CITIZENS' ADVISORY COMMISSION ON FEDERAL AREAS
ALASKA STATE LANDS ADVISORY GROUP
AUGUST 19, 2015 | ANCHORAGE, AK
550 WEST SEVENTH AVENUE, SUITE 106

DRAFT MEETING MINUTES

Call to Order

Roll Call and Introductions

Member Opening Comments

Approval of Agenda & June Meeting Minutes
Approved at **9:24am** by motion without objection

9:25am: DNR Deputy Commissioner Ed Fogels
Introduction to self, experiences and role in the Department
Focus and construct of the Department
New Commissioner, Mark Myers
Working on gasline, budget issues
Consequences to losing some functions, including things like agriculture and litigation
Looking for ways to make PAAD, ANILCA and CACFA work together, find efficiencies
Testified Monday at the Senate Hearing on Mitigation
Issues with wetlands mitigation and affordability of even minor developments of private lands
Issues with BLM management, mitigation, ANILCA violations

{Q – JP Tangen} What do we do, how do we solve this? Assuming success, do we have a contingency plan?
{A} We're trying to find one. We are looking at the revenue streams generated by the Department, for every $1 you put into DNR you get $36 out. With the revenue we generate, some should be captured and put back into increasing revenue streams. State Parks is an example of things some people find dispensable in times of shortfall, so DNR is working to make parks self-sufficient, charging for facilities to support maintenance. Keep the resources so we can manage our resources and look for ways to increase revenues.

{Q – Bill Satterberg} Is doing away with Div of Ag a possibility?
{A} No, no plans to do that, it's just something we can hear. There was even an attempt last session to get rid of any timber management in the Div of Forestry; did not pan out, largely due to outcry from Alaska businesses.
{Follow-Up} Limiting litigation is important, but Wilde and Sturgeon cases show how damaging it can be to make a facial challenge later.
{A} There is no talk of reducing efforts to push back on federal overreach but there are reductions in DOL. We are just looking at it from a budget perspective, careful where we spend less dollars.

{Q – Mead Treadwell} The charge of this group is to ascertain: should the State have a policy that federal land should become state land? If we come back with that recommendation, for a wholesale turnover by whatever means, is that goal worthwhile is one of the big questions. It's not a pie in the sky, devolution has been happening in the Arctic. We have more government than I bargained for, we all have our anecdotes. When the State has more government than we bargained for, we get rid of it; when the federal government has more government than we bargained for, we seem to take it. We can do a pretty good job for the economy, as well. The policy we are trying to change is something that is definitely DNR's and the Governor's job to say, turn it over to the State. There is a libertarian argument, an efficiency argument and an economic argument. It would be useful to do this in league with other states. Need Department's help to make this case for the turnover. Would help to have a map of areas we would like to have – what would you leave behind if you didn't do it? Since BLM and everybody is trying to behave as if all public lands are conservation system units, we should put a wish list together. Could we make that request of you?
{A} Yeah, you could make that request. We have probably created various versions of that map over the years, changes depending on what lens it is viewed from (e.g., economic generators, protecting public access, etc.). Agree on the actual lens from which to create this map, which could accompany diverse opinions. In thinking

about the maps we have, we have about 20M acres of over-selections, we have identified a state interest in federal land there. Lots of talk about a 2M-acre Tongass State Forest, those maps are out there (where the timber is, through an economic lens). A map or series of maps, if that is an interest, a map database even that DNR maintains, that is something we can work with the group on. Can help you and us, and can be fine-tuned.

{Comment – Dick Randolph} Utah is out front on this, moving in concert, Alaska is not going to get its land first, necessarily. I'm not a fan of tilting at windmills. There are the Alaska issues with a western states umbrella. Need to do everything we can to increase the size of that umbrella; if they fail, so do we.
{Response – Mead Treadwell} JP commented on how we need more resources even to manage what we have. 600 Alaskans were asked, 70% said they'd rather have more land than more money from the federal government. Delegation is looking at a wholesale approach, which Utah is supporting on Equal Footing grounds. We don't have to buy their entire legal argument.
{Response – Ed Fogels} We can find ways to make money on additional lands, but we need additional tools. Along with that gift of acreage, we should find how to make that work, use revenue generated to manage.

{Comment – Scott Ogan} Firefighting costs, DNR does not have real enforcement authority, so part of this needs to be a cost analysis – if you get this land, what is it going to cost? Fundamental promises at statehood that we get enough land to support ourselves, but we were ripped off right from the get go. Stewardship costs money. I don't know how we put a dollar figure on it.

