plan alternative involving closures or restrictions to ANILCA Section 1110(a) access requires the BLM to publish proposed regulations, provide opportunity for public comment and hold public hearings. These actions are required by law and the regulations at 43 CFR Part 36 before closures or restrictions can be implemented. Compliance with these Title XI regulations is required because of the wild and scenic river status of the Delta River as a conservation system unit. Even where not specifically required, we encouraged similar public meetings and opportunity for public comment for any public use limits or restrictions made under other BLM authorities.

A final environmental assessment is expected to be released in early 2011. According to the BLM, there will be a 30 day protest period and a 60 day Governor's consistency review before a record of decision is prepared.

Based on our review of the EA and proposed Special Recreation Management Area Plan and East Alaska RMP Amendment, unless revisions are made, the Commission recommendation to Governor Parnell will be to find the plan inconsistent with the State's plans, policies and programs.

Squirrel River Special Recreation Management Area Plan

This plan for the Squirrel River Special Recreation Management Area (SRMA) is in the early stages of development, with the scoping phase completed in Fall 2010. Commission staff attended one scoping meeting and discussed the issues with BLM staff and members of the public. A draft plan is expected to be released sometime in mid 2011.

U.S. Forest Service

Garnet Ledge Cabin Replacement and White Sulphur Springs Cabin Replacement

Both of these Forest Service projects involved replacement or relocation of public use cabins in the Tongass National Forest. The Commission, consistent with its support of the public use cabin program on National Forest Lands, submitted comments endorsing the projects.

**Citizens' Advisory Commission on Federal Areas
2010 Annual Report**

Proposed Legislation

Southeast Alaska Native Land Entitlement Finalization Act – S. 881

In considering this important piece of legislation, the Commission met on two occasions with representatives of Sealaska Corporation and with members of Senator Murkowski's staff. The Commission also heard testimony from individual Sealaska shareholders, members of the public. Local communities and interest groups. In addition, the Commission formed a subcommittee of members to prepare comments and draft recommendations on the proposed legislation.

While expressing support for the Sealaska effort to complete its land selections and entitlements under the Alaska Native Claims Settlement Act, members had concerns about some of the provisions in the bill. Two of the major concerns are described below.

One concern centered on the possible impacts to local communities from the selection and transfer of Native Future Sites. A number of communities were troubled about the possible transfer of areas of public lands that are important to local residents for a variety of uses into private ownership. While the number of sites was reduced based on the input from the public during consideration of the bill, concerns remained. The Commission encouraged Senator Murkowski to consider additional revisions if necessary to keep traditional areas in public ownership and available for local community uses.

The Commission was also opposed to the creation of the proposed Fishery Conservation Areas. Members felt that placing 190,094 acres into a new congressionally designated conservation classification which does not allow timber harvest would negatively impact the timber industry in the region. The 16.74 million acre Tongass National Forest already contains 5,753,548 acres of designated wilderness and 722,482 acres of congressionally designated Land Use Designation (LUD) II lands which are off limits to timber harvest. Adding this additional acreage would place nearly 40% of the Tongass under wilderness designation or its equivalent.

The legislation did not pass before the end of the 111th Congress and it is expected to be reintroduced. The Commission supports Sealaska Corporation's efforts to complete its land selections and entitlements with lands that can continue to provide economic opportunities for Sealaska and the region. However the entitlements must be completed in a way that respects the rights of all Alaskans and provides for continuation of local community uses.

Recommendations to the Attorney General

Citizens' Advisory Commission on Federal Areas 2010 Annual Report

The Commission, under AS 41.37.240, may request the attorney general file suit against a federal official or agency if the Commission determines that the federal agency or official is “acting in violation of an Act of Congress, congressional intent, or the best interests of the State of Alaska.”

In 2009, the Commission requested that the Attorney General take legal action to resolve two longstanding issues. The Commission asked the Attorney General to bring a legal challenge against National Park Service regulations which improperly extend its management and enforcement authorities over state owned navigable waters within units of the National Park System. In September 2010, after thorough review of the issue and following additional discussion with the Commission, the Office of the Attorney General for Alaska filed a petition for rulemaking with the Secretary of the Interior. The petition requested that the National Park Service regulations in question be repealed or amended to make them inapplicable in Alaska. No response has been received at the time of this report.

The Commission also previously asked the Attorney General to initiate a quiet title action on the Mosquito Fork of the Fortymile Wild and Scenic River. This portion of the Fortymile River has been determined to be non-navigable by the Bureau of Land Management, despite ample evidence to the contrary. State ownership of the lands underlying the river must be confirmed so holders of state mining claims can exercise their rights to mine under State mining laws. The Commission continued to urge action be taken and in December, 2010 the State filed an 180 day notice of its intent to sue to quiet title on the Mosquito Fork. Further action is pending.

