

**CITIZENS' ADVISORY COMMISSION ON FEDERAL AREAS
ALASKA STATE LANDS ADVISORY GROUP
MAY 5, 2016 | ANCHORAGE & FAIRBANKS LIOS**

DRAFT WORK SESSION MINUTES

10:07am: Call to Order

Roll Call and Introductions

Chad Hutchison for Senator John Coghill (ph); Warren Olson; Rod Arno; Bill Satterberg; Charlie Lean; Ron Somerville; JP Tangen; Ray Kreig; Stan Leaphart; Susan Smith; Bud Fate; Mead Treadwell; Mark Fish

10:14am: Opening Remarks and Discussion

Mead Treadwell – Met with Canadian Premier of the Northwest Territories recently who has gone through the devolution process to gain control of all NWT crown (public) land, and now working on offshore. The devolution process makes things so much easier, including setting things aside for the environment. I have also met the Resources Commissioner for the Yukon and more recently with officials from Nunavut and Greenland who have in the last decade gained more control of crown land. Seriously believe it is in Alaska's best interest to ask for more land. What we are working on is essentially a petition. I do not know how it will be received, but we are not the only people knocking on the door. What we are trying to put together is a comprehensive petition. Will ask politely but with ammunition to ask in court. Set of thoughts on how we may need to be confrontational with the federal government.

Mark Fish – Happy to be a part of finding solutions, makes me optimistic that progress is being made. Scott Ogan just posted yesterday about a win we had in the Mosquito Fork, maybe the courts are coming around, too. Happy to find a path forward on addressing this idea, which is a great one.

Stan Leaphart – I don't know if we will make any progress towards getting another acre of state land, but I think it deserves every effort we can give. Maybe convey to the federal government that things are not working and offer some alternatives. The effort is worth whatever comes out of it. If we were out there by ourselves, those wacky Alaskans again, but the western states are reviewing this situation as we are, absentee landlord that does not always manage it as well as it could or to the benefit of the people in those states.

JP Tangen – Just chatting with Ron Somerville and commiserating on the fact, in 1980, we started down this slippery slope and have not changed direction and things have not gotten better. Started with a flawed product in 1980. Very important that we talk, honored to be amongst such company. Meeting and talking is no substitute for action. Some of the things that have been raised here are extraordinarily exciting, as they possibly portend an action portfolio. We need to find a way to make things happen, make things change, looking forward to being a part of that. Hope we can restore a little federalism into the mix and to actually assert some of the concepts originally intended when Alaska became a state and when the other states came into the country, as well. Time to start resurrecting federalism concept. Cannot talk about the federal political situation, we have already talked about letters to the candidates for the White House, but we need to continue to find ways to make our voices heard.

Ron Somerville – Think I've been around too long. Having served on the (d)(2) task force and negotiations that went into the 1980 law, and I am sitting here today fundamentally discouraged. Even if we do not get one more acre, if we could at least get the authorities and the things we were promised. Look at the navigable waters situation. Does not make sense the State gets dragged through that process. We talk with agencies, communicate with them, and they ignore us. We need a different strategy. Look at ANWR, look at wildlife management, which is a mess, we will lose our fisheries. The State is not going to retain anything promised at statehood. To say I am discouraged is an understatement, but I am willing to still try.

Charlie Lean – I worry that the DOI, which I view as the primary problem, the largest agency there is the NPS, and the current administration and population centers in the lower 48 view parks as a natural and passive situation. Admire the wildlife and don't disturb. In the west, we need to reassert our authority over wildlife, fish, transportation, these were promised at statehood, in ANILCA, and now they are backing out. You can either roll over or do your damnedest, and I am all for taking some action.

Bill Satterberg – We have to do something. If you take a look at the four focal areas, I have to agree with the last three or four comments. If we want to get out of here, it will be through litigation or confrontation. Quickest way to get standing in federal court is being a criminal defendant. Sometimes it is a dangerous situation, take a look at Oregon obviously, but if we are going to cauterize this thing, we will have to do something pretty wild. Whether its the Governor and Don Young on a bulldozer building the King Cove Road, or John Sturgeon hopping on his hovercraft, we need to do something to get their attention. Based on the current presidential candidates, I do not think any are going to have Alaska's best interest at heart. Draw their attention and change their position. I spoke to John Sturgeon about the motion passed yesterday and he was happy to hear that. One thing I like about this group is we sunsetted ourselves. If we are going to do something, we should look at litigation and confrontation, and I see confrontation as the only way to get attention.