{Comment – Bill Satterberg} Entitled to 5M acres, loss of access through loss of RSTs. In Utah, there is an American Lands Council symposium. Scott going to that. Jury is still out for me on whether this transfer of public lands will be successful, but those odds go up if we are not working together.

{Q – Mead Treadwell} What you are hearing from us this morning, the economic argument has come up. We can't really answer the question of how much we want without having heard this from the Department. Will probably be forming an ask for you, along the lines of what the benefits might be, and the costs, and as we formulate that ask, let's be creative about further transferring that land along to Native Corporations and others.
{A} Even selling state land into private ownership, does that need to change or evolve.
{Follow-up} Lots of people would say there is not enough Ag land.
{Comment – JP Tangen} The answer we always got was that there was not enough interest in buying state land.
{A} Some of that is also impacted by statutes. Pound for pound, the most controversial thing we can do with state land is to sell it off.

{Q – Stan Leaphart} You mentioned the entitlement, that we have 5M remaining and 20M selected, we are waiting for the 17(d)(1) withdrawals to be lifted. Has there been much discussion within the administration to break those withdrawals loose? BLM made a commitment to recommend lifting as part of its planning process.
{A} Absolutely. When any of us talk to DOI officials in DC, that is always number one on the punch list of issues. We have selected 10M and 10M are top-filed on those PLOs, and we really want those top-filed acres.
{Q – Mead Treadwell} What is holding that up?
{A} Here's an example, one of them is in the Susitna-Watana dam site, State wanted to own the whole footprint. BLM said they wanted something in return (for State to drop selections in Tangle Lakes area). Increasing BLM's land base in Tangle Lakes has its controversy, too. We have been communicating with the delegation on this.
{Follow-up – Mead Treadwell} [referring to slideshow – "Potential Solutions"] What is the State's legislative agenda now, we'd like to understand that.
{A} We are preparing a briefing for the Governor now and hoping that will result in some subsequent pressure on DOI officials.
{Follow-up – JP Tangen} When we join up, we get results. Are there PLOs that impact other states, also?
{Response – John Crowther} The PLOs in other states are not restricted by ANILCA in the same way ours are, and there aren't 17(d)(1) withdrawals. In other states, withdrawals are usually permanent, monuments and such, whereas ours were intended to be temporary.

{Comment – Ray Kreig} Utah will end up getting good money for what they spend, this was found out in economic reports they commissioned to address this issue.

{Response – John Crowther} One square foot of Alaska is worth a billion dollars, and some are worth negative ten million dollars. To the extent we could provide costs for more delineated acreage, maybe based on DNR maps, this would quantify the benefits rather than just acknowledge them generally.

{Comment – Scott Ogan} Need to put together a list for the incoming President of grievances and fixes.
{Response – Craig Fleener} This is a great idea, if we can put together a list of ideas that is not too long, it can be added to the list Governor Walker already has in preparation for the President's visit. We might have an opportunity to say something now, maybe it won't matter, but we should ask.

10:16am: Kathleen Liska, CACFA Commissioner, Outreach Subcommittee
Such exciting things happening, getting some traction, so what you are doing, and formulating the asks, very excited to see that we are getting somewhere. And knowing who is going to attend the American Lands Council summit in October, from this group and from the State, have Alaskan voices there.

Craig Fleener takes on a role as liaison to the Governor, at request of Chairman

10:23am: ASLAG Slideshow; debrief from meeting with Senator Murkowski
Many items under "current issues" came from her staff, and we updated on some of the points they raised with us
Walked through "potential solutions" with her, intersections with her Committee
Two courses of action working at the same time in Utah: give us the land & the public lands initiative (land swaps to rationalize access in areas of interest)
Fairly broad consensus to reinitiate Alaska Land Use Council
Potential solutions where we come up with a report – do we go for more land with all the arguments, that is a piece of prose we need to write and propose to CACFA to take up with the legislature/administration
Unless you want to add insurrection or conquest as a column, I'm going to leave it off at present

{Comment – Dick Randolph} What about non-violent civil disobedience? Good book recommendation that explains this approach well – By the People by Charles Murray.
{Response – JP Tangen} Consider a reading list for the group, possibly purchase some of the books. Justice in Blue and Gray – another good book recommendation.

