

**MEETING MINUTES**  
CITIZENS' ADVISORY COMMISSION ON FEDERAL AREAS  
OCTOBER 3, 4 & 5, 2013  
LEGISLATIVE INFORMATION OFFICE  
716 WEST 4<sup>TH</sup> AVENUE, SUITE 220  
ANCHORAGE, ALASKA

**Thursday, October 3, 2013**

**9:00 a.m. CALL TO ORDER**

**Representative Keller** - What I'm going to ask you to do when we get to the work session is to be looking at your notes and the notes you've been given to refresh your memory of what happened at the Summit. And I want you to pick action steps in that that you want to prioritize and defend. And we're just going to try to go through and comprehensively cover the play book, if you remember the challenge that was laid before us, what we're going to do with it, what our next steps are going to be.

I think we all have preconceived ideas, but the discussion I think will help us both prioritize and clean up the act, so that's the intent.

With that, with the new agenda that you have in front of you, and I understand that it's been posted, but it wasn't posted till this morning because of the changes that happened there because of the federal shutdown. So look at your agenda and if you're okay with that, I'll retain a motion to approve the agenda.

**Commissioner Arno** - I just have one concern. By eliminating the Saturday part of the agenda where there's a few Alaskans that maybe wouldn't have been able to participate even over the phone, as far as if they had any comments that they wanted to put in, were they assuming that they would be able to go ahead and speak on Saturday? And now that that option is precluded, that concerns me.

**Representative Keller** - Thank you. And I share that concern and I'm glad you put it on the record. And I want to say, repeat it, if anybody out there that was going to testify on Saturday, that you cannot, or it's a hardship to testify at a different time today or tomorrow, please let us know, because that is a priority. I really appreciate you pointing it out.

That's what we do, we hear the concerns of the people and compile the concerns and give reports on it. And that is not meant to be a slight and I'm going to blame it on the feds again, but if anybody is out there that intended to testify in public participation time on Saturday, please let us know. Contact either myself or the CACFA office and we'll make special accommodations if we possibly can.

**Commissioner Arno** - I make the motion to adopt the agenda as written here.

Unidentified - Second.

**Representative Keller** - All in favor say aye. Opposed, same sign. I guess then the minutes, we're going to skip over that one. We put staff on making sure we have a real good transcript of what happened at the Summit. We'll have that before the end of the day tomorrow.

## COMMISSION MEMBER OPENING COMMENTS

**Senator Coghill** - Thank you, and good morning. I thought the meeting that we had was well done, so I really appreciated all the people that came forward to testify. Probably to me the sense of frustration was very difficult for me to kind of keep down, but since you put a microphone in front of me I had to keep some calm, but there's just lots to do. And so what we chose to do in our office is to take on a couple of things that we could do to help maybe this commission and the rest of Alaskans understand. We thought we'd start compiling the MOUs that the various different departments have gotten with the federal agencies and look at some of those in their substance and try to compare where we're at in some of what we would see as the compliance with what has been made law, rather than policy issues that sometimes veer off of the law. So we're just in the process of compiling them. Chad (Hutchison) in my office is the workhorse and we're well underway to do that. The critique of them has not really begun to any great degree. And this is not to go on a great hunt to make our departments look bad, it's just to help us understand what is actually going on out there with regard to how we manage the day-to-day activities and does the policy line up with what our expectation of the law is, and if not, why not. So you'll see us doing that.

I think if you have your little sheet here you'll see that there are a couple of things that we're going to be working on. Certainly, kind of one of the big ones is going to be the ANILCA review. I'm going to take that on personally, anyway, so it's something I thought that my office could help do. That's no small task and so we're working on the MOUs, so we haven't gotten to the ANILCA review yet. But that is something that as long as I still have staff that's willing to work with me, we'll just kind of plug along on that. And we have been writing, trying to mirror some of the things that Stan has done on writing to the different CSU planning issues. We have tried to add comment that is outside of the CACFA comment, and there's no way we could do as thorough a job probably as Stan does. He gets into much more detail. But I think from a policymaker's perspective, trying to talk about the policy issues probably a little more broadly, but still understanding the issue as thoroughly as we can. So once again, I tasked Chad with that. It's a big learning curve for him; it's a big learning curve for me. It's a lot of reading, Stan. That's a lot of reading, isn't it? It's just amazing.

