

STATE OF ALASKA
CITIZENS' ADVISORY COMMISSION
ON FEDERAL AREAS

2012 ANNUAL REPORT



DEPARTMENT OF
NATURAL RESOURCES
3700 AIRPORT ROAD
FAIRBANKS, ALASKA 99709

INTRODUCTION

This Annual Report provides an overview of the activities of the Citizens' Advisory Commission on Federal Areas during 2012. During the year the Commission again focused its efforts on monitoring, reviewing and commenting on an extensive list of federal land management agency plans, policies, regulations, proposed legislation and projects. A summary of the comments submitted by the Commission can be found later in this report. The Commission also held regular meetings in Juneau, Fairbanks and Anchorage. At those meetings, individual members of the public as well as representatives from interest groups and organizations testified about problems and concerns on topics such as access to inholdings, mining, subsistence management, wilderness management, use of cabins, guiding for hunting and fishing, transporting services, proposed federal legislation, land selections and use of the State's navigable waters.

Commission members and staff also met and discussed 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, and the Department of the Interior. Commission staff continued to provide information to the public on federal land management agencies' activities and to help resolve problems or issues related to use of federal public lands and resources.

As first outlined in previous Annual Reports, the U.S. Department of the Interior under Secretary Salazar continues to implement changes to long standing policies for the planning and management of federal public lands in Alaska. A 2010 directive instructing the U.S. Fish & Wildlife Service Alaska Region to conduct a complete wilderness review of refuge lands and waters was prominently reflected in the proposed alternatives in the draft Revised Comprehensive Conservation Plan (CCP) for the Arctic National Wildlife Refuge released in 2011. The results of the review and possible wilderness recommendations will not be known until the final plan is released. The final CCP was expected to be released in late 2012, but has been delayed indefinitely. The National Park Service is progressing with the amendment to the general management plans for Gates of the Arctic National Park & Preserve and Lake Clark National Park & Preserve. Those plan amendments may also include a wilderness suitability review, with possible recommendations for designation of additional wilderness.

In 2012 Congress extended its funding prohibition on implementation of Secretarial Order 3310 which directed the Bureau of Land Management to inventory the wilderness characteristics of all lands under its management and created a new Wild Lands classification for BLM managed lands. While the controversial Wild Lands Policy is no longer operational, the agency continues to inventory lands for their wilderness characteristics. These changes in policy and related actions will affect the status and management of millions of acres of federal lands and the future use of those lands by Alaskans.

The U.S. Forest Service completed revision of the regulations guiding National Forest Land Management Planning. The Chugach National Forest in Alaska will be one of the first national forests to develop a management plan under the new regulations. That planning effort began in late 2012. In the coming year, the Tongass National Forest will be conducting a required five year review of the 2008 Tongass Land and Resource Management Plan.

BACKGROUND

The Citizens' Advisory Commission on Federal Areas was established originally 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. The original 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.

(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 also 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 2012 were: Chairman, Rep Wes Keller (Wasilla) 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.

2012 MEMBERS

Rod Arno (S)
Willow

Mark Fish (G)
Anchorage

Rep. Wes Keller (H)
Wasilla

Charlie Lean (G)
Nome

Mike Meekin (H)
Palmer

Sen. Linda Menard (S)
Wasilla

Warren Olson (S)
Anchorage

Colleen Richards (G)
Anchorage

Susan Smith (G)
Chokosna

Ron Somerville (H)
Juneau

Alex Tarnai (G)
Tanana

Frank Woods (G)
Dillingham

(G) Governor's Appointment
(S) Senate Appointment
(H) House Appointment

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 or 451-2035. FAX 451-2751.

NEWSLETTER

Commission staff produces a newsletter *Alaska Lands Update* that is distributed electronically to several hundred recipients each month. Printed copies are also distributed at the DNR Public Information Centers in Fairbanks, Anchorage and Juneau. Contact the Commission staff if you are interested in receiving the newsletter.

COMMISSION MEETINGS

The Commission holds three regular meetings each year. The meetings are open to the public and testimony is accepted on any issue related to the management of federal public lands in Alaska. There are four public participation segments at each 2 day meeting and the public is provided a toll-free number to participate even if they are unable to attend the meeting. During 2012, regular Commission meetings were held in Juneau, Fairbanks and Anchorage. Minutes of the meetings are available on the Commission's website and any material distributed at the meetings is available to the public upon request.

COMMISSION ACTIVITIES IN 2012

Following is an overview and summary of the comments and recommendations submitted on the federal land management plans, regulations, policies and related issues the Commission addressed during 2012. The full text of all comments and correspondence, as well as previous annual reports, meeting minutes, the monthly newsletter and other information can be found at <http://dnr.alaska.gov/commis/cacfa/>. Printed copies of all Commission documents can also be obtained from the Commission office at the address above.

NATIONAL PARK SERVICE

National Park Service 2012 Compendiums – In January of each year the National Park Service updates the compendium for each of the Alaskan units of the National Park System. A compendium is a compilation of the designations, closures, openings, permit requirements and other provisions established by the park superintendent under the discretionary authority found in National Park Service regulations. The public is provided a 30 day review period to submit comments on revisions proposed by the agency or to make their own recommendations for changes.

As this Commission has acknowledged in previous annual reports, the National Park Service compendium process has seen many improvements since the agency first began using them in Alaska more than 20 years ago. The most significant improvement has been the addition

of the 30 day public review period and the opportunity for the public to comment on proposed changes, closures or restrictions or to suggest other actions. On occasion, public meetings are held to discuss proposed revisions, particularly those involving closures or use restrictions. Another improvement in the revision process is an annual meeting between the State ANILCA Implementation Program staff and the National Park Service staff, including the chief rangers for each of the park units. At this meeting potential compendium revisions are discussed along with other potential management issues before public release of the documents. Commission staff has participated in those annual meetings in each of the last three years.

Despite improvements in the compendium process, significant problems remain and in some cases, have worsened. Park compendiums continue to be used to improperly implement what the agency categorizes as “temporary” or seasonal closures of park areas to activities and uses. In violation of the agency’s own regulations, these closures can remain in place for several years. The National Park Service maintains that because the seasonal closures are less than 12 months in duration, they can be renewed each year and do not require a formal rulemaking. The Commission has consistently maintained that when a closure or restriction is in effect indefinitely, even if it is for only a portion of the year, it constitutes a permanent closure.

Since 2010, the National Park Service has also issued regulations through the annual compendium process that preempt State hunting regulations. In one instance the Service restriction was temporary. However, in at least one other case the closures have become effectively permanent. Permanent closures or use restrictions require initiation of a formal rulemaking process. That process requires publication of proposed regulations in the *Federal Register*, public notice, public meetings or hearings in the affected area(s), and opportunity for public comment. Most importantly, permanent closures or restrictions require a clear finding by the agency that the proposed action is necessary to protect park resources or values or for protection of public safety.

In late 2012 the Service announced its intention to adopt regulations for 2013 that would preempt additional State hunting regulations adopted by the Board of Game earlier in the year. Hearings were held in December and continued into January 2013. The Commission determined the hearing schedule was inadequate and requested that additional hearings be held in all affected areas. The Service declined to hold additional public hearings, but indicated it would provide for additional public participation via social media. At the time of this report, the proposed revised compendiums for 2013 are undergoing review by the Commission and the public.