Rod Arno – I want to thank the federal agencies for turning up the heat. People are finally saying, is that what happened in 1980? Federal Subsistence Board has closed caribou hunting, for the first time people in that working group figured out what ANILCA says and they are shocked they are being thrown out of there with a population that isn't even close to the limit of needing to meet subsistence needs. They did it because two RACs suggested it, do not like non-subsistence hunters being there. When the Board passed that as feeling it was the right thing to do, which they reiterated yesterday, questions were brought up about the economics and the NPS says that is not for us, Board says that is up to the RACs. So, without any documentation at all, they made the closure. The big issue is the rivers, where most of the local population hunt. Concentrating all the use on those rivers, boiling up to a point, and thanks to John Sturgeon's efforts, it has their attention and they are backing off. Navigable waters will be right at the head of that. Thanks to the federal government for cranking that up.

Ron Somerville – When I was on the Board of Game, we had a committee to work with agencies. Locals have requested limits for non-residents for a long time. Conflict is primarily people congregating at migration corridors, and land managers refused to participate in providing a solution. Not a new problem. Decline in herd has amplified their concern. No one has established what is necessary to meet subsistence needs.

Rod Arno – Main point from the meeting yesterday is they do not care if non-subsistence users are taking 2% or 0%, they do not like their presence on federal land. There are guides affected by this, guides on the work group, and the two concerns were they were not forewarned this was coming two years ago so they could have not made the bookings and they offered to leave the meat in the community. Short term thinking on their part to see if their segment can fit in.

Ron Somerville – Biggest economic impact will be on Kotzebue, they have a big transporter business taking people out there.

Rod Arno – Anthropologist on the Board was giving a presentation, asked if the economic effect was addressed by the Board, and she said it was addressed by the RAC before they submitted the proposal for closure.

Warren Olson – We have had 36 years since ANILCA passed and had a roll over population in Anchorage about 4 times over. Hard to educate the public. Want to put together a war chest, we have to get everyone to a neutral arena for decision making. Sturgeon has proved that to us. On Sturgeon, Equal Access to Justice Act, significant statute taken advantage of by the environmentalists, in paragraph 2 of that statute, it states you can have a net worth of maximum \$2M to qualify for funds back. Low and behold, John Sturgeon has that net worth in counting all his assets. But people can use that to get their money back. I am all for Scott OGan's plan to build a war chest. Seek sovereignty on all these issues, act like other states and demand it.

JP Tangen – Report prepared by Virginia Institute of Technology on how the Equal Access to Justice Act has been abused. We spent a little time talking about this at the ASLAG meeting yesterday, and I find it a good place to start, thinking about it.

Scott Ogan – Mosquito Fork decision, have not read it yet but former staff briefed me on it. Decision smacks down BLM. The BLM was taking references to Gulkana out of any determination as a systematic procedure and we spoke up about it. They were told they acted in bad faith, by the Solicitors and the BLM, it triggers some kind

of review or investigation by oversight agencies. These lawsuits are so arduous. It is phenomenal work. In recovering attorney fees, all the arbitrary and capricious aspects of their findings came out. Tried to avoid considering the merits, and it all got on the record. And while BLM was trying to not have it on the record, by issuing a disclaimer, the opinion is an amazing read. The Emperor has not clothes, and I suspect it is a systemic problem of multiple agencies pulling multiple things on the State to try and take away authorities. I took the privilege of the floor in the legislature and suggested we set up a \$1/acre defense fund, a cheap title insurance policy, and that could spin off at 5% annual budget to go after the agencies. There is nothing that frightens a bureaucrat more than getting a stack of paper on their desk with another lawsuit. An honor to serve with you guys. When one state does something, it is an idea, and when multiple states do something, it is a movement. Utah has been a leader on navigability and now on transfer of public lands. They have money appropriated to litigate, waiting to see what happens with the Supreme Court appointments.

Ray Kreig – Always come to these meetings pretty depressed but, listening to everyone, I feel energized and more hopeful than I was an hour ago. What we are working on is foundation for the next hundred years of our state. Just because we are in a financial crisis in this state, what we are doing is more important when oil is at \$30/barrel than when it is at \$100/barrel. We are all straining at what needs to be done. Money is being burned on other things in this state, even with low price of oil. Keep in our minds what we are doing is the right thing to do, and we should not be bashful in telling legislators to do this, think long term.