10:34am: Work Session

Report to CACFA at the end of this:
Recommendation(s) to bring to Governor and Legislature
Different perspectives and arguments
Roadmap on how to get there

Opportunities:
Senator Murkowski's legislation on transfer of lands
Presidential visit and subsequent cabinet member visits
House Bill 115 being taken up by Senate in upcoming session

Letter/Report on October 23-24 to CACFA:
Outline of our deal – Mr. Chairman, we are in business
Here is our work plan
Immediate suggestions – things to render an opinion on before the final report
Resources we need
Urge taking a position on HB 115 and some boilerplate on it

{Comment – Mead Treadwell} As to HB 115, I wish it were all true, could argue for it or against it, not sure it will hold up with a judge. But State should do no harm to this initiative. If we find it in ourselves that we deserve those lands and we should join other states, could be convinced to sign that recommendation.

Litigation subgroup tasked to come up with language in October report to recommend to CACFA; set up a meeting this month with the Attorney General

{Comment – Bill Satterberg & JP Tangen} Try to avoid litigation, and need to evaluate reasonable likelihood of success in our recommendations. Kind of floundering on the mandate while at the same time dealing with our hurdles. Mountain states and Pacific Legal Foundation might be helpful.
{Comment – John Crowther} Need to read Leg Legal's opinion again, but the question asked was very specific and the response was that there were constitutional difficulties; the attorney did not further inquire. What did not occur and what we might be able to help with is to have the AG's office develop a more nuanced back and forth.

{Comment – Mead Treadwell} Two amendments to HB 115, incorporate compact and get a vote of the people that says we want this.
{Response – Dick Randolph} Tundra Rebellion passed 70-30.
{Response – Mead Treadwell} Maybe we say that was the vote.

11:11am: Joined by Congressman Young
Look at the lawsuit filed by Wally Hickel, which was dropped. I have some support from the western (non-coastal) states, ID, MT, WY, ND, SD, AZ, rights of states have been taken away, especially land usage. I believe the state has to have 100% support to regain control of federal lands, which belong to the state. It will take action. We can have these meetings, but it will take action. Action can lead to a case to make this happen. 86% of Congressman come from big cities, don't grasp the idea that states have rights granted under the compact and the Constitution, we were guaranteed land for our social and economic well-being. We are back to being a territory and that should not be allowed. I introduced a bill to get federal lands back, I never heard from the State, people thought I was a crackpot. We need to stop being bullied by the government that is supposed to represent us. I'm happy with what you're doing, I will support you with legislation.

{Comment – Mead Treadwell} Our charge is: should this be Alaska's policy and how do we get it. You have a great committee here and we have a year to write the report. I am encouraged by what happened in Canada, our competition in the Arctic has it. People have one jurisdiction to ask rather than two. Some bills passed the House to give more federal land to Oregon, transfer of public lands movement in the western states. HB 115 is up for hearing in State Senate, set up a state position. You have introduced legislation that simply says all development rights are transferred to the states. We are trying to figure out, whether it's new lawsuits, new legislation (with state response) or negotiation (e.g., bring back the Alaska Land Use Council, to have a forum when the federal agencies do something stupid). We considered conquest, probably won't add that column. We met with Senator Murkowski yesterday, we wanted to make sure you were aware of our efforts to pressure CACFA, the legislature, and the Governor to help you move this forward.
{Response – Congressman Young} Alaska specificity is required because we are distinctively beleaguered, but stake cooperation with other western states. There ought to be an issue within DNR, DEC, a separate group of scientists that signs off on purportedly "good" science. We need to take action. Lack of education in the general public and we need to make this an issue. We have to generate that enthusiasm.
{Response – Bill Satterberg} Maybe we should have a column on administrative civil disobedience.
{Follow-up – Mead Treadwell} Agree on the science
{Response – Congressman Young} Take money from community for natural water everyone's been drinking it for 10,000 years, we take money away from them and do something based on no science. Administrative Law is mostly BS and they never listen to your comments. Then it becomes law and you have to comply, are cited, forced to settle. Give land to State of Alaska to manage it other than for cruise ship passengers to look at trees. We try to be specific about the cuts, and not let them use appropriation reductions to shut down the potties. People need to be aggressive or else you've lost the state.

{Q – Mead Treadwell} You were part of ANILCA, if there is a plan BLM is doing north of Fairbanks, they are saying it is their decision on whether you can use four-wheelers off-trail. I had a battle with the USFS where an official simply decided not to lease any land in the forest. When the State shows up, as with NPR-A, we get the same treatment as your average garden club. How do we use this to take back control?