Katmai National Preserve Hunting Guide Environmental Assessment-
In August the National Park Service issued a draft environmental assessment (EA) to

examine the potential impacts from reconfiguring two existing hunting guide areas and authorizing two guided hunting concessions within the Katmai National Preserve. The two guide areas had been in existence since the preserve was designated by ANILCA in 1980, but one area had been abandoned and the guide concessions contract for the other area was due to expire at the end of 2012.

Because the existing two guide areas differed significantly in both size and in the number of allocated hunts, the Service proposed redrawing the guide area boundaries and redistributing the hunt allocations. The Commission questioned the need to prepare an EA since there was no proposed increase in either the number of guide areas or in the total number of allocated hunts. The Commission expressed concern that the decision to prepare an environmental document signaled an intent to require similar documentation for issuing or renewing future hunting guide concession contracts in other national preserve units. Previously, contracts were issued or renewed under a categorical exclusion.

After reviewing the document, the Commission submitted comments supporting the action proposed by the Service. A Finding of No Significant Impact, approving the proposed action was signed in September 2012 and a prospectus was issued in November 2012. Contracts are expected to be awarded in early 2013.

Denali Park Road Final Vehicle Management Plan - The Commission submitted comments on the Denali Park Road Draft Vehicle Management Plan (VMP) and Environmental Impact Statement (EIS) in September 2011. The plan was designed to manage public and agency use of the Denali Park Road under an adaptive management approach. In addition to the staff review, Commission members met with National Park Service officials to discuss the various alternatives in the plan. Members of the public, including property owners in the Kantishna area of Denali National Park, testified before the Commission at its October 2011 meeting.

The draft plan asserted that while the existing seasonal limit of 10,512 vehicles established by the 1986 General Management Plan (GMP) was clearly measurable, a numerical limit alone was not be the best approach for managing use of the park road. The plan proposed to set measurable indicators and standards intended to protect park resources and values along the road corridor using an adaptive management approach.

In July 2012 the NPS released the final VMP. Rather than adopting one of the three alternatives analyzed in the draft plan and EIS, the agency announced its intention to adopt a new alternative which was not included in the draft. While the new alternative contained elements of two of the original draft alternatives, it contained two significant components not found in either of the original alternatives and which had not been fully analyzed.

The first component in the new alternative is a limit of 160 vehicles on the park road within a 24 hour period. According to the final VMP the 160 vehicle limit was derived from traffic model simulation results and research on visitor preferences and resource conditions. Formal regulations to implement the daily vehicle limit would be adopted once the VMP goes into effect. Neither action alternative proposed in the draft included a fixed daily limit for all vehicle use on the park road.

In a letter to the NPS Regional Director, the Commission stated that implementing a fixed daily limit of vehicles contradicted the concept of an adaptive management strategy. Replacing the current annual limit of 10,512 vehicles with a daily fixed limit would remove the desired flexibility that the adaptive management strategy was intended to provide. The Commission strongly recommended against the agency adopting formal regulations establishing a fixed 160 vehicle limit or any fixed limit until it had conducted further analysis and field testing.

The VMP also proposed maintaining the allocation of 1,360 permits for inholder access. The Commission supported the decision to not reduce the number of permits for inholder access, at the same time pointing out that no provision was made in any of the alternatives for potential future increases in access needs for inholders, whether for business related access or personal access. Logically, an adaptive management strategy should provide similar opportunities for proportionate increases in access allocations for inholders as is provided for park concessionaires and park visitors.

The final EIS failed to include any analysis or discussion of possible negative economic impacts resulting from maintaining current restrictions on the allocated access for Kantishna inholders. By precluding any increase in access allocations for Kantishna area businesses and property owners, the VMP will adversely affect economic growth of existing visitor services as well as the development of new businesses. However, the EIS failed to examine potential impacts to Kantishna business and property owners from maintaining current access restrictions.

The second component in the proposed alternative of concern to the Commission was the proposal to require concession contracts for those Kantishna businesses conducting day trips. This also represented a significant departure from the proposal in the draft EIS. Under the draft action alternatives commercial use authorizations would be required to conduct day trips, however there was no proposal in the draft plan to require the more restrictive and costly concession contracts, meaning that issue was not adequately analyzed or discussed. The final EIS provided no explanation for requiring concession contracts rather than commercial use authorizations. The Commission requested a full explanation for the change and strongly recommend removing the requirement for a concession contract for providing Kantishna day tours under all alternatives in the final VMP.

The request was also made for clarification of the final VMP intentions for managing and allocating access to inholdings under ANILCA 1110(b) and that ANILCA 1110(b) access be exempt from the transit priority. And finally, because the two significant components in the new preferred alternative were not included in the draft VMP and EIS and not subjected to public review and comment, the Commission requested an additional 30 days comment period on the proposed final VMP.

The agency declined to provide any additional opportunity for comment and in September issued the Record of Decision adopting the Vehicle Management Plan with the new preferred alternative. The plan is expected to be fully implemented by the 2014 season.

Lake Clark National Park & Preserve GMP Amendment – The Commission submitted comments on the preliminary alternatives for the GMP Amendment and identified several issues that were of concern.

A major concern for the Commission was the decision to re-assess the eligibility of park lands for wilderness designation. The NPS proposed conducting a “Wilderness Eligibility Re-assessment” for two units within the Park. The Commission has a longstanding opposition to any further wilderness review, study or re-assessment of lands within Conservation System Unit in Alaska, including Lake Clark Park & Preserve.

The Commission reminded the agency that any further effort to study, review or re-assess NPS lands for wilderness designation is a clear violation of the provisions of ANILCA in sections 101(d), 1326(a) and 1326(b). All of these ANILCA provisions are clearly applicable and supersede any NPS policies.

The Commission also objected to the proposal to create a Wild Zone within the park & preserve. We considered this type of designation excessive, particularly within that portion of the park that is already designated Wilderness. Considering the purposes of a wild zone, as outlined in the newsletter, designation of a portion or portions of the park and preserve as a “wild zone” increases the potential for visitor use restrictions or limitations that are unnecessary to protect the purposes for which the park and preserve were created. It also creates a “de-facto” wilderness area which is inconsistent with Congressional intent regarding management of national park units in Alaska. The designated Wilderness within the park is already managed for purposes virtually identical to those of a “wild zone”, making any additional zoning unnecessary.

Glacier Bay National Park & Preserve – Huna Tribal House – At its meeting in February, the Commission discussed the National Park Service proposal to build a Huna Tribal House in the Bartlett Cove area of Glacier Bay National Park and Preserve.

After reviewing the environmental assessment for the project, the Commission submitted a letter of support to the agency.

The proposed construction of the Huna Tribal house is a commendable example of the continuing cooperation between the National Park Service and the Hoonah Indian Association (HIA). The incorporation of traditional Tlingit design, construction, decoration and furnishings will help park visitors interpret and better understand the culture of the Huna Tlingit. More importantly, the project will serve to recognize the importance of Glacier Bay as the ancestral homeland of the Huna Tlingit and of the historical and cultural connections that existed long before designation of Glacier Bay as a unit of the National Park System and which still exists.

The Commission encouraged the NPS to continue consultation with HIA to further refine the final interior and exterior design of the tribal house and to move forward with the completion of this project.