Bud Fate – A real honor to serve with the members of ASLAG who are really knowledgeable and particularly in conjunction with CACFA, whom we want to advise. Many times we have brought attention to the failings of ANILCA. Even after Sturgeon, it is business as usual. We are trying to stop this, but the point is this is just the beginning, and we cannot stop our efforts because, if we do, history will repeat. If I had any advice and encouragement to this combined group, it is to continue with every effort that we can, including the legislature, to try and get something in the language like the motions passed yesterday, the war chest for example. I hope we have a very successful day today, to continue this battle to not just manage our lands but to address the needs of the Native community, before a lot of really successful inroads into the is problem are made in the future. Craig and I discussed this yesterday, we are going to try and collaborate to make recommendations.

Susan Smith – I am an inholder in Wrangell-St. Elias National Park. I had a flashback to making nominations to this group. I think the end product envisioned by this group is perfect, and very exciting to me. I support the confrontation bandwagon, also comes to mind a convoy of little vehicles in Wrangell-St. Elias Park as a show of the public saying we have the right to use this road. I was excited to see it happen and I think that is what we need to start doing. A combination of confrontation and taking back some of the land is the only way we can find out of this situation. In all this navigability discussion, I came across language in the original GMP for WRST, admitting things regarding the water. They are doing a revision and I asked they keep that language.

12:05pm: Adjourn for Lunch

1:45pm: Discussion of Draft Report

Back on the record

[Craig Fleener and Teresa Hanson (ph) join the meeting]

Stan Leaphart – Currently two activities in separate states, Arizona and Montana. Arizona started a TPL study committee. They have had a couple meetings and I have not received anything from several inquiries to that group, other than the fact they are having meetings. Montana also contracted out last year to do a study, they will not release any information until the report is issued to the legislature, which they anticipate to be issued this July. The woman I have been in contact with said she would provide what she could as soon as she could. The difference between the two is the Montana study is about the management of public lands, what it would cost the state, but not necessarily the transfer itself. I have also looked at various pieces of legislation out there, a number before Congress right now but with little evident progress beyond introduction and being sent to committee. People are finding it is a complicated process to understand.

Mead Treadwell – I sit on the Board of the American Lands Council. The only thing in addition to what Stan reported is that we are quietly working on legislation to support the Utah approach but not ready to see it revealed yet. On an international basis, Joe Vogler's name was mentioned yesterday, he often talked of the UN Trustee Council. From the creation of the UN in 1945 until statehood in 1959, a report was issued from the DOI Secretary to the UN every year on how the US was working to help Alaska get self-determination. AFN's leader Julie Kitka often sounds like the late Joe Vogler when she tells this story. You have seen lots of devolution of power in the Arctic, more autonomy. This report would describe that.

JP Tangen – We have a vast library of materials to review and read, and some of it is extraordinarily interesting. The Utah legal analysis waxes quite eloquently regarding the essential burden that must be overcome - the disclaimer clause in the statehood act. Likelihood of success in litigation, sovereignty, equal footing doctrine and compact theory. Whether litigation is likely to be successful, what the likelihood of success is, some percentage, is still an open question. Beyond the fact it is on the table, I do not have any way to respond to that at this time.

Bill Satterberg – For the State of Alaska, litigation would be cost-counterproductive. It is a means to an end, not the end itself, and sometimes you need to launch the missile to get to the negotiating table. Unless we are serious, we do not want to start something we are not going to finish. HB 115 never made it out of committee. You want a winning argument when you go in there, but I'll be honest, I did not think Sturgeon was going to win, either. Litigation should be viewed as closely synonymous with confrontation.

Ron Somerville – Does filing litigation as large as this give us leverage on what we are pursuing in Congress? Pacific Legal Foundation often sues not to win but for leverage, with respect to endangered species.

JP Tangen – The first rule of litigation is, if you are in for a dime you are in for a dollar. While settlement is still on the table, if you are not prepared to go the whole road, don't bother filing. I have worked closely with Pacific Legal Foundation over the years, not saying you cannot settle, but you have to be in a position where you pick and choose when to settle, not because you ran out of money.

Bill Satterberg – You need a good case and to show you will carry it through.

Stan Leaphart – The legal analysis done by Utah was very readable, even for a non-attorney, I would suggest we take a look at how it was presented and incorporate that same clarity and import into whatever report we do. When Mike Schechter gave his briefing to CACFA in January, he mentioned a paper that was under development by the Council of Western Attorneys General. Does not appear to have been released.

Bill Satterberg – Would be a lot cheaper to tag along as amicus to Utah case.

