



FEDERAL OVERREACH IN ALASKA

ISSUES AND RECOMMENDATIONS

FROM THE
**CITIZENS' ADVISORY COMMISSION
ON FEDERAL AREAS**

**House Judiciary Committee Hearing
March 19, 2014**

FEDERAL OVERREACH IN ALASKA

- **A very real and escalating problem for our State and its citizens**
- **Alaskans facing increasingly restrictive and burdensome regulations**
- **Preemption of State management authorities is increasing**
- **Statehood Compact not honored**
- **ANILCA Compromises routinely ignored**
- **Approaching a crisis situation**
- **New strategies must be developed**

Citizens' Advisory Commission on Federal Areas

- **Original Commission created in 1981**
- **Operated from 1982 until 1999**
 - **Funding was eliminated**
- **Re-established by House Bill 87 in 2007**
- **AS 41.37.160- AS 41.37.260**
- **Within Alaska Dept. of Natural Resources**
- **CACFA'S Mission**
 - **Determine effects of federal regulations and federal management decisions on the people of Alaska**
 - **Gather public input & testimony on federal agency actions**
 - **Analyze & comment on federal plans, policies and regulations**
 - **Make recommendations to Governor, Legislature and state and federal agencies.**

Citizens' Advisory Commission on Federal Areas

- Composed of 12 members.
- Membership to represent each region of the state to give a geographical balance.
- Governor appoints 6 members.
- Speaker of the House appoints 1 member from the House and 2 public members.
- President of the Senate appoints 1 member from the Senate and 2 public members.
- Public members "shall be representative of the diversity of users and uses of federal land in the state."

Rod Arno	Kathleen Liska
Wasilla (S)	Anchorage (G)
Sen. John Coghill	Mike Meekin
North Pole (S)	Palmer (H)
Mark Fish	Warren Olson
Anchorage (S)	Anchorage (S)
Teresa Hanson	Susan Smith
Fairbanks (G)	Chokosna (G)
Rep. Wes Keller	Ron Somerville
Wasilla (H)	Juneau (H)
Charlie Lean	Frank Woods
Nome (G)	Dillingham (G)

Citizens' Advisory Commission on Federal Areas

Federal Overreach Summit August 12-13, 2013

MOTIVATION:

- Growing public concerns about Federal agencies' regulatory actions and management decisions
- Identified need to improve working relationships between State of Alaska, its citizens and Federal agencies



Citizens' Advisory Commission on Federal Areas

Federal Overreach Summit August 12-13, 2013

HIGHLIGHTS:

- **Comments from Governor**
- **Presentations from Alaska's Congressional delegation**
- **Guest speakers**
- **Review of Statehood Compact, ANCSA, ANILCA**
- **Individual testimonies**



Citizens' Advisory Commission on Federal Areas

▪ RECOMMENDATION PROCESS

- List of major issues/problems was compiled
 - From CACFA Federal Overreach Summit**
 - From individual testimonies to CACFA****
- Spreadsheet was prepared by entire CACFA team**
- Issues were prioritized by importance**
- Actions and solutions were suggested for each office, legislator and agency as appropriate**

Why is action needed?



THE STATE OF ALASKA HAS:

- 5 million acres of land entitlements still to be transferred to state
- 42 million acres remain to be surveyed and patented to state
- State's 60+ million acres of submerged lands at risk
 - No clear title to million acres of submerged lands
 - No clear title to most State navigable waterways
- State jurisdiction over navigable waters on 22,000+ and up to 1 million lakes at risk
- No federal recognition of or title to hundreds of RS2477 rights of way
- Continuing problems with 17(b) easements
 - Guaranteed public access to public lands at risk from unnecessary vacation of easements
- "No more" clause being ignored with new wilderness and wild and scenic river studies
- Denial of guaranteed access for traditional uses
- Denial of traditional subsistence ATV use
- Restrictions or closure of access to inholdings
- Federal preemption of state regulations for management of fish and game
- Federal agency assumption of permitting authority on State navigable waters
- Crippling new restrictions for placer mining
- Denial of access to valid mineral claims
- Closure or removal of remote public use and shelter cabins
- Over 10 million acres of private lands in CSUs in jeopardy from ESA, CWA

What can be done ?



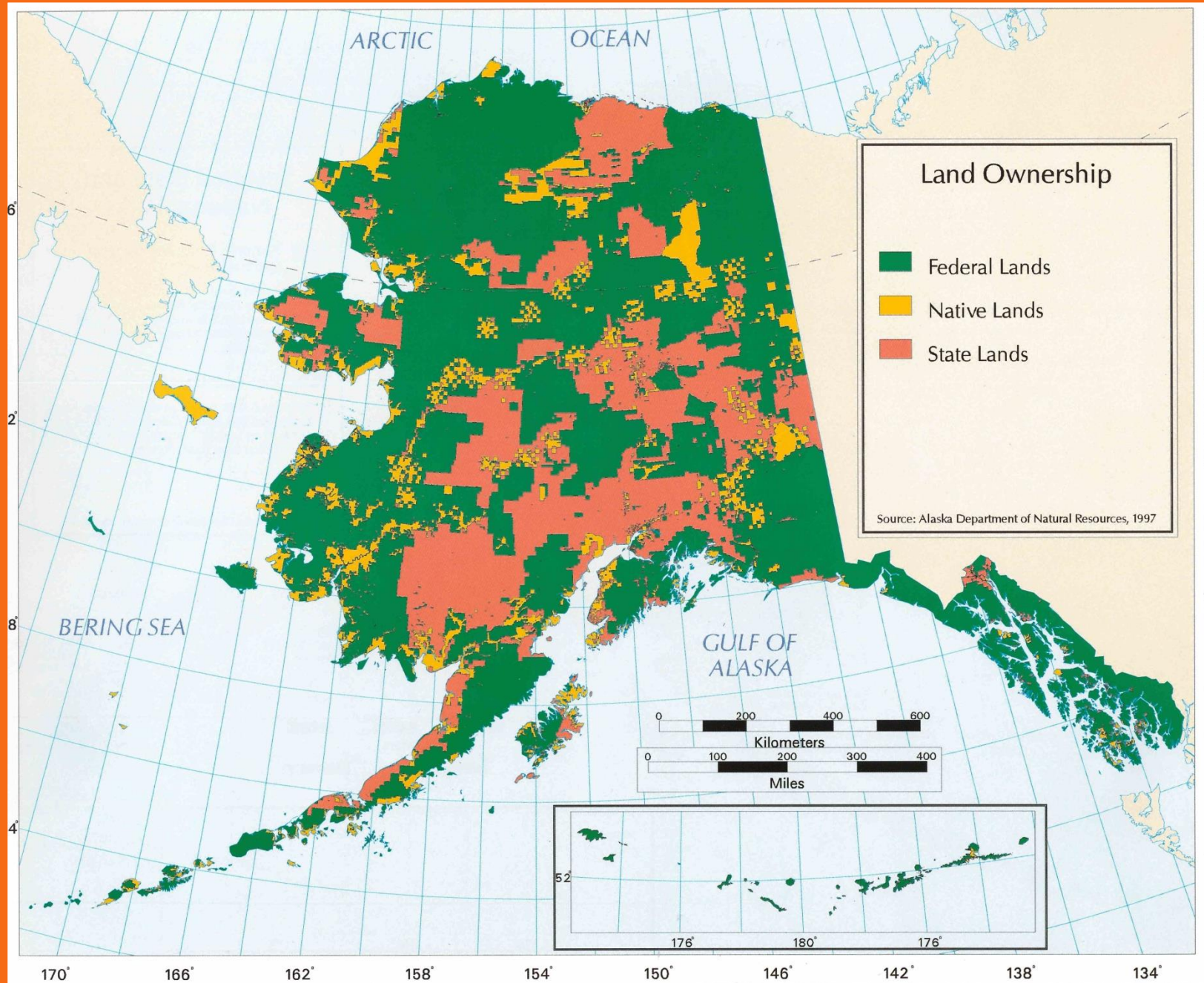
Citizens' Advisory Commission on Federal Areas