{A} Western rule against the urban, make this an issue. We might be able to get a bill out of committee, maybe through the Senate. We haven't been aggressive since Hickel's lawsuit.

{Q – Craig Fleener} What do you think our acting sovereign, however we do that (declaring unconstitutional or against our benefit), what is the reality of that? Why haven't we done that? What backlash can we see?
{A} Backlash from Greenpeace. Emphasize importance of action where people can see, otherwise its just talk. If we continue to talk, and nothing happens, need to at least make this a joint effort with western states, talk and communicate on how to make this a national issue, and make it an issue here where we are more abused than anyone else. Until we have a result of being straight with the constitution, what was guaranteed, why didn't we just build the Knik Arm Crossing? Why can they tell us how to manage fish and game on our waters?
{Follow-up – Ray Kreig} Do you think they'd use military action if we tried to build the Izembek road?
{A} They wouldn't dare, they only bully when people let them.

{Q – Mead Treadwell} If you could get transfer of public lands, development rights, as considered at least with an option, who would we work with to get you a list, recommendations, language?
{A} Work with Scott Leathard and Chad Padgett and we will introduce a bill, get me the outline, get Bishop to sponsor, and I believe we will get it out of committee and through the House. Need to have other states involved. I'll introduce it again, an organic bill that includes other states.

11:55am: Next Steps

Meeting with AG and Litigation subgroup, Sept 10/11/12

Dick Randolph will be the Leadership Volunteer for the civil disobedience/act sovereign column
Everyone come up with two things we can do to act sovereign which we are not doing

Draft letter (Stan & Mead to draft initial version) by Sept 15
Broad Policy: federal government should transfer as much land as possible to the states

Try to have electronic meeting on the draft on Oct 10

External engagement, engender public support or at least a position
Advise CACFA on the significance of that
Outreach to industry organizations

Ascertain/explore what venue we use to collaborate with other states

Aim to meet in person in Juneau during legislative session in conjunction with next CACFA meeting

12:07pm: Public Participation

Al McCarty from Seward, Citizens Alliance for Protecting School Lands, a group suing state on the land that was promised for schools. First trial 8 months ago, court agreed state violated the trust. Have trial date set for January 4th. Interesting to hear you talk about all the things we've talked about the past 6 years. All volunteer group, though, so we make decisions and move on. Got nowhere with legislators, who felt ANILCA took care of all these. Judge agreed that State cannot be trustee and trustor. Working closely with other states on their school lands. Every state that has gone to court on school lands issue has won. We don't want to take anything from anyone that already owns it. We would like compensation for lands given away or sold, in like lands or cash, to put into existing trust, manage fund to its maximum potential (DNR has done well, but with a group of industry professionals from mining, oil, fishing, real estate, it will do better for education). This was to support schools in lieu of federal government paying taxes on land. Beats begging the legislature every year. Mental health trust lands all over again.

Sam ___, citizen of Virginia now, lived and worked in Alaska many years, including in state service. Slavery is kind of a separate thing, South did not realize what could come upon them, the magnitude. And now I see the western states in about the same predicament. Urge to take the full extent you can possibly get, have a war chest ready, some things we can see and some we can't, federal government might be quite content to let us have it.

Candy Sunderland, Alaskan, honor to be in this room. Alaskans love Alaska, even though we don't agree on things. Educating the public, Alaskans don't understand (e.g., that we are co-sovereign, that their behavior is unconstitutional). If you don't have a revolution every 20 years, something is wrong. Alaskans will stand up.

Kathleen Liska, CACFA Commissioner. Nevada has put out its economic report and management. There is a precedent there. County Commissioners requested that report. Could be a recommendation, doing a study. {Response – Mead Treadwell} Need to reference these reports in asking/recommending. Encourage reading it.

12:21pm: Wrap-up

Scott Ogan going to American Lands Council meeting in Salt Lake City. Urge anyone that wants to go to go again. October 1-3. Congressman Young committed to helping us move legislation forward. Whatever that draft legislation might be, important to know who (which states) we should be working with.

Have Fritz Pettyjohn present Balanced Budget Amendment issue at future meeting.

"Act Sovereign" issue: care for prey species, manage wildlife; take things back where federal government evinces a lack of prowess. Need to stop asking permission to manage our own resources. Or as a means of getting the camel's nose under the tent.

Likely to be another engineered government shutdown this fall, leading to closing areas off. Can do a sit in.

12:39pm: Adjourn