Craig Fleener – Push back a little on the idea of us necessarily knowing we have a great case, not that I disagree, I have just seen the other model so successfully used by others, bombarding the government with lawsuits, and they can gum up the works. By trying to clean the wheels out, the government talks to them, they get the audiences we never get. Those people are in the White House having had that yardage we never got, those seats at the table. It will be expensive and long-term, a 50-year strategy to take back our state, but if we have to have a great chance of winning, we are not going to win very often, and we all know that.

JP Tangen – For the first point, I 100% agree we should be tearing pages out of the environmentalist handbook with both hands. They have 40 years of experience refining what they are working with and they do it very well. What you have suggested changes the focus, we are talking about a rifle shot and they use bird shot. If we were filing a hundred lawsuits, we could do what you say. They also have a bottomless pit of money.

Scott Ogan – Federal bureaucrats do not know their own regulation, and they have these arbitrary policies. When we appealed 17(b) easements, we read the regulation and I would school them on those. We won seven consecutive cases in the IBLA. I look at litigation as behavioral modification. Bureaucrats seek the path of least resistance. Build resistance and they will stop, they will start showing up in our office and that is the path of least resistance. Negotiate from a position of strength.

Mead Treadwell – What CACFA is likely to get from the report is as follows: You have a resolution already to support Utah. We are going to try and do some homework and analysis on approaches, there may be a “Hail Mary” pass. In our grievances, we have a number of them [supplement from recording]. Governor Hickel sued on ANILCA, basically, asking for payment because we went from a statehood promise of 90% of something to 90% of no prospect of income on large amounts of set-aside federal lands. The federal defense was that there was, in the Statehood Bill, no compact, which the judge rejected. Then they argued the 90/10 sharing was not part of the compact. No one can tell you what the compact is, the feds will say it was to join the union, there was lots of debate language that said these terms could not be changed. We have common cause on the compact issue. That is a legal pathway we will be including in the report.

Ron Somerville – Are you looking at potential legislation?

Stan Leaphart – CACFA has already made those recommendations, the Quiet Title Act, the Alaska Land Use Council, and do we want to open up ANILCA to adjustment. We had a discussion with Senator Murkowski and Don Young, who was sure he could push through some fixes but not sure what would happen in the Senate. Murkowski urged caution as no one wants to fight those battles again. We get a bad decision, like Sturgeon, maybe you could tweak that for clarification. Talk to other people and there is a lot of caution to open up ANILCA to get at the bad stuff and not have the good stuff fall out. Be nice to fix them but not necessarily to kick the hornet's nest. That is not to say maybe we shouldn't try. If that is what it takes to get to resolution, make ANILCA more rigid as opposed to malleable, that may be beneficial.

Ron Somerville – I just want to amplify, a minor amendment to the Quiet Title Act to gain title to our submerged lands could be a huge resolution of multiple issues. There are things we could do legislatively.

Mead Treadwell – Would that be Congressional committees on judiciary or natural resources? There may be committees where we get help on that.

Craig Fleener – I actually think, unless it has already been done, I would like to know what good we are getting out of ANILCA. I have not heard we are getting a good end of this deal, they are not abiding by the rules, we are getting short-sheeted. We need an analysis done of ANILCA.

Mead Treadwell – On legislation, do or don't do amendments to ANILCA is a question. One thing we have had conversations with, we need a list of small things in ANILCA that do not open up the whole bill. Like defining the word "solely." On the 90/10 in the Statehood Act, a separate bill requiring 10-year revenue projections with state approval. I think the consensus we have is a way to bring something like the ANILCA Alaska Land Use Council back, but with hooks. We all lived through Coastal Zone Management, giving local governments the ability to put hooks on state permits. Alaska Land Use Council still let the feds ignore the State. The issue of defining the compact, what it means. Watch the new federalism, some legal research on that. Amendment to Quiet Title, or some kind of comprehensive look at RS 2477s and marine lands. If there are 22K water bodies where title is uncertain, maybe you sue on all of them and maybe you win and maybe you don't, but it shows Congress how nutty it is. You have seen Supreme Court decisions that say delay is justice denied. That is the list we are working on. I made a note to look at CACFA reports on legislation.

Stan Leaphart – ANILCA has been amended numerous times, without a whole lot of damage (other than the Tongass Timber Reform Act). Most recently, the D.C. Office of Personnel Management decided the local hire provisions were in error and Senator Murkowski was able to put language in the omnibus lands bill and it was without much controversy. Some that we would try would obviously galvanize the opposition. Not that we shouldn't take a run at it.