- **Prioritized Issues of Concern**
 - **Statehood Compact**
 - **Navigable Waters and Submerged Lands**
 - **Access**
 - **Fish and Wildlife**
 - **Resource Development and Economic Development**
 - **Land Management Planning and Policy**
 - **Education and Communication**

STATEHOOD COMPACT

- 105 million acres of uplands and up to 60+ million acres of submerged lands promised to Alaska at Statehood
- 64 million patented
- 36 million acres have been tentatively approved but not surveyed

State and Private Lands



BREACHES OF THE STATEHOOD COMPACT

STATE SOVEREIGNTY

ISSUES

- Unresolved land entitlements
- 17(D)(1) withdrawals should be released
 - Over 50 million acres in dispute
- 17(d)(2) federal CSU withdrawals
 - 80 million acres in statute
 - 70 million additional acres withdrawn
- Statehood entitlements continuously compromised or preempted
- Compromises benefiting State built into federal regulations being preempted
- What is the cost to Alaska?
- Who asserts the Compact?

BREACHES OF THE STATEHOOD COMPACT

RECOMMENDATIONS

- **GOVERNOR**
 - Continue to actively assert the State's authorities and entitlements
 - Work with Coalition of Western States
- **STATE LEGISLATURE**
 - Provide additional oversight
 - Continue work with Council of State Governments
- **DEPARTMENT OF LAW**
 - Document breaches of the Statehood Compact
 - Reframe the case – identify breaches, cost to AK
 - Provide litigation options
 - Continue to work with National Association of AG's
 - Create separate section for federalism issues
- **STATE AGENCIES**
 - Continue to assert State management authorities
- **CACFA**
 - Conduct ANILCA Title Review
 - Endorse Utah's Constitutional Defense Council

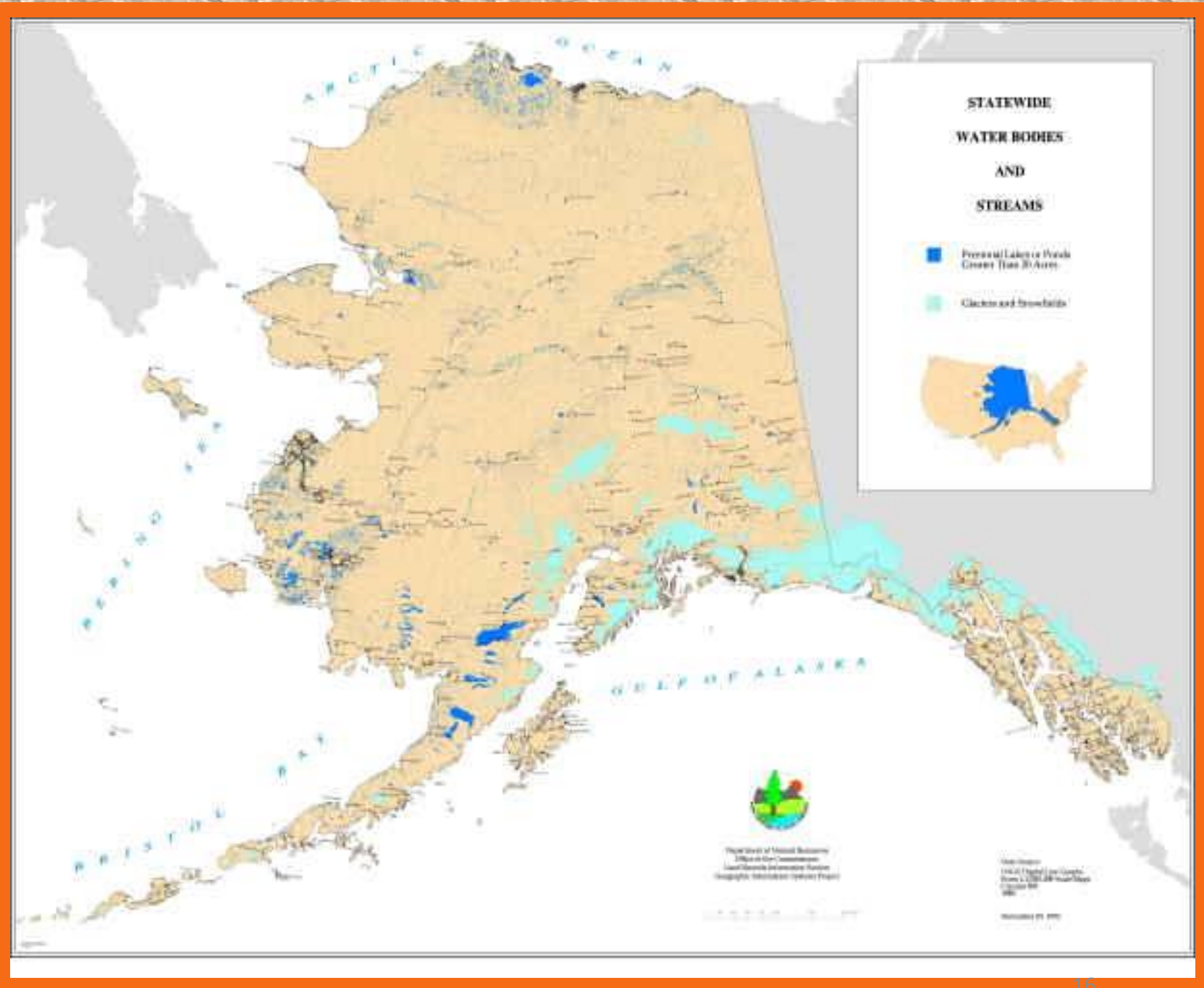
A wide, calm river flows through a landscape. In the foreground, a gravel bar with some driftwood is visible on the right. In the middle ground, two people are in a small inflatable boat on the river. The background is a dense forest of tall, thin trees under a hazy sky.