So I did, at a couple of the meetings that I've gone to, Chamber, Miners' are two probably that I attend regularly, encourage them if they had testimony to get that into this Commission. We had that issue happen up there at Chicken and that created no small stir. And we still don't know enough of the details really to make a case for anything yet, but everybody's watching to see what comes of it, myself included. So in the newspaper today I saw where our own NSA, National Security, just drives me crazy, has been getting pretty easy access to private information, and I think is way overreach as well and I intend to do some snooping into that. To me, it's good to watch out for bad guys. It's bad to snoop in on everybody's business, and I see that that's something that they can do administratively. They don't have to have any due process issues and personally I see that as a huge overreach issue. I may come with some formal recommendation to this commission, but I can tell you that's something that my staff and I have talked about on how to address those things. Part of my responsibility as the Chair of the Judiciary in the Senate and those issues we've debated quite intently in Alaska just on criminal issues when there's a formal charge and somebody is under investigation, how far can you go without a court order and good due process? And here we have a national agency that has been able to get your private information based on their own recommendation, so it's something we're

going to have to deal with.

So just watching those kinds of things is what I'll be doing, so I may bring a recommendation to this commission once I've put together a thoughtful process. But if I can't get it done between now and the time the legislature gaggles in, I will probably do something along that line.

So without reading every little word on the **Senator Coghill's** actions, those are at least three of the things that I'll be paying attention to. I really appreciated the way that the members asked questions and got involved in the last discussions. I was really glad that we were able to get Mr. Horn up here. I thought that was just good history and it probably wouldn't hurt if we got him to do something when we do a title review, to actually have him walk through it with us as well. So just a suggestion and thanks for the commission member's attention.

**Representative Keller** - Thank you, Commissioner Coghill, and thank you. From my perspective I would welcome the recommendation on personal information. That would be really helpful. And also when you do your work on the MOU stuff, it's okay to assume that you're going to report back to the commission after you get the evaluation done so we can -- because that was a -- I really appreciate you taking that one on.

**Senator Coghill** - All the things you see that we're going to take on, we would expect to bring that information back to this commission and certainly work with Stan all along the way. So, yes, it will be in front of you. It's just a work in progress, obviously. Even our minutes are a work in progress because it was so substantive. It's hard to make sure that you got everything that we wanted to get out of it. And there are a lot of recommendations some that are way out of our ability, some way within our ability, so yeah.

**Representative Keller** - The other thing, I'm sitting here thinking about the Chicken situation, and as we go around I would guess that there are other commissioners that are going to be interested in commenting on that. And we have Randy here, and I don't mean to put you on the spot, but I know the governor is looking into that, and the reason I know it is that several of us in the legislature started screaming and the governor very graciously and ably stepped into that role. And so when we get done making the comments by commissioners, if it's okay, Randy, I'll have you come up and give us what you can tell us about the investigation, where we're at on the Chicken thing. **Commissioner Fish.**

**Commissioner Fish** - Well, I too really appreciated the Summit. It was packed full of information from a lot of folks that have quite a bit of history in dealing with these actions. And I think we did a good job at encapsulating a lot of that in our action points here.

The two things that really struck me as something that we haven't heard before: we hear testimony often in the commission of the problems and the interaction we have with the federal government and possible solutions. But one of those possible solutions really stood out for me and it came from the person that I believe has been dealing with these issues on a day-to-day basis since prior to even having them. Our most senior elected official that we have in the state, Don Young, has been there since day one and I consider him quite the elder on some of these issues. So when he speaks I kind of have a tendency to listen to what he has to say.

And one of the things that I noted that got my attention about his speech is that he says the State

of Alaska should physically challenge the federal government on some of these issues. And I took a great deal of interest in that, because here's a person that fights this stuff and he has come to a conclusion that the state needs to, in order to have its sovereignty recognized by the federal government, has to assert it. It's plain and simple. We have to be -- the state has to be on the same page on an issue and say, this is our domain, and force -- and basically control the game. We continue to go -- take federal regulators to federal courts for federal decisions. Well, I think it is time that we physically challenge, pick an issue that we can, that the state can get behind, on state land and state resources and state people and just challenge them on their regulations, say that they don't have the authority to regulate us on our own property. And I know they could take us to court and we could have a court decision, but like Jackson once said, they have their decision, now let them enforce it. And I think it is time to force a confrontation on some of these issues. And I find it interesting that our senior congressional leader has also come to that conclusion.