Bering Land Bridge National Preserve Hunting Guide EA – The National Park Service released an environmental assessment on a proposal to issue up to 3 sport hunting guide concessions within the Bering Land Bridge National Preserve. There have been no hunting guides operating in the preserve in more than 20 years.

During its November meeting, the Commission was briefed on the proposal by NPS staff. Following a discussion of the three alternatives, the Commission decided to support the National Park Service preferred alternative. Under this alternative, up to 3 sport hunting guide concessions would be licensed for separate guide areas within the preserve. Members felt that separate guide areas would provide the best opportunity for applicants. Additionally, they felt that separate areas are preferred by most guides, as it allows them to better manage their hunting activity. Members also recommended that the National Park Service consult closely with the State of Alaska Big Game Commercial Services Board in deciding on guide use area assignments.

The preferred alternative would set client limits for one guide use area at 10 per year and a combined total of 10 clients per year for the other guide use areas. This would allow a maximum of 200 clients over the expected ten year life of the concession contracts. In establishing or adjusting client limits, the Commission encouraged the NPS to work closely with the State of Alaska Department of Fish and Game (ADF&G). Because the proposed client limits represent an indirect allocation of wildlife resources, it is essential that the NPS works closely with the ADF&G to determine harvestable surplus of those resources and to meet biological objectives under the State's sustained yield principles.

The environmental assessment referenced the 1986 General Management Plan (GMP) for the preserve which states that no temporary facilities other than tents have been used on preserve lands and are not needed in the future. However, the GMP did not rule out the possibility that prohibition could change if future analysis indicates that provisions for temporary facilities are necessary because of changing use patterns on the preserve.

Under the proposed hunting guide alternatives, no long-term facilities or structures would be authorized. While not advocating for the establishment of temporary shelters to support guide activities, the Commission suggested that the option remain available, consistent with the current GMP and with the provisions of ANILCA Section 1316. That section of the law allows, subject to reasonable regulation, the use and construction of temporary facilities “directly and necessarily related” to the harvest of fish and game.

The environmental assessment stated that the possibility of establishing camps within the Preserve on Native allotments was mentioned, but it was “not clear whether this would be permitted within the Preserve boundaries.”

The Commission noted that it was unaware of any NPS authority that would prevent an allotment owner from entering into a rental or lease agreement with a guide or any other person, even if the allotment is located within the boundary of a national park unit. All certificated Native allotments are private lands and under the provisions of ANILCA Section 103(c) are not subject to the regulations that apply only to preserve lands. The sale or lease of a Native allotment in most instances requires approval by the Bureau of Indian Affairs, but would not require any approval by the NPS.

The Commission commended the NPS efforts in consulting with and involving local communities and landowners in developing the hunting guide proposal. We encouraged the agency to continue that consultation as it makes the final decisions on authorizing guided hunting in the preserve. Continuing consultation will help ensure the interests of the local communities and subsistence users are met while also providing for sport hunting activity for other Alaskan hunters and visitors. The Commission noted that it was pleased to see the NPS provide this opportunity for guided hunting on the preserve and the positive economic impacts which will result.

Serpentine Hot Springs Master Plan & Environmental Assessment - The National Park Service is preparing a master plan for the Serpentine Hot Springs area within Bering Land Bridge National Preserve. The Commission was briefed on the proposed plan by NPS staff at its November meeting in Anchorage. The hot springs are extremely important to residents living in this region of Alaska. The hot springs and the surrounding area have been in use for some 12,000 years.

The Commission's review of the environmental assessment indicated the range of action alternatives developed by the NPS represented a common sense approach to recognizing the historic use of the hot springs and surrounding area. The alternatives also recognized the traditional and cultural significance of the hot springs to the residents of the region. The alternatives also are consistent with the mandate for Bering Land Bridge National Preserve in Section 201(2) of ANILCA "*to provide for outdoor recreation and environmental education activities including public access for recreational purposes to the Serpentine Hot Springs area.*"

Our comments also suggested that, as the project alternatives are refined, it is important that all alternatives include provisions to improve safe access to the hot springs and the facilities there. This should include improved trail marking, expanding and hardening of trails and safety upgrades to the airstrip. Maintenance and upkeep of the bunkhouse and bathhouse to improve public safety and health at those facilities should also be included in each action alternative.

The Commission also supported updating the Preserve's wilderness eligibility status by removing the Iyat Area from wilderness eligibility. The NPS was also encouraged to consider removing additional acreage from eligibility if necessary to meet the ANILCA mandate for the hot springs area. In light of the longstanding use of this area, the presence of the facilities and airstrip, this area should not have been determined as eligible or suitable in the original ANILCA 1317 wilderness review.

U.S. FISH AND WILDLIFE SERVICE

Izembek National Wildlife Refuge Land Exchange- The Commission reviewed the Draft Environmental Impact Statement (DEIS) for the proposed Izembek National Wildlife Refuge Land Exchange and Road Corridor Project. In its comments the Commission supported the exchange of federal public lands within the Izembek NWR and on Sitkinak Island for lands owned by the State of Alaska and King Cove Corporation. The exchange would allow for the construction of a road between the communities of King Cove and Cold Bay to provide better emergency access during inclement weather.

The Commission supported the exchange and construction of the road because it would best address the health and safety needs of the residents of King Cove by providing dependable access to and from the airport in Cold Bay,. The Commission encouraged Secretary of the Interior Salazar to make a finding that the exchange was in the public interest.

The State of Alaska had previously taken action to support the project by authorizing the exchange of State lands and designating Kinzarof Lagoon as part of the Izembek State Game Refuge. HB 210 was passed unanimously by the Alaska State Legislature and signed into law by Governor Parnell in 2010. The exchange and designation will be finalized only if construction of the road is approved.

In its comments, the Commission acknowledged the international importance of the Izembek NWR and the waters of the Izembek State Game Refuge as vital habitat for migratory waterfowl, waterbirds, and shorebirds. While recognizing the concerns about the potential impacts from construction and use of a road, the Commission also pointed out the land exchange represented an equitable compromise that would accomplish several important things. First, a road would provide a much needed link for the residents of King Cove in the case of medical and other emergencies.

As a mitigating measure, the exchange would also place a substantial amount of acreage into designated wilderness and retain other acreage in public ownership as part of the Izembek NWR wilderness. It would provide additional protection for Kinzarof Lagoon by including it in the Izembek State Game Refuge. Proper design and management of the road, along with cooperation between State and Federal land managers and area residents will minimize any adverse impacts to this important area.

The Commission's review of the DEIS found that the document failed to present the type of balanced and objective discussion and analysis of proposed alternatives required under the National Environmental Policy Act (NEPA) and the Council on Environmental Quality (CEQ) Guidelines. We found the DEIS to be inadequate in a number of areas and encouraged the agency to correct the deficiencies before finalizing the document.

The DEIS analysis focused almost exclusively on the potential negative impacts of the two alternatives involving the exchange of lands within the Izembek NWR which would result in the removal of between 131 and 152 acres of designated wilderness. At the same time, the positive benefits from the addition of 44,491 acres of State and King Cove Corporation lands to the Izembek and Alaska Peninsula National Wildlife Refuges and other actions taken by the State and the corporation were minimized or ignored.