NAVIGABLE WATERS AND SUBMERGED LANDS

NAVIGABLE WATERS AND SUBMERGED LANDS

- State granted title to almost 60 million acres of submerged lands at Statehood
- Authorized under Equal Footing Doctrine and Submerged Lands Act

Statewide Water Bodies and Streams



NAVIGABLE WATERS AND SUBMERGED LANDS

ISSUES

- Delay in clearing title to submerged lands disadvantages the State
- Since statehood fewer than 20 rivers have been determined to be navigable by federal courts
- Navigability is determined on a case by case basis
- Determinations should be based upon physical characteristics of water bodies
- Need to cooperatively establish and clarify BLM criteria for determining navigability
- NPS “water regulations” at 36CFR Part 1.2 improperly applied to State navigable waters
- Concern other agencies may adopt similar regulations

NAVIGABLE WATERS AND SUBMERGED LANDS

FEDERAL RESERVED WATER RIGHTS

RECOMMENDATIONS

- **STATE LEGISLATURE**
 - Fund litigation
 - Oversight
- **DEPARTMENT OF LAW**
 - Continue to support the Sturgeon case
 - Allow no federal permits on State waters
- **DC DELEGATION**
 - Amend the Quiet Title Act
 - Amend ANILCA Title I – Clarify definition of federal public lands
- **STATE AGENCIES**
 - Utilize basin-wide adjudication process
- **NATIVE ORGANIZATIONS**
 - Participate by affected region

NAVIGABLE WATERS AND SUBMERGED LANDS

TITLE TO SUBMERGED LANDS

ISSUES

- Amendment needed to ANILCA Title I to clarify that federal regulations for management of CSUs in Alaska do not apply to:
 - State lands, including submerged lands
 - Navigable waters
 - ANCSA Corporation lands
 - Validly selected State and Native Corporation lands
 - Other private lands

NAVIGABLE WATERS AND SUBMERGED LANDS

TITLE TO SUBMERGED LANDS

RECOMMENDATIONS

- **GOVERNOR**
 - Pursue an expedited title process
- **STATE LEGISLATURE**
 - Pursue an expedited title process
 - Participate in oversight
- **DEPARTMENT OF LAW**
 - Aggressively pursue necessary litigation
- **DC DELEGATION**
 - Pursue an expedited title process
- **STATE AGENCIES**
 - **DNR – Continue active pursuit of title**
- **FEDERAL AGENCIES**
 - Revise Recordable Disclaimer of Interest process
 - Define criteria and physical standards
- **NATIVE ORGANIZATIONS**
 - Participate by affected region
- **CACFA**
 - Petition for rulemaking (RDI Process)
 - Monitor and review

NAVIGABLE WATERS AND SUBMERGED LANDS

MANAGEMENT

ISSUES

- Federal agencies are requiring permits for State agencies to conduct activities on State owned waters within and adjacent to conservation system units

NAVIGABLE WATERS AND SUBMERGED LANDS

MANAGEMENT

RECOMMENDATIONS

- **STATE LEGISLATURE**
 - Participate in oversight
- **STATE AGENCIES**
 - Assure that only the State may issue permits on navigable waters
- **FEDERAL AGENCIES**
 - Recognize State authorities on navigable waters
 - Stop interfering where no jurisdiction exists
- **CACFA**
 - Actively monitor legislation
 - Consider salt water and estuarial areas

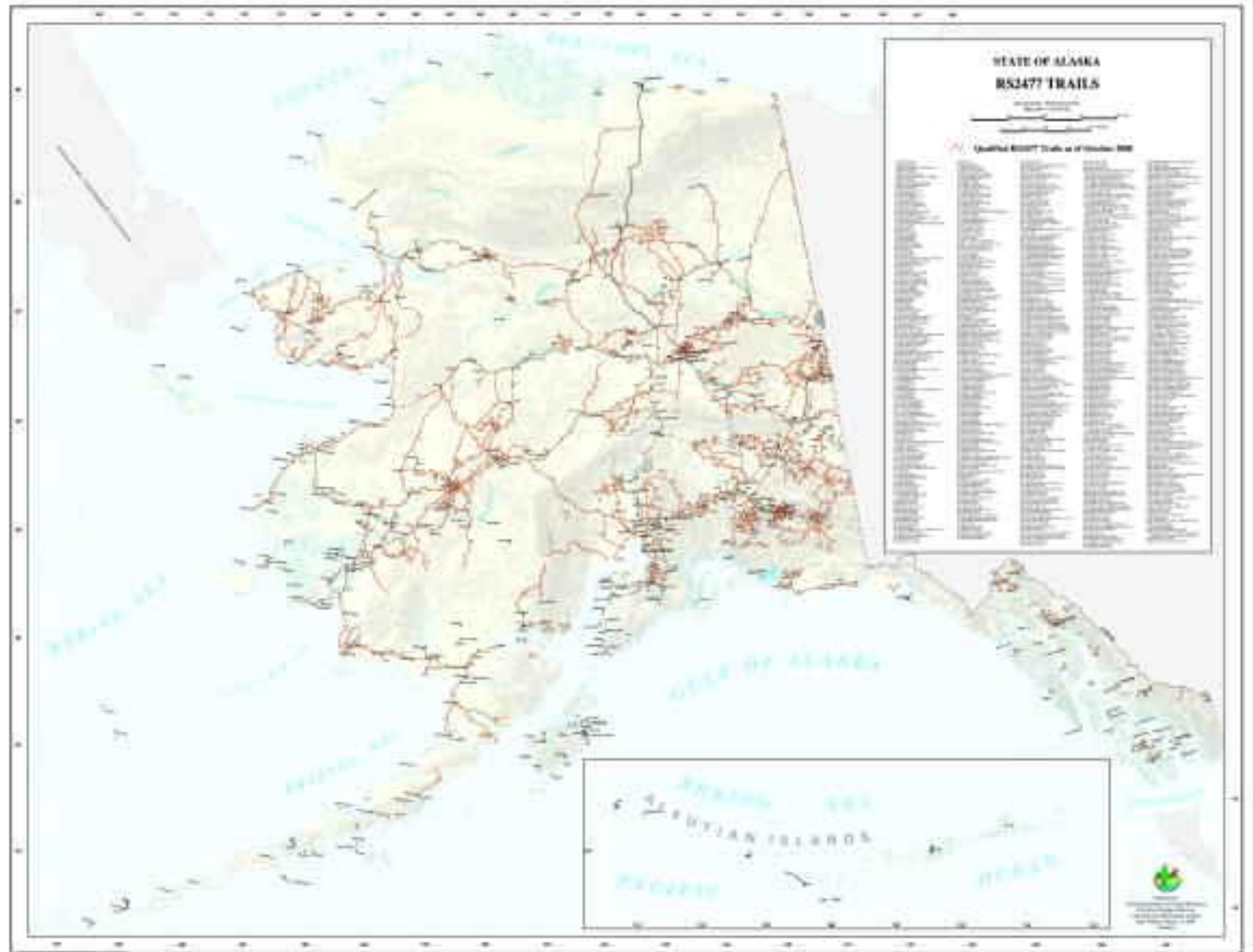
A photograph of a forest path. Three vertical wooden posts are placed in a line across the path. The path is covered with fallen leaves and low-lying vegetation. The background is filled with dense evergreen trees. The word "ACCESS" is overlaid in large, bold, black capital letters across the center of the image.