JP Tangen – With regard to amending ANILCA, we do not need to seek a stand-alone bill, we can hang ornaments on a lot of passing Christmas trees. The good things that came out of ANILCA, you could probably count them on one hand, but it brought the issue of conservation system units to a close. Regarding the Quiet Title Act, on March 28, I offered testimony at a senate hearing in Fairbanks on behalf of the Alaska Miners

Association, among which were reauthorizing the ALUC, have legislation recognize RS 2477 and the Submerged Lands Act, those acts are not the problem. State was granted title in the statehood act, but what constituted navigable waters has not been resolved. We can point to Gulkana and embrace the standard in ANILCA. Recommended RS 2477s accepted by the State be granted to the State. The State just lost an RS 2477 case, which hurts a lot, the court ruled that with a conflict between Native allotments and RS 2477s, the Native allotment prevails because of the exception in the Quiet Title Act.

Mead Treadwell – Sometimes negotiation is a crucible for it, like the Alaska Land Use Council, and sometimes it is things like getting the federal administration to agree to things. If it is not legislated, it was thought up by bureaucrats, hard to undo but you can sometimes through negotiation.

Bill Satterberg – Negotiation, as I view it, you have to have some power, whether that is litigation or however you get their attention. I think all the focal areas are intertwined. At this point, you have to get something started before you negotiate. Knowledge, Power and Time - the Negotiation Triad. Where is our power base? We are going to have a major change of administration in six months, need to start working now to get to those folks, a negotiation factor there (harder to negotiate with current administration).

Ron Somerville – Effort to bring back the Alaska Land Use Council, hard to recommend without some caveat, arbitration process where there is disagreement. We are negotiating but they are not listening. The responses to the State's comments on the plan, being treated like an invisible member of the public. We used to just go negotiate with them, now we are like the public, that is a huge difference. We need to force into this some arbitration process.

Mead Treadwell – Needs hooks. Last time I waded into a plan was when the USFS was redoing the Chugach, and I was thinking about acquiring some land there. I went to the Service and they had decided not to allow it, even though statute authorized it. That was an individual bureaucrat's decision, not to work with private enterprise. If there had been a hook that required a sign-off on that plan, you could have leverage. We are very serious about looking at leverage. We have sovereign things that we have, and some veto authority like with offshore drilling. We have to be able to get that hook, and if we fail on Separation of Powers doctrine, we need the transfer of public lands.

Craig Fleener – If you are going to negotiate, it has to be a position of power, shared authorities or something both parties stand to gain by talking. The way I feel right now is that the federal government doesn't need anything from us because they take what they want. We need to do an analysis of where we do have power. The only hook we have is a Congress willing to step in and get control, or a federal administration that is a little friendlier, but I have not seen it with friendly administrations in the past with the thousands of federal employees lower down who were not friendly.

Mead Treadwell – A couple examples of decent cooperation, Coast Guard, mapping resources, fishing, naming things. We will talk about good cooperative processes, but also the value of hooks. Sturgeon might bring us an opportunity for negotiation.

Stan Leaphart – One thing we included in the outline was using existing advisory structures, for the public to participate in some decision making by the BLM, USFS. Can influence documents by getting involved early on, getting cooperating agency statutes, which is a huge commitment but you are at the table. Maybe these are not the solution but they are existing ways to get your voice heard and influence these decisions. If there are existing tools, we need to make better use of them, explore those avenues while we find more effective avenues. Pulling back because it won't work the way we think, or because it is time consuming and costly, if you are part of that planning team, you are part of that plan.

Ron Somerville – You have to consider, there will be even less negotiation because of the fiscal crunch. Staff time is taken away.

Bill Satterberg – Declaration of Independence, clear confrontation. I made a list of people in Alaska that we might be able to look at. Wally Hickel, Joe Goldberg, John Sturgeon, Lynnette and Dexter Clark, Don Young, Jim Wilde, Arctic John, Wrangell protest, Denali protest. We are not declaring a revolution and asking them to come invade Alaska. But I do believe, if you scream loud enough, you get attention. People will want to know what is happening here. It will take a Governor willing to help, too. When it reaches a crisis point, things settle. Should consider building the King Cove Road, having someone take a hovercraft up the Nation River, pick the battle that will get things done.

Ron Somerville – We need to add one person to the list, Bill Egan. Took a position, nobody is fishing at Metlakatla until I get a decision from the Supreme Court. He did not like the decision but he got what he wanted.

Bill Satterberg – We also refuse to enforce some federal laws that don't work here.