For example, a key element of the exchange package, the inclusion of Kinzarof Lagoon in the Izembek State Game Refuge, received little recognition in the DEIS as a beneficial impact or mitigating factor. The Izembek State Game Refuge was established by the Alaska Legislature to protect natural habitat and game populations, especially waterfowl. Although the lagoon would remain in State ownership, it would be included in a legislatively designated area with purposes and goals similar and complementary to the purposes of the Izembek NWR.

Perceived impacts to wilderness were handled in a similar fashion. Under two of the alternatives some 44,491 acres would be added to the National Wilderness Preservation System. In addition, the existing 5,430 acre King Cove Corporation selection would be relinquished and remain part of the Izembek NWR wilderness. Although the exchange would create a new wilderness area within the Alaska Peninsula NWR and add 2,604 acres to the Izembek wilderness, the positive impacts to wilderness were considered in the DEIS to have only a “medium” positive impact. The Commission questioned why the addition of these state and corporation lands was not recognized as having any mitigating effect on the perceived impacts from the removal of 131 acres from wilderness and the construction of the road.

Our review found other examples in the DEIS of the lack of balance in the discussion of the beneficial vs. adverse impacts from the proposed exchange and road construction. The positive aspects of the State and corporation lands to be exchanged were minimized when compared to the refuge lands. The result was a document that did not meet the CEQ guidelines requiring a “full and fair” review of the impacts of the proposed action.

The Commission’s review also showed that the DEIS was lacking data on some key wildlife resources. For example, in the discussion of brown bear on State land, the DEIS noted that the refuge areas immediately east and west of this parcel are designated under a USFWS ranking system as “high density – spring summer and fall” and the area immediately south is designated “high density – denning” and “medium density – spring, summer and fall.” The DEIS then points out that State lands are not designated under this ranking system but offered no data on bears on the State lands, even though these lands are known to have high density of bears in spring summer and fall.

The DEIS also failed to include any meaningful data on birds on the State parcels, simply stating that the 41,887 acres of State lands have not been covered by many bird surveys. While acknowledging that may be the case, the Commission questioned the accuracy of maps showing distributions for Emperor Goose, Brant and Tundra Swans that labeled the State parcels as “no data available.”

We did not accept that no data were available for these parcels. For example, the map for Tundra Swans showed a high density use area directly adjacent to the east of the state parcel and a low density use area to the west. The DEIS even noted that Tundra Swan surveys are conducted each spring over lands within or adjacent to the Izembek NWR. The Alaska Peninsula National Wildlife Refuge surveys Tundra Swans every five years both inside and outside refuge boundaries. Additionally, aerial surveys of waterfowl are conducted regularly along the north side of the Alaska Peninsula. The Commission suggested that data sources be reviewed more closely and any relevant data for these parcels included in the final EIS.

A final EIS was released in January 2013. The U.S. Fish and Wildlife Service recommended that the 'no action' alternative be selected. This would preclude the land exchange and the construction of the road from King Cove to Cold Bay. The Secretary of the Interior is responsible for selecting the final alternative and making the final decision as part of the public interest finding.

Arctic National Wildlife Refuge Special Use Permit Application Instructions and Reporting Requirements – In 2010, Commission staff, in cooperation with the State ANILCA Implementation Program, reviewed and suggested revisions for three forms proposed intended to be used as applications for special use permits within the National Wildlife Refuge System. The three forms were designed to replace the single form then in use for all refuges, including those in Alaska. Previously, applications for special use permits for Alaskan refuges were made using an Alaska specific form, but which had expired. Final application forms were approved in 2011.

In early 2012 the Commission was provided with a copy of a document entitled *Special Use Permit Application Instructions for Commercial Guided Education, Recreation (non-hunting), Sport Fishing and Air Operations within Arctic National Wildlife Refuge*. This instruction sheet was being distributed to individuals or companies to provide guidance in applying for a special use permit authorizing commercial activity on the Arctic National Wildlife Refuge.

The Arctic Refuge instructions were intended to supplement or replace the OMB approved instructions for completing the Commercial Activities Special Use Permit Application and Permit Form. The approved instructions are an integral part of that form. Applicants were told in the refuge instruction sheet that *“Supplemental questions and other required items must accompany your application before your application packet will be considered complete and evaluated.”*

In a letter to the refuge manager, the Commission objected to the use of the unapproved instruction sheet and requested that its use be discontinued. The unauthorized supplemental form instructions and resultant collection of personal and other unnecessary information violated the Paperwork Reduction Act and the Privacy Act since applicants are directed to provide more information and different information than is required by the OMB approved form and instructions.

In our comparison of the OMB approved instructions with the refuge generated instructions, Commission staff found at least 3 instances where the applicant were directed to provide information not required under the approved instructions.

In the first example, the OMB instructions require the applicant to provide the names and addresses of assistants, subcontractors or subpermittees only if the assistants, subcontractors or subpermittees will be operating on the refuge without the permittee being present.

Volunteers, assistants, subcontractors or subpermittees that are accompanied by the permittee are not required to be identified. The refuge instructions failed to make this distinction and required an applicant to list any other business that assists their operation regardless of whether or not the other business actually operates on the refuge or provided assistance when the applicant is not present.

A second example of where the refuge was asking for information beyond that approved by OMB was in requiring the applicant to provide *“the names, addresses and phone numbers of the individuals involved in your operation and the functions they will perform.”* Here, the refuge instructions were inconsistent with the approved instructions on two points. The approved instructions simply require an applicant who indicates that overnight stays are a regular part of their operation to *“provide the name(s) of any personnel required to stay overnight, if applicable.”* This information was being solicited by the refuge even when the applicant indicated that overnight stays were not a part of the permitted activity. The Commission pointed out that the request was intrusive and went well beyond the purposes stated for the approved information collection.

Even if overnight stays are a regular part of an operation, the refuge is authorized to request only the name of employees, not their address and phone number. Additionally, consistent with the approved information requirements, only those employees who would be operating on the refuge without the permittee present are required to be identified. Most importantly, if there is no overnight stay, the refuge has no legal authority for requiring the name, much less the personal contact information of an employee.

The final example of information solicited by the refuge that exceeded its authorization under the OMB instructions was when guides who access the refuge overland via the Dalton Highway were required to: *“provide description of and specific auto license registration number for your vehicle – or if you contract an auto rental business to assist your operation, list the business....”* The approved instructions state that motor vehicle descriptions are only required for a permittee vehicle, and/or if the vehicle will be operated on the refuge without the permittee being present. Given that there are no roads within the refuge or roads connecting the refuge to the Dalton Highway by which a highway vehicle can enter the refuge, there was no rational, nor legal, justification for the refuge to solicit this information.

The Commission received a written response from the Arctic Refuge Manager stating that the supplemental instruction sheet used by the refuge had been revised so that it was consistent with the OMB approved instructions.

U.S. Fish & Wildlife Service Friends Policy - In October 2010 the U.S. Fish & Wildlife Service (Service) released a draft Friends Organization Policy for a 45 day public review and comment period and reopened the comment period for an additional 30 days in

March 2011. The National Friends Program was established in 1966 to encourage and organize community involvement in Service activities.