ACCESS

ACCESS RIGHTS

- **A 1993-1995 DNR RS2477 Project researched over 1,000 trails in Alaska**
- **659 trails were deemed qualified by the state**
- **In 1998, these trails were listed and codified by the State Legislature**

RS2477 Trails



ACCESS RIGHTS

RS2477 ROADS AND TRAILS

ISSUES

- Trails adjudicated on a case by case basis
- Crucial transportation network since so few miles of highway
- New USGS maps, scale change eliminating trails
- Federal Long Range Transportation Plan(s) need to emphasize and document trail network
- WRST
 - Restrictions to subsistence ATV use
 - Permanent closure of RS2477 trails to subsistence ATV use upon and beyond reroutes
 - Federal regulations only allow use on “existing” trails
 - Permanent closure of traditional ATV use to inholdings
 - Possible future restrictions to inholdings written into regulations
 - Breach of process adopting new alternative without public comment or input
- DENALI
 - Restrictions to inholder access to Kantishna

ACCESS RIGHTS

RS2477 ROADS AND TRAILS

RECOMMENDATIONS

- **STATE LEGISLATURE**
 - Provide funding for programs and participate through oversight
- **DC DELEGATION**
 - Amend 1997 Omnibus Consolidated Appropriations act to allow use of Recordable Disclaimer of Interest process for RS 2477
- **STATE AGENCIES**
 - Add resources to PAAD, DOL for data collection and litigation preparation
 - Continue efforts to keep RS 2477 trails open for use
- **FEDERAL AGENCIES**
 - Recognize and revise RS2477 validation
 - Revise Recordable Disclaimer of Interest process
- **NATIVE ORGANIZATIONS**
 - Participate by affected region
- **CACFA**
 - Monitor and assist

ACCESS RIGHTS

ACCESS TO INHOLDINGS (RWCA)

ISSUES

- **Guaranteed in ANILCA Section 1110(b)**
- **Acknowledged on NPS lands**
 - Right of Way Certificate of Access (RWCA)
 - Users Guide to Accessing Inholdings in AK CSUs
 - Access in perpetuity without fees
- **Other agencies should be encouraged to use RWCA where appropriate**
- **WRST**
 - Restrictions possible due to trail conditions
 - ATV weight and size restrictions
- **DENALI**
 - Restrictions to inholder access to Kantishna

ACCESS RIGHTS

ACCESS TO INHOLDINGS (RWCA)

RECOMMENDATIONS

- **DC DELEGATION**
 - Strengthen and clarify ANILCA 1110(b)
 - Strengthen and clarify ANILCA 1323
- **FEDERAL AGENCIES**
 - Encourage US Fish and Wildlife to adopt the NPS RWCA
- **NATIVE ORGANIZATONS**
 - Participate by affected region
- **CACFA**
 - Monitor and assist

ACCESS RIGHTS

U.S. FOREST SERVICE ROADLESS RULE

ISSUES

- Alaskan exemption in place for 7 years
- US Forest Service reapplied the 2001 Roadless Rule in 2008
- Major components of the Tongass Land Use Management Plan (TLUMP) superseded by Roadless Rule
 - Land use designations
 - Old-Growth Conservation strategy
 - Management goals and objectives
- “Roaded Roadless” areas
 - Authorized road building in roadless areas during exemption
 - US Forest Service unable to authorize commercial timber harvest or road building even though:
 - Zoned for development under current TLUMP
 - Previous harvest and road construction may have occurred

ACCESS RIGHTS

17(b) EASEMENTS

ISSUES

- Established by ANCSA to provide easements across corporation lands for public access to public lands
- Not all easements established, located or marked
- Routes have been denied, disputed
- No 17(b) easements should not be vacated without a reasonable alternate route identified and reserved
- Funding needed to locate, mark and sign trails

ACCESS RIGHTS

17(b) EASEMENTS

RECOMMENDATIONS

- **DC DELEGATION**
 - Consider legislation to prevent vacation of 17(b) easements unless alternative provided
- **STATE AGENCIES**
 - Mark and locate all 17(b)s
- **FEDERAL AGENCIES**
 - Mark and locate all 17(b)s
- **NATIVE ORGANIZATIONS**
 - Participate by affected region
- **CACFA**
 - Monitor and assist

ACCESS RIGHTS

ANILCA TITLE XI

ISSUES

- **ANILCA Title XI provides for future transportation corridors**
- **Inadequate for expansion of Alaska's transportation network**
- **Current contested projects**
 - Ambler Road
 - Road from King Cove to Cold Bay
 - Sterling Highway improvement
 - Southeast Alaska restrictions

ACCESS RIGHTS

ANILCA TITLE XI

RECOMMENDATIONS

- **STATE LEGISLATURE**
 - Fund statewide Traditional Access Study
- **DEPARTMENT OF LAW**
 - Identify other options
- **DC DELEGATION**
 - Simplify process
- **STATE AGENCIES**
 - Conduct Traditional Access Study
 - Amend ANILCA Title XI for TUS and traditional access
- **FEDERAL AGENCIES**
 - Conduct required access Studies
- **CACFA**
 - Monitor and assist
 - Assess feasibility for changes
 - Assess possible improvements

ACCESS RIGHTS

TRAIL DEVELOPMENT

ISSUES

- Federal Long Range Transportation Plan excludes State trail (RS 2477) network
- New USGS mapping project eliminates historic trails
- Trail closures in WRST pending maintenance funding

ACCESS RIGHTS

TRAIL DEVELOPMENT

RECOMMENDATIONS

- **DC DELEGATION**
 - Continue funding sources
- **STATE AGENCIES**
 - Increase involvement of State of Alaska DOT/PF
 - Emphasize inclusion of trails in Federal Long Range Transportation Plan
- **FEDERAL AGENCIES**
 - Pursue funding for implementation of FLTP, including inventory and construction of T-Trails
- **CACFA**
 - Monitor and assist



FISH AND WILDLIFE

FISH AND WILDLIFE

A photograph of a moose and two calves crossing a gravel road. The moose is on the left, facing left. Two calves are following it to the right. The background is a forested area with a road visible in the distance.