The other thing I took from it that really struck me as exceptional is the testimony that we heard from the Native Corporation leader on the ground out in Iliamna. The one quote that stuck in my mind from that is, "nobody asked us." Here decisions are being made on everyday Alaskans that affected their individual lives significantly and from 5,000 miles away, and they don't feel that they have a voice in that process that means anything. And so I do think that's an issue.

We had the same issue 200 years ago where there was a king that was arbitrarily making decisions that affected people on the ground 5,000 miles away and nobody was asking them either. I hate to see a vicious cycle like that, a vicious and abusive cycle like that continue. The government needs to be accountable for the front line and that's the individual out there living their lives. And I do think that if we work on a local and state level to assert our rights, we'll have a better chance of getting them. And that's it.

**Commissioner Lean** - I found the congressman's comments that we were slipping back into territorial days, as far as federal overreach, interesting and I somewhat agree with that statement, that we have lost ground rather than made progress in supporting the states' rights. I had three conversations here in the last week that I found real interesting and they all have to do with federal overreach. I spoke with the editor of the Nome Nugget newspaper. She's a woman that's older than I and starting to have difficulty getting around easily and certainly not a wealthy person. And she was upset that she had been excluded from going to Serpentine Hot Springs, something she really enjoyed and found therapeutic, and pointed out that the movement to make that a public space began in Nome in the early '50s. Originally, it was to be a monument, even before statehood. And today Park Service management has dictated that essentially the runway will be kept at such a low standard that commercial fixed wing airplanes can only go in there if they have an off-runway insurance certification. And that means that no airline in Nome will take you there and that she would have to travel to Kotzebue to fly back towards Nome. And she was upset and I thought she had a point.

I had a conversation with a friend that's a guide and has an inholding in Wrangell-St. Elias Preserve and he's been subject to repeated visits by the Park Service. He's served several tours in the military, but his family has maintained a guiding operation there since the early '50s. They own their site, their inholding, and on more than one occasion Park Service SWAT teams people have landed and charged onto the property, thoroughly intimidating his 90-something-year-old mother and he was quite angry about it. And so he happened to be there when they pulled that

and he challenged them and asked them where their search warrant was and threatened to sue. And since then they've been more circumspect in their visits. An adjacent or neighboring guide is faced with twice daily license checks. The helicopter comes into a sheep camp twice a day to make sure that they have their licenses. That sounds like harassment. Fully armed with vests, automatic weapons; it's intimidating, to say the least.

And I have a friend that's a miner in Nome and they're starting to pull out for the season. I was talking to him about -- getting as much out of him as I could. Miners are hard to pin down on how they do, but he brought up the Chicken incident. He was quite concerned about that. He, too, was wondering why such a thing could happen on a patented claim. He thought they were patented claims; I'm not sure if they are. And he thought it was just poorly handled and really concerned about the heavy-handedness of the incident. And that's gotten a lot of people's attention, and the miners in Nome on the other side of the state are wondering where they stand as well. So all those things are on my mind today and I thought I'd bring them out.

**Commissioner Olsen** - Thank you, Mr. Chairman. First of all, I'd like to thank Stan and yourself for the great work on the Summit. It was timely. I think it's timely for some reasons coming up on a national level as well. The information I see on sequester from the South 48 is a very serious thing, it's not a casual deal. We're going to be talking to people. We were going to talk to some people here that evidently are not participating with us today or the program. But I don't think we're going to be participating with those people a couple years down the road. I see sequester as a real serious problem, runs deep, runs in a very serious manner to lots of locations in the South 48, and I think we're going to have some serious consequences up here because of it.

In regards to the Summit meeting and the information I'm seeing this morning, I'd like to thank **Tina Cuning** for taking her valuable time in putting this information together for our aid. I think it's tremendous. I think we've got additional things to add to or detract from, but this is a great piece of work at this time and she really deserves that thank you.