The Commission submitted comments on the draft policy during the initial review period. By the end of 2012, nearly two years later, the agency still had issued no final policy. Despite this, the agency continues its involvement with and support of friends groups such as the Friends of Alaska National Wildlife Refuges. In December 2012 Commission staff wrote to Daniel Ashe, national director of the agency inquiring about the status of the final policy.

The Commission also requested copies of any interim policy guidelines or directives which may have been provided to individual refuges or regional offices to guide their work with Friends organizations pending release of the final policy. Even in the absence of a final policy, it was reasonable to expect that some level of policy guidance is necessary to ensure that the relationships and interactions between Service staff and the more than 200 Friends organizations are both transparent and fully consistent with the provisions of the *National Wildlife Refuge System Administration Act of 1966*, the *Refuge Recreation Act of 1962*, the *National Wildlife Refuge System Volunteer and Community Partnership Act of 1998*, or other relevant statutes.

The Commission's earlier critique of draft policy identified the potential for conflicts of interest between Friends organizations and Service staff. We pointed out that the likelihood of a conflict increases when a Service employee is also a member of a Friends group. Our comments on the draft policy outlined some of the potential conflicts we have noted in Alaska. With no final policy yet in place or any other guidance of which we are aware, the Commission has been unable to determine if those potential conflicts have been addressed by the Service.

One way the Service provides support to Friends groups is by offering specialized training at no cost to volunteers. As the Commission pointed out in our letter the classes are not actually free. They are paid for with taxpayer dollars and other public funds appropriated to the Service. Use of public funds to support the activities of a private organization, even when the agency benefits, further emphasizes the need for clear policy guidance on the relationship between the Service and Friends groups.

Clear guidance is critically important when a Friends group, which may also include Service employees as members, takes an advocacy role on a proposed management action, proposed legislation or other Service proposal. There are several examples of this in Alaska. Friends of Alaska National Wildlife Refuges, which includes advocacy "through outreach to decision makers" in its mission statement, advocated strongly against the land exchange in Izembek National Wildlife Refuge. At the same time, some of its members are Service employees involved to varying degrees in both the preparation of the draft environmental impact statement analyzing the proposed exchange and in making decisions related to the exchange. While the Commission has no knowledge of any improper behavior, this involvement

increases the possibility, as well as the public perception, that a conflict of interest may exist or an abuse of authority could occur.

As of the date of this report, the Commission has received no response to our inquiry.

Endangered Species Act Regulations – The Commission reviewed proposed draft policy on interpretation of the phrase “Significant Portion of Its Range” (SPR) in the Endangered Species Act’s (ESA) Definitions of “Endangered Species” and “Threatened Species.”

The original goal and primary objective of the ESA was to prevent the extinction of imperiled plant and animal life. There are a number of successful recoveries, such as the bald eagle and grizzly bear, which can be attributed in part to the ESA as well as other conservation strategies and recovery measures. The Alaska populations of both these species were thriving and were never seriously considered for listing even when they were listed as endangered in other parts of their natural range.

Today’s ESA, which is a combination of amendments to the original statute, supplemented by policies and regulations that change as each successive administration reinterprets its provisions and responds to an endless series of lawsuits and court decisions, is a law considerably different from what Congress intended when it passed the ESA in 1973. The 16 pages of background information, consisting of more than 20,000 words to explain a draft policy of less than 400 words is a clear indication of the regulatory and legal chaos that currently surrounds the administration of the Endangered Species Act. It is less flexible, less science based, less objective and too often misused to list species such as the polar bear that do not meet the criteria necessary for listing.

As we understood the proposed policy, it requires that if a species is found to be endangered or threatened in only a significant portion of its range, the entire species will be listed and the provisions of the ESA applied across the species’ entire range. The Commission’s primary concern with the proposed policy was that it would result in the unnecessary or inappropriate listing of a species or subspecies in Alaska. These restrictions would adversely affect the ability of the State of Alaska to manage its fish and wildlife resources for the benefit of its citizens. It could also unnecessarily hinder or even prevent the development of the state’s mineral, oil and gas and timber resources.

The Commission pointed out that Alaska occupies a unique position with respect to the application of the ESA. This is in part due to its solitary geographic relationship with the contiguous 48 states, but also because of its size, diverse ecosystems and intact habitats. Ranges for species like the grizzly bear, the grey wolf and the bald eagle extend from Alaska, through Canada and into the contiguous 48 states. These ranges are enormous and

encompass areas with varying degrees of human development and interaction, climate variations, different ecosystems and varying species population densities. Due to a wide variety of factors, there are areas within these ranges where the species are stable or growing and areas where populations remain low or are absent. Applying ESA restrictions to a portion of a species' range that is as geographically isolated as Alaska provides no benefits for populations segments in other portions of the range.

The Commission did agree with the portion of the proposed policy that states that if a species is not endangered or threatened throughout all of its range, but is endangered or threatened within a significant portion of its range and the population is a valid distinct population segment, then the population segment could be listed rather than the entire species or subspecies. This is critical for Alaska, as there are a number of species whose populations are healthy in Alaska, but in jeopardy in the contiguous 48 states.

Having the flexibility to list those populations separately as distinct populations segments will prevent the improper application of ESA restrictions on healthy populations in Alaska. Listing of the entire range of a species determined to be endangered or threatened in only a portion of its range must be scientifically justifiable as being critical to its survival. Listing of a species, subspecies or distinct populations segments as endangered or threatened must be the minimum necessary to assure its survival.

U.S. FOREST SERVICE

Final National Forest System Land Management Planning Regulations - In February 2012 the U.S. Forest Service released final planning regulations under 36 CFR Part 219 along with a final programmatic environmental impact statement. The Commission had previously reviewed and submitted comments on the proposed revisions to the planning regulations and the accompanying draft environmental impact statement. At our February meeting in Juneau Commission members discussed their continuing concerns about the revised regulations with Forest Service representatives.

In addition, the Commission sent a letter to the U.S. Forest Service noting that the proposed final regulations failed to include reference to the Alaska National Interest Lands Conservation Act (ANILCA). While recognizing that the regulations could not include a comprehensive list of all applicable laws, failure to include specific reference to ANILCA was extremely disappointing given its importance in guiding management and planning for many of the National Forest Lands in Alaska. The Commission reminded the agency that it has shown an increasing reluctance to recognize provisions in ANILCA, particularly when those provisions are unique to Alaska. The result of this effort to create a "one size fits all"

management approach for the National Forest System has been the development of policies and management decisions in Alaska that too often fail to meet the requirements of the act and which ignore the intent of Congress.

More importantly, we found that the regulations themselves violate key provisions of ANILCA. For example, one section requires the Forest Service to identify and evaluate lands that may be suitable for designation as wilderness even though ANILCA prohibits such evaluations unless authorized by Congress. Another section requires review of rivers for their suitability for designation as wild and scenic. However, ANILCA Section 1326(b) clearly prohibits such reviews:

(b) No further studies of the Federal lands in the State of Alaska for the single purpose of considering the establishment of a conservation system unit, national recreation area, national conservation area, or for related or similar purposes shall be conducted unless authorized by this Act or further Act of Congress”

Section 708(4)(b) of ANILCA also restricts any further wilderness review in Alaska by the Forest Service:

Unless expressly authorized by Congress the Department of Agriculture shall not conduct any further statewide madless area review and evaluation of National Forest System Lands in the State of Alaska for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

Congress clearly retained for itself the sole authority for future studies or reviews for the purpose of creating additional conservation system units, including designated wilderness areas and wild and scenic rivers, in Alaska. The Commission again requested the inclusion of language in these two sections stating that no wilderness review or wild and scenic river review is required when preempted by law, such as ANILCA.