SUBSISTENCE

ISSUES

- ANILCA guarantee
- Restrictions in some new plans and regulations
 - Nabesna
 - No traditional ATV use off trails
 - Closure of traditional RS2477 trails to subsistence ATV use
- Subsistence management must include active management of resources
- Dual management of fish and wildlife resources is problematic

FISH AND WILDLIFE

SUBSISTENCE

RECOMMENDATIONS

- **GOVERNOR**
 - Prepare administrative actions or proposals and submit to Secretaries of Interior and Agriculture
- **STATE LEGISLATURE**
 - Active participation and oversight
- **DEPARTMENT OF LAW**
 - Prepare litigation alternatives
- **STATE AGENCIES**
 - Use MOUs to reduce fish and wildlife conflicts
 - Work with CACFA to prepare a plan
 - Simplify regulations
- **FEDERAL AGENCIES**
 - Reduce fish and wildlife conflicts
- **NATIVE ORGANIZATIONS**
 - Active participation in affected areas
- **CACFA**
 - MOU review – (w/ Senator Coghill's office)
 - Work with state agencies to prepare a plan
 - Monitor and assist in assessment
 - Consider holding a Subsistence Summit

FISH AND WILDLIFE

OVERLAPPING REGULATIONS

ISSUES

- Federal Subsistence Management Program Regulations
- State of Alaska Hunting & Fishing Regulations
- Overlapping Regulations are Confusing to public users

FISH AND WILDLIFE

OVERLAPPING REGULATIONS

RECOMMENDATIONS

- **STATE AGENCIES**
 - Assess ways to reduce regulatory conflicts and overlap
- **FEDERAL AGENCIES**
 - Focus on reducing fish and wildlife regulatory conflicts
- **NATIVE ORGANIZATIONS**
 - Active participation in affected areas
- **CACFA**
 - Assess ways to reduce conflicts and overlap

FISH AND WILDLIFE

ENDANGERED SPECIES ACT

ISSUES

- Used by advocacy groups to restrict development and other resource activities
- Affects uses private lands
- Critical habitat designations in Coastal Zone
- Amendments to ESA needed to:
 - Refine listings
 - Minimize critical habitat designations
 - Establish better triggers for delisting
 - Give primacy to states in management of trust species

FISH AND WILDLIFE

ENDANGERED SPECIES ACT

RECOMMENDATIONS

- **GOVERNOR**
 - Coordinate with other states and national organizations on ESA
- **STATE LEGISLATURE**
 - Provide project funding
- **DEPARTMENT OF LAW**
 - Participate in preparing alternatives
 - Prepare litigation options
 - Prepare amendments to the law
- **DC DELEGATION**
 - Amend the Act
 - Work with Congressional ESA Working Group
 - Monitor “Sue & Settle” tactics

FISH AND WILDLIFE

A photograph of a moose and two caribou calves on a gravel road. The moose is on the left, facing right. Two caribou calves are on the right, facing left. The background is a forested area with a road.

PREEMPTION

ISSUES

- **NPS – Improper use of discretionary authority to**
 - Preempt state management of wildlife resources
 - Circumvent the regulation process
 - Impose closures and restrictions without due process
- **Conflict between State Constitutional and Statutory Mandates and Federal Agency Management Policies & Requirements**
 - Unimak Caribou
 - Expanded Hunting Seasons
 - Means & Methods

FISH AND WILDLIFE

PREEMPTION

RECOMMENDATIONS

- **DEPARTMENT OF LAW**
 - Consider litigating actions that fail to follow regulatory procedural requirements (NPS compendia)
 - Litigate preemption of State management of fish & wildlife resources when appropriate
- **AK Department of Fish & Game**
 - Work through MMOU to find alternatives to preemption and litigation
- **Federal Agencies**
 - Work through State BOG and State BOF to resolve regulatory conflicts/issues

FISH AND WILDLIFE



STATE MANAGEMENT AUTHORITY

ISSUES

- **NPS use of compendia to impose new restrictions on taking of wildlife in Alaska CSUs**
 - Bear denning
 - Expanded wolf & coyote seasons
- **USFWS Preemption of State regulations in Kenai NWR**
 - Closure of hunting and trapping to enhance wildlife viewing
 - BOG authorized Brown Bear harvest reduced
- **New buffer zone proposals around CSUs**
- **USFWS “Surrogate Species” monitoring initiatives**

FISH AND WILDLIFE

STATE MANAGEMENT AUTHORITY

RECOMMENDATIONS

- **GOVERNOR**
 - Clarify State of Alaska Fish and Wildlife authority
- **STATE LEGISLATURE**
 - Participate by providing oversight
- **DEPARTMENT OF LAW**
 - Clarify State of Alaska Fish and Wildlife authority
- **DC DELEGATION**
 - Clarify State of Alaska Fish and Wildlife authority
 - Uphold primacy of State of Alaska fish and wildlife management authority
 - Consider “budget hammer” (funding restrictions)
- **NATIVE ORGANIZATIONS**
 - Active participation in affected area

FISH AND WILDLIFE

COOPERATIVE MANAGEMENT

ISSUES

- Examine ways to improve private land owner cooperation in fish and wildlife management

FISH AND WILDLIFE

COOPERATIVE MANAGEMENT

RECOMMENDATIONS

- **GOVERNOR**
 - Consider cooperative management
- **STATE LEGISLATURE**
 - Participation and oversight
- **DEPARTMENT OF LAW**
 - Determine constitutional and statutory authorities or restrictions to cooperative management
- **STATE AGENCIES**
 - Prepare alternatives
- **FEDERAL AGENCIES**
 - Consider cooperative management
- **NATIVE ORGANIZATIONS**
 - Consider cooperative management

RESOURCE AND ECONOMIC DEVELOPMENT



RESOURCE AND ECONOMIC DEVELOPM'T

17(d)(1)

ISSUES

- Multiple Public Land Orders Issued from 1972-75
- Withdrawals reserved lands for classification and study
- Closed to disposal and appropriation to:
 - Protect resources
 - Prevent encumbrances to upcoming land entitlement legislation
 - Study for designation as conservation lands
- 158,958,000 acres withdrawn in Alaska
- 102,097,900 acres moved into CSUs by ANILCA
- 10 million acres opened to entry in 1980's
- Need to release over 50 million acres
- RODs from 4 current federal management plans recommend lifting (d)(1) withdrawals in their areas (over 19 million acres)
- No action taken by DOI Secretary despite commitment

RESOURCE AND ECONOMIC DEVELOPMENT

17(d)(1) WITHDRAWALS

RECOMMENDATIONS

- **GOVERNOR**
 - Petition Secretary of the Interior to lift 17(d)(1) withdrawals
- **DEPARTMENT OF LAW**
 - Provide litigation options regarding settlement agreement (Egan v. Morton)
- **DC DELEGATION**
 - Require DOI to release 17(d)(1) consistent with Sec. 207 of Alaska Land Transfer Acceleration Act
- **FEDERAL AGENCIES**
 - Prepare necessary documentation to modify public land orders for release of 17(d)(1) withdrawals
- **NATIVE ORGANIZATIONS**
 - Consult with Organizations
- **CACFA**
 - Press Secretary to honor commitment made to Congress & public