I'm encouraged to see the information, additional information on the position in the Attorney General's office. I made a comment at the Summit meeting in the fact that the AG, as far as I'm concerned, has been a case of musical chairs in Alaska. We've had so many AGs in and out of Alaska that I'm not sure I could name a quarter of the people that have been participating with us over the last, what, 30 years, so I'm really encouraged by this particular position. I assume that this is going to take probably five years of apprenticeship to catch up on all the subjects mentioned here by this position. I expect that.

I think our alliance with the South 48 states is extremely important, because I think all of these particular things that are happening across the country and those things have to be put in reverse and backed out. And the last thing I guess is working with the property owners across the state and their resources, enhancing the resources we have in a better manner and getting more efficiency out of our departments and more practical things on the ground, to take advantage of the resources we have. Thank you.

**Commissioner Liska** - Thank you. I was really encouraged by the Summit. There was so much information that came out historically to lay the foundation for today, where we're going, and what is happening and to hear these stories again of what's continuing to happen, even on a more aggressive level than in the past. I want to thank Tina, I think Tina just came in, for her report

that she did for us. That was really a monumental work and I just really appreciate that as a working document. But also I was going to -- how do we -- if we know that more federal budget cuts are coming in the future, how can we as a state -- this is going to impact our tourism.

For example, what's happened at the national veterans' monument, that it's been blocked access, and if the federal government budget cuts are going to impact our parks and access where people come up to the State of Alaska for tourism, how can we forward plan to make sure that other economic streams in the State of Alaska are not impacted negatively. What can we do forward planning with that? How do we look at that as a state? Obviously, it has affected us today with what we're trying to do here, so how can we look at that in the future. That's what I'm interested in, also.

**Commissioner Arno** - Thank you. First, I'd like to thank all of the participants in the Summit. I think that their volunteering to take their time coming from the east coast and wherever was really valuable. And I was discouraged by what the message was. And after my three decades of participating in this process since ANILCA and actually going to d(2) hearings prior to that in the '70s, I think that it's clear that the rule of law that we thought we were getting as Alaskans from ANILCA has not occurred. And at this point I think that we have a good summary of the things that have been tried in the past for the last three decades that gain nothing for us. So hopefully the commission can look at some of the actions that the state took to try to work with the federal land managers and not have the conflicts that the federal land managers have created, can be resolved by a very active state resisting those now. Thanks.

**Representative Keller** - And like I say, I've already spoken, I won't repeat, but I just wanted to explain a little bit. A little later when we get into the work session, I've asked Ernest, my staff, to be in here with a flip chart, so this is kind of a start for that work session, because the things that you're reporting that impressed you related to the Summit, you'll get another chance and we'll put them on the flip chart. And the intent of doing that is ultimately we need to prioritize and maybe, I don't want to say screen, but there are some that we may not hold up as first priority, we'll have to decide just exactly what, and then also our annual reports Stan is putting together for the legislature and everything, and this will help sort that out, so just a process thing.

**Commissioner Smith.**

**Commissioner Smith** - With regard to the Summit, and again I want to really thank Stan and Karrie and Ernest and Chad. All the people that put in so much time into the scheduling of the speakers was really, really well handled I thought, because you had a good representation of a lot of different areas, we heard a lot of different problems, and I just thought the whole thing was really well done.

And I want to thank **Senator Coghill** for your steps already to go ahead and do the MOU search and think about the ANILCA section review. I think that those are very important first steps and commend you for jumping into that already, and Chad for getting us started on that.

I know I found out some -- the section 404 Clean Water Act, imposition of federal regulations on private land, there's some really important things that I found out that I didn't know before. I thought Bill Horn's recommendation of thinking of maybe having the state contracted by the feds to run the refuges, for example, was a really thinking-outside-the-box good idea. If the federal government is having trouble coming up with the funds and are overreaching their bounds in

these areas, why not have state people run the refuges contracted by the feds? I think that maybe it's time to start looking outside the box at some of these new ideas.

I also think it's really important, as **Commissioner Olsen** mentioned, that we join the coalition with the other western states, so that I think we'll all accomplish more as a group. And I'm excited about taking this first step in prioritizing and getting on with our research about what can be done next.