Finally, the Commission renewed its request to revise the regulation to broaden the scope of who may file an objection to a plan, plan amendment or plan revision. Provisions should be made for an individual who has submitted substantive formal comments to submit an objection verbally. The definitions define *substantive formal comments* as “Written comments submitted to, or oral comments recorded by, the responsible official or his designee during an opportunity for public participation...” Therefore, we argued that provisions need to be made for filing an objection or protest verbally. The Commission’s experience in working with the public in Alaska demonstrates that many people who participate in a planning process by attending public meetings and presenting formal verbal comments at those meetings would be effectively precluded from filing an objection if it had to be filed in writing.

The Forest Service is developing a set of planning directives to provide further guidance on implementation of the final rule. The public is supposed to have the opportunity to review and comment on these directives. The Commission strongly encouraged the U.S. Forest Service to establish a well structured and open public outreach program to involve the public in the development of these planning directives. We suggested a minimum 60 day public review and comment period for any draft directive. Notice of availability should be published in the *Federal Register* as well as in local and state-wide newspapers. Opportunities for public meetings, work-shops or open house question and answer sessions also should be provided.

On February 15, 2013 the Forest Service the proposed 2012 Planning Rule Directives for a 60 day comment period beginning when a formal notice is published in the *Federal Register*.

White Sulphur Springs Bath House Project – This project originally proposed the reconstruction and relocation of a Forest Service public use cabin and bathhouse at White Sulphur Springs. The cabin and bathhouse are located in the West Chichagof-Yakobi Wilderness Area on the Tongass National Forest. The Commission commented in support of the proposal in December 2010.

When the decision document was signed in August 2011, however, the Forest Service altered the proposed action and decided to remove, but not replace the bathhouse. The agency's decision was based on a finding that the bathhouse was an amenity that was inconsistent with wilderness values. According to the decision document, its removal would move the site to a more undeveloped state and improve on the primitive and unconfined qualities of the area. The Commission and a number of local residents and users of the bathhouse questioned that assertion and objected to the decision.

Pursuant to the Forest Service regulations at 36 CFR Part 215, the Commission, along with the City and Borough of Sitka, the City of Pelican and three individuals successfully appealed the decision to remove the bathhouse. Following an appeal hearing in early November 2011 the Forest Service agreed to modify its decision. The decision was to proceed with the cabin relocation and delay a decision on removal of the bathhouse.

The Forest Service agreed to conduct further analysis and gather additional information on the emergency use of the bathhouse as well as the historical, traditional and cultural use of the structure. All appellants agreed to withdraw their appeals so that the cabin replacement component of the project could continue. If, after gathering the additional information, the Forest Service decided to remove the bathhouse, all appellant retained the right to re-file their appeal.

In March 2012, after gathering additional information and conducting further analysis, the Forest Service released an environmental assessment for replacing the existing bathhouse. The Commission provided comments in support of the proposed replacement, along with additional information from the legislative history of ANILCA regarding wilderness management, including the use, construction, and replacement of cabins and other structures in designated wilderness.

The Forest Service issued a Decision Notice and Finding of No Significant Impact approving the replacement of the White Sulphur Springs Bathhouse. That decision was appealed by Wilderness Watch. However, the appeal was denied by the regional forester and construction of a new bathhouse is expected in 2013.

Bell Island Geothermal Leases - The Commission reviewed the *Bell Island Geothermal Leases Draft Supplemental Environmental Impact Statement* (DSEIS). The Commission previously submitted scoping comments in June 2011, expressing support for the development of alternative energy sources in Alaska, including geothermal, but took no position on the Bell Island lease proposal.

Based upon its review of the DSEIS, information in the *Final Programmatic EIS for Geothermal Leasing in the Western United States* (PEIS) and provisions in the 2008 *Tongass National Forest Land and Resources Management Plan* (Forest Plan) the Commission supported the proposed action, under which the Forest Service would consent to the pending lease applications on Bell Island.

Approval of the leases is consistent with the forest-wide standards and guidelines in the Forest Plan which encourage the exploration, development and extraction of locatable and leasable minerals and energy resources. Approval of the leases is also consistent with the goals of the *Energy Policy Act of 2005* and the PEIS, both of which promote the development of renewable energy resources.

The Commission noted that any Forest Service consent to issuance of the leases by BLM is not the final step in the lease approval process. Additional site-specific National Environmental Policy Act (NEPA) analyses will be necessary once a plan of operations is submitted for exploration and development of the lease areas.

Because the proposed lease areas are located in the North Cleveland Inventoried Roadless Area (IRA), the recent decision which subjects National Forest lands in Alaska to the Roadless Rule means that any affirmative consent determination will require final authorization by the Secretary of Agriculture.

However, the proposed lease acreage encompasses only 7.3 percent of the IRA, with development of the geothermal plant likely occurring on the private land on Bell Island. The Swan Lake to Tyee Lake Electrical Intertie is also located in the IRA in close proximity to the pending lease areas. As described in the SEIS, any additional impacts to the IRA resulting from the exploration, drilling and utilization of geothermal resources would be minimal and should not preclude the Secretary from authorizing the consent determination.

BUREAU OF LAND MANAGEMENT

Trapping Cabin Policy – Beginning in 2008, the Commission worked with the BLM in an effort to revise the agency's longstanding trapping cabin policy for Alaska. Since that time, Commission members and staff have met with trappers, including the Alaska Trappers Association, BLM managers and State agency representatives to discuss concerns with the current policy which has been in place since 1987. Little progress was made through 2010.

Finally, in March 2011, the Commission wrote to the BLM State Director asking the agency to take the logical next step and initiate a formal public process. A formal process would provide trappers and other interested individuals an opportunity to suggest changes and to review any proposed changes to the existing agency policy for permitting the use and construction of trapping cabins. In response to the Commission's request, the State Director decided to refer the issue to the BLM Resource Advisory Council (RAC) and asked that group to advise him regarding the need for a policy revision.

The Commission submitted written comments to the RAC at its April 2011 meeting in Anchorage. Those comments pointed out what we had learned in our discussions with trappers. The 1987 cabin policy contained economic criteria that were difficult, if not impossible, for the majority of trappers to meet. Because the BLM classifies trapping cabins (other than those permitted for use by federally qualified subsistence users) as commercial cabins, existing policy required that the commercial activity generate at least 25% of an individual's annual gross income before a lease or permit for cabin use or construction could be issued. Every trapper the Commission heard from clearly felt that this figure was not feasible and did not reflect current economics with respect to trapping.

The RAC formed a subcommittee to make recommendations for revisions to the cabin policy and at presented those at its November 2011 meeting in Fairbanks. Commission staff reviewed the subcommittee's recommendations in consultation with the Alaska Trappers Association and individual trappers and presented testimony supporting those

recommendations. The RAC adapted several recommendations for revising the cabin policy and submitted those to the BLM State Director.