RESOURCE & ECONOMIC DEVELOPMENT

TIMBER

ISSUES

- Forest Service shifting away from Working Forest Concept
- Current Federal policy on National Forest lands primarily preservation oriented
- Application of the Roadless Rule to the Tongass prevents implementation of the timber program in the current Tongass Land Management Plan (TLMP)
- “Transition Framework” for the Tongass adopted without public process effectively trumps the forest plan

RESOURCE AND ECONOMIC DEVELOPM'T

TIMBER

RECOMMENDATIONS

- **STATE LEGISLATURE**
 - Oversight
- **DEPARTMENT OF LAW**
 - Continue to pursue "Roadless" case
- **DC DELEGATION**
 - Pursue legislation to eliminate the Roadless Rule in Alaska (S. 384)
- **STATE AGENCIES**
 - Monitor and participate in redrafting TLMP and implementation of reasonable Transition Strategy
- **NATIVE ORGANIZATIONS**
 - Participate in affected areas
- **CACFA**
 - Monitor & Participate in TLMP revision
 - Work with Tongass Advisory Committee

RESOURCE AND ECONOMIC DEVELOPM'T

REGULATORY ISSUES

ISSUES

- Federal abuses to planning process
- Implementation of new policies without public process or consultation
- Broad range of topics are potentially interpreted differently by each of the federal agencies.
- CACFA closely monitors *Federal Register* and agency websites for current planning projects, policies and agency initiatives.
- Public is increasingly overwhelmed by number and volume of federal agency land management plans and NEPA documents

RESOURCE AND ECONOMIC DEVELOPM'T

REGULATORY ISSUES

RECOMMENDATIONS

- **STATE LEGISLATURE**
 - Oversight
- **DEPARTMENT OF LAW**
 - Review NPRA Integrated Activity Plan process
- **DC DELEGATION**
 - Request review of Executive/Secretarial Order abuses
- **FEDERAL AGENCIES**
 - Extend NPS Commercial Use Authorizations beyond 2 year limit
 - Revise permit stipulations & report requirements for operators
- **NATIVE ORGANIZATIONS**
 - Participate in affected areas
- **CACFA**
 - Document irregularities in NEPA process

RESOURCE AND ECONOMIC DEVELOPM'T

ENERGY

ISSUES

- Environmental organizations and federal resistance to new development of energy resources
- Small rural utilities need relief from burdensome regulations
- Roadless Rule impairs ability to construct new power transmission lines and expand power distribution network in Southeast Alaska
- Licensing of New or expansion of existing power plants face serious difficulties from proposed EPA regulations

RESOURCE AND ECONOMIC DEVELOPM'T

ENERGY

RECOMMENDATIONS

- **DC DELEGATION**
 - Provide relief for small rural utilities
- **STATE AGENCIES**
 - Work to approve/permit pipeline corridors
- **FEDERAL AGENCIES**
 - Approve proposed pipeline corridors
 - Revise NPR-A Integrated Activity Plan which effectively strands oil and gas leases
- **NATIVE ORGANIZATIONS**
 - Consult with Organizations
- **CACFA**
 - Review Integrated Arctic Management Plan

RESOURCE AND ECONOMIC DEVELOPMENT

MINERALS

ISSUES

- Guaranteed revenue sharing from federal mineral leases almost non-existent
- Statutory requirement to conduct mineral assessment on federal lands not being met
- New BLM mining policies potentially crippling for small placer miners
- Continued difficulties in securing access for resource development

RESOURCE AND ECONOMIC DEVELOPMENT

MINERALS

RECOMMENDATIONS

- **DC DELEGATION**
 - Require agencies to reinstate Alaska Mineral Resource Assessment Program (AMRAP) and Annual Report
 - Fund AMRAP as separate budget line item
- **FEDERAL AGENCIES**
 - BLM and USGS should reinstate AMRAP as required by ANILCA
- **NATIVE ORGANIZATIONS**
 - Coordinate with Regional Organizations for large-scale mineral development
- **CACFA**
 - Participation in BLM Placer mining subcommittee



LAND MANAGEMENT PLANNING & POLICY

LAND MANAGEMENT PLANNING & POLICY

“NO MORE” CLAUSE

ISSUES

- ANILCA “no more” clause being ignored by federal agencies
- 80 million acres authorized for CSUs by statute
- 150 million acres now in CSUs
- New wilderness eligibility studies
- New Wild & Scenic River studies
- Cross-boundary policy initiatives
 - Another potential layer of management authority
 - Beringia
 - World Heritage Sites
 - Wild Lands Policy
 - Landscape Conservation Cooperatives
 - Rapid Eco regional Assessments
 - Regional Mitigation Strategies
- Arctic Integrated Management Plan
- Climate change initiatives

LAND MANAGEMENT PLANNING & POLICY

RECOMMENDATIONS

- **GOVERNOR**
 - Monitor Integrated Arctic Management Plan
 - Seek exemption from federal policies inconsistent with statutes specific to Alaska
 - Monitor impact of Executive actions with environmental and management implications in Alaska
- **STATE LEGISLATURE**
 - Cooperating Agency Status and Coordination processes, or feasible alternative
 - Develop comprehensive plan to deal with federal/state conflicts
- **DEPARTMENT OF LAW**
 - Review Integrated Arctic Management Plan
 - Seek exemption from federal policies inconsistent with statutes specific to Alaska

LAND MANAGEMENT PLANNING & POLICY

RECOMMENDATIONS

- **DC DELEGATION**
 - **Enforce “no more” clause, clarify by legislation**
 - No new Wilderness or Wild and Scenic River studies
 - Implement Sunset provision
 - **Better ANILCA oversight (hearings)**
 - **Improve ANILCA Section 1308 Local Hire if needed**
 - **Monitor impact of Executive actions with environmental and management implications in Alaska**
 - **Require that all major policy changes follow APA process**
 - **Seek exemption from federal policies inconsistent with statutes specific to Alaska**
 - **Encourage federal agencies to work with stakeholders to find voluntary solutions (minimize regulatory approach)**
 - **Require Federal agencies to clean-up Hazardous Material Contamination on conveyed lands**
 - **Require federal agencies to refine CSU boundaries**

LAND MANAGEMENT PLANNING & POLICY

RECOMMENDATIONS

- **STATE AGENCIES**

- Monitor all cross-boundary initiatives (Beringia)
- Assess impacts of the Integrated Arctic Management Plan
- Monitor Landscape Conservation Cooperative program
 - Department of the Interior Secretarial Order 3289

- **FEDERAL AGENCIES**

- Continue support ANILCA 1308 Local Hire
- Finish refining CSU boundaries
- Research boundary adjustments/land exchanges to follow topographical or more natural landscape features

- **NATIVE ORGANIZATIONS**

- Participate in affected areas

- **CACFA**

- Monitor all cross-boundary initiatives (Beringia)
- Assess impacts of the Integrated Arctic Management Plan
- Monitor Landscape Conservation Cooperative program
 - Department of the Interior Secretarial Order 3289

A scenic landscape featuring a calm lake in the foreground, reflecting the surrounding environment. The lake is bordered by green reeds and grass. In the middle ground, a dense forest of evergreen and deciduous trees stretches across the horizon. Behind the forest, a large, rugged mountain with a prominent peak rises against a cloudy sky. The text "EDUCATION AND COMMUNICATION" is overlaid in the center of the image.