Mead Treadwell – A lot of bureaucrats do not understand their own regulation. 1996 Amendment to the Alaska Constitution that has never been tested. The language said that basically if it is against the statehood compact it is not to be enforced here. Any citizen could argue that, and we put that in the constitution because we wrote the constitution before we knew we'd be coming in by compact. We have had no Attorney General who has wanted to use it, but we need a good case. I think King Cove is a great example of confrontation, or anytime they tell us they are trespassing when we are managing wildlife, we trespass and indemnify those who do it. They have incrementally taken away our wildlife control, and that was one of the deals. When the trespass is used against us on federal land, and we own the wildlife on federal land, I think we have to insist on this, as far as water quality, access, and so on.

JP Tangen – I think one of the elements involved in the litigation mandate relates to the Supremacy Clause, which says the laws of the U.S. prevail over state constitutions, and this was tested a number of years ago with the (6)(i) case. We ought to use that as the striking point for initiating litigation. It is a fantastic idea, but at the same point in time, there is precedent to review in enforcing that.

Mead Treadwell – We need to understand the limits of state sovereignty.

Craig Fleener – I always recommended we stop asking permission to do things we have a mandate to do, but we keep asking permission to manage what we manage. I gave language to numerous of our federal delegation, back even to when I was living in Fort Yukon, that says the federal government cannot prohibit us from doing things we are legally allowed to do just because it owns some land.

Mead Treadwell – I actually think there is a non-environmental issue where we can test this. State troopers will not arrest you for speeding in Denali, the feds will. We yielded police power in a place where we have police power. The State needs to assert its own role of police power on federal lands as much as on other lands. If you take it out of environment v. development, there might be lots to research there.

3:30pm: Public Participation

No one on the phone or at either location

3:35pm: Discussion of Draft Report (cont.)

Ron Somerville – Is the reverse true, the state enforcing federal regulations?

Charlie Lean – When someone is cited for speeding in Denali Park, it goes to state court but is a federal violation.

Mead Treadwell – Water quality issues, we have primacy on some things and there were common enforcement issues. I am aware of our mandate to discuss turning over lands, not police in Denali, but this might provide food for thought.

Stan Leaphart – Are there any formal agreement between Department of Public Safety and these agencies? I think there are some agreements, to enforce state regulations, but it would be beneficial to know and have copies of those agreements, make them subject to review, what does the State allow the federal agencies to do and if it makes sense.

Bud Fate – Beneficial arrangement between agencies on subsistence.

Teresa Hanson – Chad Hutchison did a research project on MMOUs that the State is a party to and has them on a thumb drive.

JP Tangen – Have to know the land and ownership history of the land, then you can look for documents to find where jurisdiction was awarded to someone else. When you cross military reservations, I spent some time in Fort Hood, Texas, which had a state road across a reservation, so the state could exercise authority over it.

Mead Treadwell – I think the fact Senator Coghill has taken an interest in this, as we are looking for specific examples there, that is what this is all about.

Ray Kreig – I won't go into much detail, for time consideration, a few high points and a recommendation. There are only a few states, Nevada and Utah, that have successfully completed a study on the benefits of transferring lands to state management, staff up and handle the transition and whether it would require appropriations, be profitable to the economy and the governmental budget. Sometimes selling higher value parcels to fund bureaucracies is proposed. The Utah study was an 18 month effort, went to 700+ pages, and was a pretty big deal. One thing I noticed was they have primarily BLM and USFS lands. BLM had oil production, but USFS revenue v. management cost was totally underwater. Academics and local university studies might turn out differently, but the ones skeptically coming into the study in Utah were won over and supported the conclusion that it would be in the state's interest to take over those lands. We need this information. The American Lands Council told us the first arguments against it will be that we cannot afford it. We are obviously faced with a situation where we cannot come up with \$500K to explore things to the same depth, ours is almost a study of a nation considering the diversity across our state. We have corporations that already manage large areas of land, we know the costs of land management for business corporations. You will have both agencies and consultants looking at this as an opportunity to do a big study and gain revenue, spend money we do not have. There is so much knowledge that exists right now, might consider a soft roll-out that feeds into doing a more formal study to help people concerned about this issue. DNR internal info gathering, with leadership support, firefighting, forestry; Native Corporation financial info gathering; and, an intern pulling it all together. We could cover a lot with existing resources.

JP Tangen – Did those economic studies take into account the spending power of federal employees in the region?