A final decision was made and an Instruction Memorandum was issued by the BLM State Director in September 2012. The revised cabin policy is a significant improvement from the 1987 policy. Under the revised policy, in addition to holding all required State, local or federal authorizations, an applicant must show: a) Sixty days of trapping activity during at least one of the preceding three seasons; b) Ownership of 20 or more traps; c) receipts for investment in the activity (fuel, trapping equipment, food, etc.); and d) Proof of commercial sale, barter, and /or creation of commercial value added products. The trapping community has endorsed the revised policy and several cabin permit applications have been filed with the BLM.

National Petroleum Reserve – Alaska - Draft Integrated Activity Plan -

The Draft Integrated Activity Plan/Environmental Impact Statement (IAP/EIS) for the National Petroleum Reserve-Alaska (NPR-A) was released in 2012. In commenting on the plan the Commission supported the general purpose and intent of the planning effort to determine the appropriate management of federal lands and subsurface resources within the NPR-A. However, we strongly objected to the manner in which BLM alternately followed and ignored key provisions in an extensive list of statutes, regulations, policies and manuals, in some instances omitting relevant information. The result was a draft plan that the Commission found to more closely resemble a management plan for a conservation system unit or similarly designated area than one which met Congressional direction for the management of the NPR-A.

The Commission opposed the inclusion of eligibility and suitability determinations for rivers within the planning area for the purpose of recommending their designation as wild and scenic rivers. Inclusion of these determinations is inconsistent with the provisions of the Alaska National Interest Lands Conservation Act (ANILCA). The draft IAP/EIS incorrectly asserted that the BLM is required by the Wild and Scenic Rivers Act to conduct reviews of the rivers within the NPR-A to determine their eligibility and suitability for possible designation. In light of the provisions of Section 1326(b) and other actions taken by Congress in passing ANILCA, this is incorrect.

Congress added 26 rivers to the Wild and Scenic River System through ANILCA and directed the study of an additional 12 rivers under Section 5(a) of the Wild and Scenic Rivers Act. That is the sole authority for wild and scenic river studies in Alaska, unless Congress directs additional studies.

Because four of the rivers studied under the draft IAP/EIS were studied previously, we questioned both their re-evaluation and, as applicable, the proposed decision to recommend

designation, particularly since they were previously found unsuitable. We also found the wild and scenic river reviews to be inconsistent with the BLM's own Wild and Scenic River Manual 8351.

The draft IAP/EIS made a number of basic assumptions regarding impacts to oil and gas exploration and development activities, including transportation needs. The draft IAP/EIS then looked at how these activities, including transportation, would be affected under each of the four alternatives. One effect that was not considered under the two alternatives recommending wild and scenic river designation is how designation would impact development of transportation and utility system corridors.

The Commission also objected to the inclusion of any inventory of wilderness characteristics in the IAP/EIS. As with the wild and scenic river review, the question of wilderness within the NPR-A has been addressed under the National Petroleum Reserve Production Act.

In July 2012 Secretary Salazar announced that a new preferred alternative for the NPRA was being developed. The final IAP/EIS was released in late December 2012. A Record of Decision was signed in February 2013.

OTHER ACTIONS AND ISSUES

Joint Pacific Alaska Range Complex Modernization and Enhancement Draft EIS – In March 2011 the Commission submitted scoping comments on this proposal to expand several military operation areas used for training purposes by both the U.S. Army and U.S. Air Force. A primary concern heard from residents of the affected region and others was air safety related to low level military aircraft operations. Other issues identified included possible negative impacts on the Nelchina Caribou herd calving and migration, impacts to waterfowl nesting, staging and migration, moose winter range and fish stocks. This expansion also could introduce negative impacts from high noise levels over important recreation areas along the Richardson and Denali Highway corridors, Summit, Paxson and Fielding Lakes, Lake Louise, and the Gulkana, Delta and Wood Rivers.

The Joint Pacific Alaska Range Complex (JPARC) Modernization and Enhancement Draft Environmental Impact Statement (DEIS) was released in Spring 2012. Because of the size and complexity of the document, the Commission requested an extension to the original 60 day comment period. The Alaska Command granted that request and extended the comment period an additional 30 days.

In commenting on the DEIS, the Commission recognized the crucial role the military plays in defending our nation and expressed its support for the Department of Defense's mission and understanding of the need for training areas to ensure the readiness of our military forces. Commission members did, however, have concerns about the potential impacts from the proposed expansion of some of the training areas as well as other elements of the proposals outlined in the DEIS.

The Commission fully understands the vital role the military plays in Alaska's economy. At the same time, the civil aviation industry makes significant economic contributions to the state. According to the Aircraft Owners and Pilots Association, the civil aviation industry in Alaska contributes approximately \$3.5 billion to the state's economy and supports an estimated 47,000 directly and indirectly related jobs. In addition, civil aircraft routinely provide the most economical and feasible means of travel for Alaskans as well providing the primary method of access for utilizing many of the resources of the state. The Commission stressed that it was essential that a balance be struck between the military's operational and training needs and those of the civilian population as they are supported by the civil aviation industry.

The proposed expansion of the Fox 3 Military Operations Area (MOA) and designation of a new Paxon MOA represent a significant expansion in the amount of Alaskan airspace directly affected by military training activity. The Commission has heard from members of the public who are concerned that 67% of the lands affected by the existing MOA and the proposed expansion areas are State owned. They find it disconcerting that with 60% of the lands in Alaska federally owned, the lands most impacted by the proposals in the DEIS are state lands. Many Alaskans believe that it would be more appropriate to designate MOAs over federal lands.

The DEIS indicated that the proposed expansion of the FOX 3 MOA and designation of a new Paxon MOA have the potential for significant adverse impacts to airspace management and use, noise levels, flight safety, land management and use, recreation and socioeconomics and that management actions or mitigations are required to avoid or reduce impacts. The Commission agreed with this assessment.

The public expressed significant concern with the expansion of the FOX 3 MOA and the creation of the Paxon MOA. Of even greater concern was the proposal to lower the minimum altitude restriction for military aircraft from 5,000 feet AGL to 500 feet AGL. The area that would be included in the proposed expansion is used extensively by general aviation pilots, air taxi operators and transporters to support hunting camps and mining operations, conduct air tour operations, access recreational areas or make other uses of this region.

Given its proximity to Fairbanks, Anchorage, the Mat Su Borough and the Copper River Basin, the airspace is heavily used by civilian aircraft throughout the year. The Commission commented that lowering the minimum altitude to 500 feet AGL greatly increases the collision potential with high-speed military aircraft engaged in training maneuvers in the Fox 3 MOA. Because of the heavy use of the proposed Fox 3 expansion area for access to the southern Alaska Range, the Denali Highway, the Nelchina Basin and the Talkeetna Mountains, and to minimize the risk of mid-air collision, the Commission recommended that expansion of the Fox MOA should be limited to no lower than 5,000 feet AGL, and to the smallest possible lateral extent to minimize the risk of mid-air collision.

The Commission was also disappointed that there was no high altitude only alternative for the proposed Paxon MOA which covers Isabel Pass and portions of the Eastern Alaska Range. During scoping, there was considerable public concern about the potential negative impacts to civilian air operations from military aircraft operating as low as 500' AGL if this MOA is designated. Isabel Pass is a major Visual flight Rules (VFR) route for civilian aircraft. It links northern and interior Alaska with south central and southeastern Alaska. As with the proposed Fox 3 expansion area, this route is used extensively by civilian aircraft to access hunting and fishing areas, private cabins and homesites, mining operations and small airstrips on the southern flanks of the Alaska Range.