Also in December, the Commission asked the Governor's office to intervene in a lawsuit filed by a private citizen seeking to quiet title to a Revised Statute (RS) 2477 right of way. The right of way in question, the Fortymile Station – Eagle Trail is listed in Alaska Statute AS 19.30.400(d) as a qualified RS 2477 right of way. The construction and historical use of this trail was well documented during the State's RS 2477 project in the early 1990's. The individual was unable to secure use of the trail to access his State mining claims through the Bureau of Land Management permitting process. He unsuccessfully appealed that decision to the Interior Board of Land Appeals. The Commission asked the State to intervene to not only assist the claim owner, but to also protect its interests, and those of the public. It is essential that access to State lands and resources and the rights of the public to use these rights of way be protected. At the time of this report, no final decision has been made on whether the State will intervene.

CONCLUSION

December 2, 2010 marked the 30th Anniversary of the passage of the Alaska National Interest Lands Conservation Act. This landmark legislation placed some 104 million acres of federal

Citizens' Advisory Commission on Federal Areas 2010 Annual Report

public lands in Alaska into new conservation system units. These units, along with existing units, created a system of national parks, national preserves, national monuments, national wildlife refuges and national forests encompassing some 153 million acres or nearly 42% of the state. More than 58 million of those acres were designated Wilderness, representing more than 56% of the nation's total designated Wilderness acreage. The changes in land status significantly impacted many Alaskans' traditional uses of these federal lands. Those impacts continue today.

Implementation of this important and complex law is ongoing. Policies and management directions change with administrations, as evidenced by the Department of the Interior's decision in 2010 to incorporate wilderness suitability reviews in future plan revisions. Even though wilderness reviews were conducted more than 20 years ago in accordance with ANILCA, both the U.S. Fish & Wildlife Service and the National Park Service are revisiting that issue.

The impacts of Secretarial Order 3310 establishing a Wild Lands Policy for lands managed by the Bureau of Land Management are not known at this time. There is considerable unease that multiple use and resource development on thousands of acres of federal land in Alaska will be restricted or eliminated under a Wild Lands classification. Under draft guidelines, local or state level approval of certain activities in a Wild Lands area would not be allowed. Projects could only be approved at the Washington, D.C. level. If the Wild Lands policy remains in effect it will be incorporated into the Eastern Interior Resource Management Plan and the Integrated Activity Plan for the National Petroleum Reserve – Alaska. Both of these plans are expected to be released sometime in the coming year.

During 2011, the Commission will continue to expand its outreach efforts to individuals, user groups and organizations. We will also continue to provide the public with information and updates on federal land management issues and activities. Monthly distribution of the electronic newsletter will resume. It will be distributed via e-mail and also made available on the Commission website. The Commission will continue to develop and expand its working relationships with federal agencies and will work diligently to keep those relationships productive. Our focus will be on finding ways to resolve conflicts in a positive manner. At the same time, the Commission will closely monitor changes in policy and management direction that could affect Alaskans' rights and guarantees under ANILCA and other federal statutes.

**Citizens' Advisory Commission on Federal Areas
Stan Leaphart, Executive Director**

**Citizens' Advisory Commission on Federal Areas
2010 Annual Report**

Conservation System Units and Federally Designated Areas in Alaska

National Park Service

Park Unit	Size in Acres	Wilderness Acreage
Aniakchak National Monument & Preserve	514,000	0
Bering Land Bridge National Preserve	2,457,000	0
Cape Krusenstern National Monument	560,000	0
Denali National Park & Preserve	6,028,200	2,124,783
Gates of the Arctic National Park and Preserve	7,592,000	7,167,192
Glacier Bay National Park & Preserve	3,283,000	2,664,876
Katmai National Park & Preserve	4,268,000	3,384,358
Kenai Fjords National Park	567,000	0
Klondike Gold Rush National Historical Park	113	0
Kobuk Valley National Park	1,710,000	174,545
Lake Clark National Park & Preserve	3,363,000	2,619,550
Noatak National Preserve	6,700,000	5,765,427
Sitka National Historical Park	113	0
Wrangell-Saint Elias National Park & Preserve	12,318,000	9,078,675
Yukon-Charley Rivers National Preserve	1,713,000	0
Alagnak Wild and Scenic River	30,665	0
Aleutian World War II National Historical Area	134	0
Total	51,104,225	32,979,406