Ray Kreig – I haven't looked at the reports in that degree of detail, but I have reviewed the summaries and am not fully comfortable with some of the things there, but they did get into the multiplier effect. I am concerned about our foundational document being the best it can possibly be. When you look at interpretations, by tweaking a few multiplier numbers, studies lose credibility unless you have a foundational document behind it.

Charlie Lean – The multiplier effect takes place where there is local industry, purveyors of resources make some money, and that goes into the community. It works well for mining, fishing, but in the case of tourism and federal employees in the bush, that is supplied by the government and groceries often imported, there is a lot less trickle down in the remote areas, different than Anchorage. State management would provide a better economy locally.

Bud Fate – Corporations do not have much to do with management of the land. Industry comes in and there is negotiation with the corporations, but the non-profits (like Tanana Chiefs) are mostly interested in the social issues, not land management. Trying to come up with some kind of economy. So it is difficult to manage anything, even to keep their villages viable. Some good things are coming along as villages are starting to act. There is a feeling, exacerbated by the sovereign movement, that these Native pieces are better managed in federal trusts. They feel having enough trust lands constitutes Indian country and convince Congress of that to get sovereignty. How the 44M acres owned by corporations are able to manage these lands when they have had a

tremendous amount of federal help. So it is not management as we would see management being done. They are loyal Alaskans, but they want more self-determination. Do not feel the State has done anything, want that autonomy through sovereignty. Management of those lands may not be appropriate for how land management is conducted by the State or the federal government.

Ray Kreig – Some of the arguments against the state taking over federal lands is the increased costs. The experience of the Native corporations could be viewed as a minimum. It may not be the case the State has to staff up, or be at the level it is at now, that would be a decision we could make as land owners. It does not automatically mean you have huge expenses. You can choose to manage it at a low level, custodial management.

Craig Fleener – The State has 100M acres that we spend nearly nothing managing right now. We would have to invest to receive a profit, but we can let a lot of land manage itself. God's doing a great job. How we can do a better job working with tribes, I worked for my tribe on lands into trust more than 20 years ago, and it was not for more sovereignty, it was about losing our land. Alaska Natives have lost lands and it continues to decrease. I know the fear there is the land will be gone, either physically or at the mercy of the manager of the public lands around us, state or federal. Constant fear of Natives lose their land, what can we do to stop that trend, and one method of not losing your land is giving ownership to the federal government and they hold it in trust. The idea was to maintain that land. We must partner with tribes. The only reason we are where we are is we stood so strongly on the subsistence issue. Maybe we didn't think about the consequences enough. If we had resolved the issue together, we may not be where we are today. Refusing to work together. State is right and tribes are wrong, or vice versa, we have got to get past that. We allow this issue to become a wedge by not being willing to work with a powerful part of our population, they will employ the relationship they have with this federal administration, and with the constitution, to get their needs met.

Ron Somerville – We have been our worst enemy on this issue. You look at the efforts by Governor Knowles, the solution to this was a constitutional amendment, which I think we all agree today would have significant unintended consequences, and nothing else was being considered. Most people will sit down and talk about the issue, but there has to be middle ground that both communities identify.

Mead Treadwell – We will not resolve the subsistence issue in this report, but it is very important to address Native land issues at the same time we address state land issues in this report. I urged this discussion in other western states, as well. The work we do here may influence that work Outside.

Bud Fate – Provide more authority to manage fish and game, give them the rights and education required for that management. Would go an awful long way in helping those people think the State is doing something on their behalf. This could morph into co-management. There are a lot of problems to work out, but it is something we could use to come together.

Rod Arno – I think that we are starting to see the light of the atonement that Alaska is paying for the nation, as far as what it did to its lands and what it did to the first immigrants. It started with Scoop Jackson, FLPMA, the Refuge Improvement Act, manage a resource for abundance, the divisive subsistence issue is overshadowed by what is coming from the nation. Strip the states with reserves, no predator/prey management regardless of the fact we will always be at a lower equilibrium. Finalizing the NPS rule, we are waiting now for USFWS to add another 78M acres. The hope that this is the way out of the box for subsistence, to have the State cooperate more, that has been preempted.

Mead Treadwell – The way I understand ANILCA, and how Title VIII unfolded, wolves are not a subsistence hunt, predators are not a subsistence hunt.

Craig Fleener – They absolutely are, on federal lands. We still have authority on federal lands but we need to find a way to enforce it to work around the agency actions.

Mead Treadwell – That is a set up for confrontation.