EDUCATION AND COMMUNICATION

EDUCATION AND COMMUNI- CATION

COMMUNICATION

ISSUES

- Better communication between State and Federal agencies needed at all levels
- Dissolution of the Alaska Land Use Council
- Public needs better tools to participate in the planning and comment processes
- Frequent turnover of personnel results in the tendency of federal agency staff to ignore compromises built into ANILCA
- Size and complexity of Federal agency planning and NEPA documents is overwhelming

EDUCATION AND COMMUNI- CATION

COMMUNICATION

RECOMMENDATIONS

- **GOVERNOR**
 - Consider Cooperating Agency Status and Coordination processes, when feasible and beneficial to State
- **STATE LEGISLATURE**
 - Provide funding for participation
- **DC DELEGATION**
 - Reauthorize the Alaska Land Use Council pursuant to recommendations contingent upon federal participation
- **FEDERAL AGENCIES**
 - Provide opportunities for Cooperating Agency Status, Coordination Process
- **STATE AGENCIES**
 - Cooperating Agency Status and Coordination processes, or feasible alternative
- **NATIVE ORGANIZATIONS**
 - Cooperating Agency Status and Coordination processes , or feasible alternative

EDUCATION AND COMMUNI- CATION

TRAINING AND EDUCATION

ISSUES

- Loss of institutional knowledge
- Lack of educational programs and training in ANCSA and ANILCA in public schools
- Frequent federal personnel turnover unschooled in ANILCA
 - Unaware of what makes Alaska CSU management different from lower 48
- Institute of the North training programs recommended for all federal management personnel
 - Encourage federal funding for training programs
 - Program needs support

EDUCATION AND COMMUNI- CATION

TRAINING AND EDUCATION

RECOMMENDATIONS

- **GOVERNOR**
 - Direct Department of Education to develop high school training programs for ANCSA and ANILCA
 - Encourage University of Alaska to develop ANCSA and ANILCA programs to aid career development
- **STATE LEGISLATURE**
 - Improve ANILCA training and accessibility
 - Provide funding for public television
 - Provide funding for new programs
- **DC DELEGATION**
 - Obtain federal funding for ANILCA program modules and accessibility
- **NATIVE ORGANIZATIONS**
 - Include ANCSA Corporations, village associations, and non-profits in education and outreach
 - Examine existing programs

SUMMARY

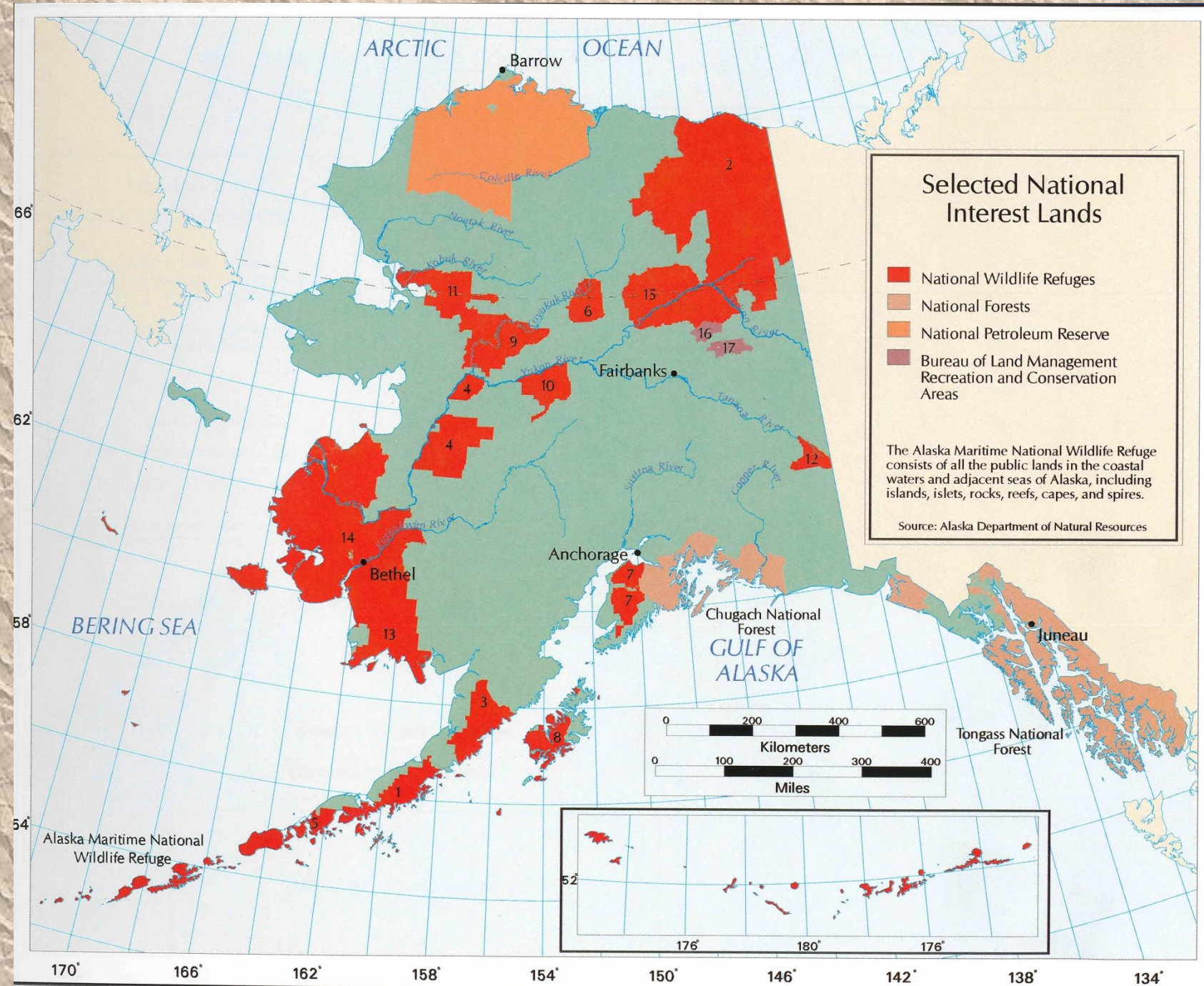


SUMMARY

ALASKA CONTAINS:

- **84% of all USF&W lands in the US**
- **90% of all USF&W lands designated wilderness in the US**
- **11.4% of all National Forest lands in the US**
- **15% of all National Forest designated wilderness in US**
- **31% of all BLM lands in the US**