U.S. Fish & Wildlife Service

National Wildlife Refuge	Size in Acres	Wilderness Acreage
Alaska Maritime National Wildlife Refuge	3,417,756	2,576,320
Alaska Peninsula National Wildlife Refuge	3,563,329	0
Arctic National Wildlife Refuge	19,286,242	8,000,000
Becharof National Wildlife Refuge	1,200,060	400,000
Innoko National Wildlife Refuge	3,850,321	1,240,000
Izembek National Wildlife Refuge	311,075	307,981
Kanuti National Wildlife Refuge	1,430,160	0
Kenai National Wildlife Refuge	1,912,425	1,354,247
Kodiak National Wildlife Refuge	1,980,270	0
Koyukuk National Wildlife Refuge	3,550,080	400,000
Nowitna National Wildlife Refuge	1,560,000	0
Selawik National Wildlife Refuge	2,150,161	240,000
Tetlin National Wildlife Refuge	700,058	0
Togiak National Wildlife Refuge	4,100,857	2,272,746
Yukon Delta National Wildlife Refuge	19,162,296	1,900,000

**Citizens' Advisory Commission on Federal Areas
2010 Annual Report**

Yukon Flats National Wildlife Refuge	8,632,224	0
Total	76,807,314	18,691,294

U.S. Forest Service

National Forest	Size in Acres	Wilderness Acreage
Tongass National Forest	16,773,804	5,753,548
Chugach National Forest	5,491,580	0
Total	22,265,384	5,753,548

National Forest Wilderness and Wilderness Study Areas	Size in Acres
Kootznoowoo Wilderness (Admiralty Island National Monument)	956,255
Misty Fjords Wilderness (Misty Fjords National Monument)	2,142,442
Coronation Island Wilderness	19,232
Chuck River Wilderness	74,298
Endicott River Wilderness	98,729
Karta River Wilderness	39,889
Kuiu Wilderness	60,581
Maurille Islands Wilderness	4,937
Petersburg Creek-Duncan Salt Chuck Wilderness	46,849
Pleasant/Lemusurier/Inian Islands Wilderness	23,096
Russell Fjord Wilderness	348,701
South Baranof Wilderness	319,568
South Etolin Wilderness	82,619
South Prince of Wales Wilderness	90,968
Stikine-LeConte Wilderness	448,926
Tebenkof Wilderness	66,812
Tracy Arm-Fords Terror Wilderness	653,179
Warren Island Wilderness	11,181
West Chichagof-Yakobi Wilderness	265,286
Nellie Juan - College Fiord Wilderness Study Area*	1,412,230
Total	7,165,778

* Managed to protect wilderness character.

Bureau of Land Management

Designated Area	Size in Acres
Steese National Conservation Area*	1,208,624
White Mountains National Recreation Area	998,702
Central Arctic Management Area – Wilderness Study Area*	478,700
Total	2,686,026

BLM Wild and Scenic River Corridors	River Miles	Size in Acres
Beaver Creek Wild and Scenic River*	111.0	71,040

**Citizens' Advisory Commission on Federal Areas
2010 Annual Report**

Birch Creek Wild and Scenic River*	126.0	80,640
Delta Wild and Scenic River*	62.0	39,680
Fortymile Wild and Scenic River*	392.0	250,880
Gulkana Wild and Scenic River*	181.0	115,840
Unalakleet Wild and Scenic River*	80.0	51,200
Totals	952	609,280

National Trails System	Miles
Iditarod National Historic Trail*	418.0
Total	418.0

* Component of the National Landscape Conservation System

National Wild and Scenic Rivers

Within the National Park System

River	Park Unit	River Miles
Alaganak	Katmai National Preserve	67.0
Alatna	Gates of the Arctic National Park	83.0
Aniakchak	Aniakchak Nat. Monument & Preserve	63.0
Charley	Yukon-Charley Rivers Nat. Preserve	208.0
Chilikadrotna	Lake Clark National Park & Preserve	11.0
John	Gates of the Arctic National Park	52.0
Kobuk	Gates of the Arctic Nat. Park & Preserve	110.0
Mulchatna	Lake Clark National Park & Preserve	24.0
Noatak	Gates of the Arctic Nat. Park and Noatak National Preserve	330.0
North Fork of the Koyukuk	Gates of the Arctic National Park	102.0
Salmon	Kobuk Valley National Park	70.0
Tinayguk	Gates of the Arctic National Park	44.0
Tlikakila	Lake Clark National Park & Preserve	51.0
	Total	1215.0

Within the National Wildlife Refuge System

River	Refuge Unit	River Miles
Andreafsky	Yukon Delta National Wildlife Refuge	262.0
Ivishak	Arctic National Wildlife Refuge	80.0
Nowitna	Nowitna National Wildlife Refuge	225.0
Selawik	Selawik National Wildlife Refuge	160.0
Sheenjek	Arctic National Wildlife Refuge	160.0
Wind	Arctic National Wildlife Refuge	140.0
	Total	1027.0