Ron Somerville – At Unimak, the caribou were disappearing with a predator/prey imbalance, and the State was told they'd be arrested if they tried to manage and they didn't.

Craig Fleener – We should not have asked for permission.

Mead Treadwell – I believe this is good for the environment. A hearing held by Senator Craig had all the witnesses explain it is better for the environment, sustainability, the economy. That is one argument we will make. Add on the examples of how the State has been very strong in conservation, had a much better management record. Several areas where the federal regulations stand in the way. Not really a constituency that cares about the population that makes decisions for its future. Environmental issues are taken care of. In no other Canadian province will they tell you local ownership has interfered with having an environmental process. Any other examples welcome.

Rod Arno – Sea otters. Decimating the bivalve population, shellfish, may even lose crab populations in some areas.

Mark Fish – Federal government has more than its share of superfund sites, it may be one of the worst polluters. The argument should be made you cannot do much worse.

4:30pm: Closing Comments

Mead Treadwell – Come up with clear recommendations on these focal areas, a good summary of those areas, and after that we can decide where to go after that to have more research done. Good arguments for legal and economic research. What you have heard is a lot of contemplation. We are aware of the mandate, the idea of bringing more power home is where we are headed, through several different means.

Mark Fish – I agree with the petition form, listing of grievances and appealing then finally saying enough is enough. I encourage the use of that. Draw attention to powerful language. Like the idea of a lot of information and then with succinct statements that can be pulled and directed or redirected. Working on phraseology, keep in mind people will be excerpting.

Charlie Lean – I think the petition works in the Executive Summary, have one-liners about each one, what is important, bullet points, then the text of this report would be however much it took to specifically outline the method and product needed to effectuate each of those points. Would be a useful format and would not be overly long.

Rod Arno – I really appreciated the discussion today, it helped focus what I have been reading. To JP's point, action, we have to do something. The petition, I think that is a great idea, the theme of bring the power home. All the people I talk to on the ground, that is all they want, to make the decisions. Another of JP's ideas, with the Federalist Papers, instead of a huge booklet that does not get read, once you fire your shot, have these points assimilated in small doses. Most important thing is having the petition legitimized by who puts it together, and having the money to make that happen.

Susan Smith – I would like to see a lot of passive confrontation immediately. Things like the closure procedures that went into effect. They are so deviant from what they set out to be, I would like to see the State say, the first time those closures are applied, we say no, that is not legitimate and we are not going to follow it. At some point, where the State is not going to participate.

Ron Somerville – As I have indicated before, I agree with virtually the entire direction ASLAG has taken in creating this petition [fill in with recording]. I think we should support a summit on subsistence, with these resource things included. ASLAG has advantages, experiences in arenas we do not usually deal with, how do we get these groups involved. If we create a war chest, what are you recommending. None of this is going anywhere until the Governor says this is a priority. Funding is the big issue, hard to get attention on peripheral issues, even "lifetime" things like this.

Warren Olson – Need to talk the language of the trustees (the legislature). Have to get these ideas over to them, so it needs to be pretty basic. Find some common ground. Two or three basic things might help, feds are out of money, multiple layers of management has failed. We have the best constitution in the entire 50 states in regards to property rights to individuals in the state. When I hear seasons are not long enough, or bag limits are not great enough, that is an issue of abundance. We had a time in this state without much abundance, and federal government tried to eliminate every predator that flew or swam. We need to stay in water we can swim in, particularly at the midpoint of the pool. Conscious of conveying this to legislators.

Stan Leaphart – Looking at this list of recommendations and aspects of the problem, there is no silver bullet. No one strategy to push back. We have to push all these strategies equally as hard as we can. Use existing mechanisms and make them work better, and figure out new mechanisms. Whether its litigation every time the feds don't do their job. Regardless of what happens in November, it is going to be a tough road just based on the nature of who is in the running, they are not westerners. It is a good start but it is just that, a start, a baby step. Need to convince the branches of state government that this is worthy of their attention.

Susan Smith – We used to report every violation on a community website. We would send testimonials from some of the most abused inholders and sent them everywhere. We had support of Governor Murkowski, wrote to Gail Norton and brought the whole things to a head when the federal government gave us what we asked for. Some dramatic things, bringing that all out into the open, it was resolved. Met with DOI official with a list of grievances and then everyone on that list employed by the park was not in that job anymore. And we got the right to have access to our property. That worked.

Ray Kreig – There were also staged demonstrations. Airlifting things to the Hale Family. Confrontation in a PR sense. There are success stories.

4:42pm: Adjourn