The DEIS proposed establishing or expanding existing VFR flyway corridors as mitigation measures for the Fox 3 MOA and the proposed Paxon MOA if designated. After discussing the issue with several pilots familiar with the areas, the Commission commented that while designation of specific VFR flyway corridors may be realistic in the Fox 3 MOA, the highly variable weather in the area of the proposed Paxon MOA makes designation of a single corridor unfeasible. It would also concentrate VFR traffic in an already limited area and increase the potential for a mid air collision between civilian and military aircraft. We strongly suggested that if the Paxon MOA is designated, it should be limited to high altitude use only.

The DEIS stated there is a potential for adverse impacts on biological resources, public access, and subsistence, but that impacts are not expected to be significant and that management actions or mitigations may be required to avoid or reduce impacts. Based on our assessment, the Commission stated its belief that the potential exists for significant adverse impacts to these three resources. We suggested the development of mitigation measures for inclusion in the final EIS and Record of Decision.

Because of the importance of this area and its wildlife resources for a wide range of uses and user groups, the Commission commented that simply monitoring the effects of training overflights is not sufficient to protect those resources. Previous studies and surveys have established the effects of these types of activities on biological resources. We recommended that the Final EIS and Record of Decision include specific mitigation measures for caribou

and moose during calving and post-calving periods in the existing Fox 3 MOA and for the proposed expansion area, including the proposed Paxon MOA.

Again, based on our discussions with ADF&G biologists and others, the Commission suggested that a minimum elevation of 5,000 feet AGL be maintained from May 15 through July 15 throughout the existing Fox 3 MOA, including any expansion area. This will reduce stress on the Nelchina Caribou Herd during critical calving and post-calving period.

The DEIS listed an existing mitigation measure for the Delta Caribou Herd calving areas which established a minimum overflight altitude of 3,000 feet AGL from May 15 to June 15. The Commission suggested modifying the mitigation by increasing the minimum altitude to 5,000 feet AGL and extending it from May 15 to July 15. We also suggested adoption of the same May 15 to July 15 flight restriction of 5,000 feet AGL for moose in both the Fox 3 MOA and the proposed Paxon MOA. Even though moose do not have concentrated calving areas, they are susceptible to low level, high speed aircraft overflights during calving and post calving periods.

To avoid significant adverse impacts to hunting activities regulated under the State of Alaska's general hunting regulations in the Fox 3 MOA (existing and proposed expansion area) and the proposed Paxon MOA, we recommended that no major flying exercises be conducted in these areas from August 10 to September 30 and October 21 to November 31. This will prevent disruption of big game hunting in these areas during the peak seasons

The Commission also noted that the Fox 2 MOA and Eielson MOA areas are used extensively by moose hunters during the fall and winter. The fall hunt extends from August 15 to September 25, with most use occurring between September 1 and September 15. Winter hunting usually falls within two timeframes, November 15 to December 15 and January 15 to February 28. As a mitigating measure, the Commission recommended no major fly exercises during the fall and winter hunting periods and no flights below 5000 feet AGL.

Because of the high potential for adverse impacts to the resources in the MOAs, appropriate mitigation measures must be developed. In order to effectively identify, develop and implement necessary mitigation measures the Commission suggested that the Alaskan Command establish a comprehensive program involving regular consultation and coordination with the Alaska Department of Fish and Game, the Alaska Department of Natural Resources, and Federal land management agencies. Consultation should also include public user groups, private property owners, and the civil aviation community. This consultation and coordination should continue through the FEIS and Record of Decision, the FAA review of the airspace proposals and the implementation of this plan as its impacts will continue to affect all parties.

The Commission questioned the Impact Assessment Methodology used in the DEIS to assess the level of dependence on subsistence resources by communities potentially affected by the proposed Fox 3 MOA expansion and the proposed Paxson MOA. Chistochina, Dot Lake and Gulkana were listed as having a high dependency and Cantwell, Gakona, Glennallen and Paxson were considered to have a medium dependency. Chickaloon was assigned no ranking.

The Commission found no basis for making different high dependency-medium dependency rankings for these communities when all pertinent factors are considered. All of the communities are on the road system and have similar access to alternative resources. In addition, for the eight communities listed, an average of 97.25% of households participated in subsistence, with no community having less than 92.7% participation. For the seven communities for which information was available, residents harvested an average of 158 pounds of subsistence resources per capita. Harvest for Paxson, which was ranked as having a medium dependence, harvested 289 pounds per capita. This is more than the amount of per capita harvest for Dot Lake (115 pounds) and Gulkana (152 pounds). However, both of those communities were ranked by the DEIS as having a high dependence on subsistence.

A more realistic assessment of the subsistence harvest data for these communities would indicate that all of them have a high dependence on subsistence. As the Commission did in its our scoping comments, we pointed out that the preference for subsistence uses on Federal public lands in Alaska is provided to all rural residents, both Native and non-Native, under Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA). Ranking a community's dependency on subsistence resources on the basis of the percentage of Native or non-Native residents is inconsistent with both ANILCA Title VIII, as well as federal and state regulations. While it may be appropriate to rank an affected community's dependency, other criteria should be used. We suggested that the discussion in final EIS , including any discussion of statutory or regulatory provisions, be revised accordingly.

Draft Alaska Federal Lands Long Range Transportation Plan- The Commission reviewed and commented on the Draft Alaska Federal Lands Long Range Transportation Plan (LRTP). The LRTP is intended to address strategic and policy level issues rather than specific plans or projects for the Federal public lands in the state.

The Commission expressed concern that on the policy level the LRTP focuses primarily on transportation needs for tourism, recreation and subsistence, but did not adequately address future transportation needs for resource development or community growth and development.

The Commission commented that the plan also failed to recognize that the potential for increased development of oil and gas, minerals, and timber resources on State, Federal and

Native Corporation lands are directly affected by Federal land management agencies' laws and policies. While resource development activities may not be permitted on millions of acres of Federal lands within conservation system units or other withdrawn areas, in many cases they occur on State and private lands that are within or effectively surrounded by these areas. We found that even as strategic and policy level documents neither the umbrella plan nor the individual step down plans addressed this issue in sufficient detail. The federal agencies issued their final plans in September 2012.

CONCLUSION

During 2013 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 continue 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
Representative Wes Keller Chairman
Stan Leaphart, Executive Director

Citizens' Advisory Commission on Federal Areas | 2012 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
Yukon Flats National Wildlife Refuge	8,632,224	0

Citizens' Advisory Commission on Federal Areas | 2012 Annual Report

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 Fjord Wilderness Study Area	1,412,230
Total	7,165,778

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
Birch Creek Wild and Scenic River*	126.0	80,640

Citizens' Advisory Commission on Federal Areas | 2012 Annual Report

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
Total	952	609,280

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

* Component of the National Landscape Conservation System (P.L. 111-11)

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
Sheenjok	Arctic National Wildlife Refuge	160.0
Wind	Arctic National Wildlife Refuge	140.0
	Total	1027.0