Federal Lands in Alaska

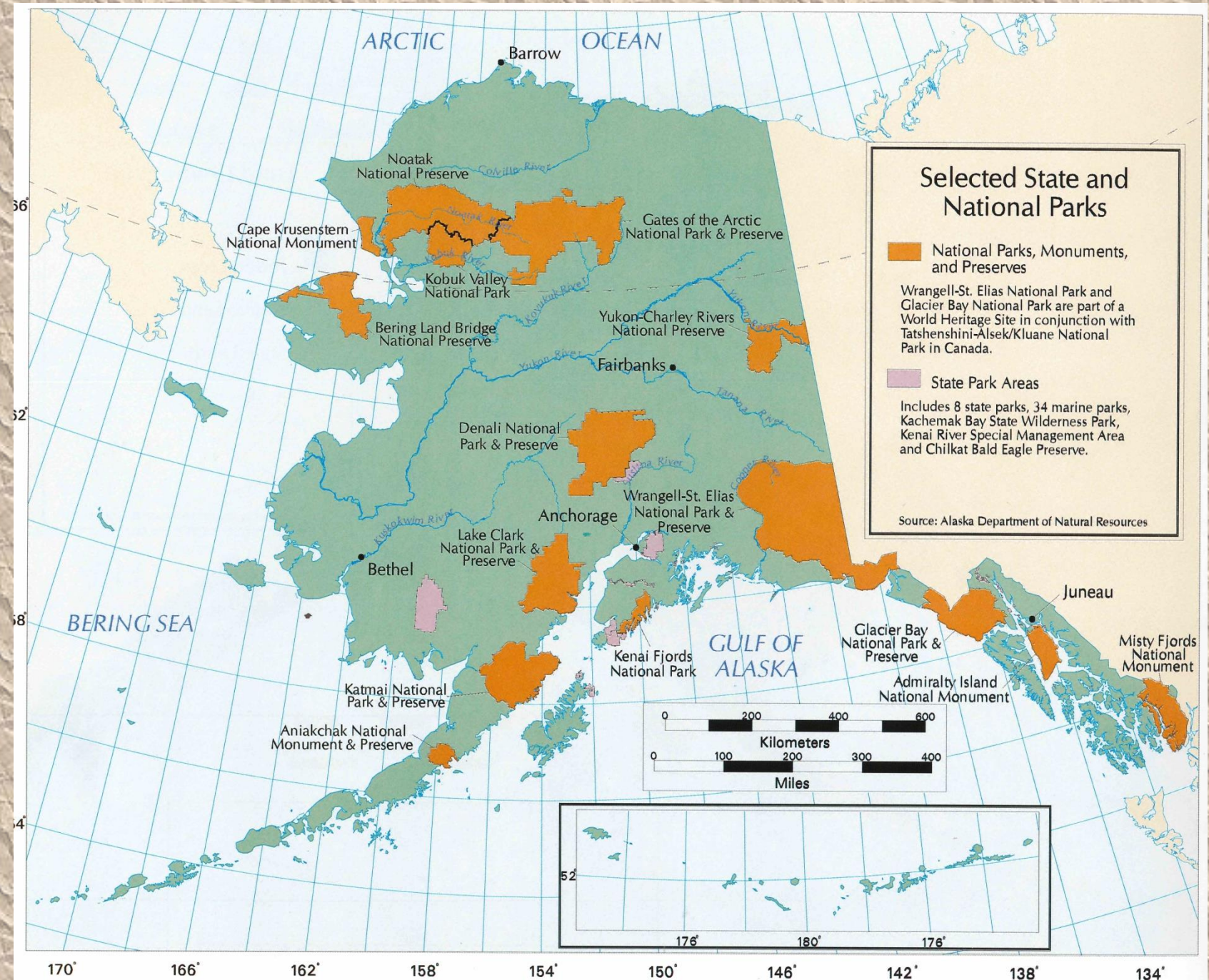


SUMMARY

ALASKA CONTAINS:

- 65% of all NPS lands in the US
- 75% of all NPS lands designated as wilderness in US

Federal Lands in Alaska



SUMMARY

TOTAL ALASKA ACREAGE MANAGED BY FEDERAL LAND MANAGEMENT AGENCIES

<u>Agency</u>	<u>Alaska</u>	<u>US</u>	<u>AK % of US Agency Total</u>
Forest Service	21,969,228	192,791,156	11.4 %
NPS	51,084,827	78,127,018	65.4 %
USF&W	76,623,756	90,825,335	84.4 %
BLM	78,512,482	253,366,500	31.0 %
4-Agency Total	228,190,293	615,060,009	37.1 %

SUMMARY

FEDERAL DESIGNATED WILDERNESS ACREAGE BY AGENCY

12/31/2009

<u>Agency</u>	<u>Alaska</u>	<u>US</u>	<u>AK % of US Agency Total</u>
Forest Service	5,753,899	36,159,575	15.9%
NPS	33,079,611	44,139,471	74.9%
USF&W	18,692,615	20,702,901	90.3%
BLM	0	8,663,146	0%
4-Agency Total	57,526,125	109,663,992	52.5%

▪ NPS ELIGIBLE WILDERNESS

- 13 out of 16 Alaskan NPS units have eligible wilderness lands
 - 18,966,383 acres of eligible wilderness
 - 33,079,611 acres of designated wilderness
 - 52,045,994 total acres managed as wilderness by NPS in Alaska

SUMMARY

- Overwhelming number of new federal regulations
- Overwhelming number and length of federal plans
- CACFA staff works on broad range of topics
 - Closely monitors *Federal Register* and agency websites for current projects, policies and initiatives.
- Several instances of breach of their own regulatory process
 - Public not always provided adequate opportunities to participate in planning and comment processes
 - New plan alternatives created and adopted with no opportunity for public review and comment

SUMMARY

- **New buffer zone proposal for Denali**
- **New restrictions on taking of fish and wildlife**
- **Repeated attempts to eliminate back country cabins**
- **Restrictions on chain saw use in Tongass to the detriment of cabin maintenance programs**
 - **Management plans allow discretionary use but managers change policy**
 - **Lack of maintenance leads to dilapidation, closures**
- **New restrictions on placer mining**

**WHAT WE ARE DOING IS NOT ENOUGH
NOW IS THE TIME FOR BOLD ACTION
NO MORE! PERIOD**

A scenic landscape of a calm lake reflecting the surrounding forest and mountains. The water is still, acting as a perfect mirror for the dense evergreen forest on the shoreline and the rugged, rocky mountains in the background. The sky is overcast, and the overall tone is somewhat muted, with greys, blues, and earthy browns.

Citizens' Advisory Commission on Federal Areas

<http://dnr.alaska.gov/commis/cacfa/>

House Judiciary Committee Hearing

March 19, 2014

FEDERAL OVERREACH IN ALASKA