**Commissioner Somerville** - Thank you, Mr. Chairman. I too want to thank everybody that helped put the Summit together. I really think that Alaska is really at a critical stage right now and it's been amplified by everybody that has spoken before me. But I got two things out of the Summit that I think are really important. One, which everybody except one person in the room agreed we have a major problem. Everybody in that room, in essence, said that we had that problem, and everybody agreed that the state must be more aggressive. How and what form, that's always open to debate. And also I think we got from most of the presenters that if we recognize we have a problem, like a chain-smoker or alcoholic, you've got to commit something to resolve it. Doing more of what we're already doing, producing what we've already got is not going to be successful. I hate to say that. I think you can't quit doing some of the things you're doing, because you're transmitting information, but you've got to do something else. And I guess that's my feeling on that.

And I wanted to apologize for something, because I think it's important to put it on the record. One is at the Juneau meeting I prepared a motion to, in essence, kind of start the process, or at least in concert with **Senator Coghill** and Representative Keller, of documenting our problems in this overreach arena, but I also made a motion that we needed money. And for whatever reason we didn't go ahead with that motion, I realized towards the end, or into the session enough that it was going to be difficult. I personally went -- and I wanted to pass this on to Randy, because he's probably aware of it, I went to the governor's office and expressed this, that this process will fail unless the state commits some resources to make sure that we have the ability to continue on and do a good job. And I want to thank the governor's office for responding to that and providing the commission and this process with some funding, so I just wanted to express that on the record.

The other one, which we'll discuss a lot of these things, but some of the things that we need to do, which some I put into my presentation, are a little more radical, and I've been known to be a little more radical in some arenas. But I think it requires just a different approach in dealing with the federal government and I'll use one example. There is no more onerous crazy federal action than the King Cove Road, allowing those people to get to Cold Bay via road system, which it does virtually no damage to that refuge, virtually none. And I talked to Mike Nizich the other day, and somewhat in jest, but I think it illustrates the problem we've got here.

The Izembek refuge is virtually worthless, worthless, without the state refuge which is adjacent to it, because we own the tide lands. That's where all the eelgrass beds are. That refuge has no value whatsoever without the state eelgrass beds. So if the governor gives notice to the secretary that we're going to -- the legislature is going to rescind that as a refuge, and we're going to issue drilling permits in the Izembek refuge, I'll bet you they'll negotiate with you on the Izembek, King Cove Road.

Anyway, maybe that's a little too extreme, but the point is, why are we cooperating with them keeping a refuge, when they won't even work with the state to work out something that has virtually no negative impact on the refuge? And I'm speaking from a professional standpoint there. I was regional supervisor in Anchorage, been in the King Cove Bay area many, many times, and I'm telling you there's virtually no impact of that proposed road. So anyway, and we'll be discussing these in more detail. I too want to say thanks a lot and I think the Summit went extremely well. We've got a good start. Now the question is, where do we go from here?

**Commissioner Woods** - Well, first of all, I'd like to say that I was almost thrilled to hear all the history, because I was born six years after statehood, and that put a different light on the whole picture. And having all that history presented, my generation kind of missed out on that whole era, and the next generation coming up after me has a huge gap in information. And in light of history not to repeat itself, we're back in the same -- we've almost come full circle in a round of management interacting between the federal and state governments. And then you add the Native component to it, being a Native representative on this board, there's only one, I'm the only representative. And I try to outreach as much as I can, because one of the first things that I -- the first questions that I get asked are, what is this board? What are you guys doing? What am I supposed to be interacting with?

Well, I think the first round is ANILCA, and ANILCA training is real -- it's been around the state for awhile. But there isn't enough people actively engaged in that process and educated on ANILCA, in how ANILCA was formed, and why it's here. And if you look at section 17 of the Alaska Native Claims Settlement Act, that outlines it, what we're doing here. As both the state and the feds agreed, number one, to provide certain -- and they both signed on to that, because of the oil fields on Prudhoe Bay and the pipeline, that they would be agreeing to certain -- Alaskans and the constitution outlined it for us, all Alaskans.

And when all the needs aren't getting met -- we have federal issues in our area, but in Bristol Bay we really work hard, especially my office and our organization, and all of our organizations, we sit down and we bring everybody to the table, no matter -- and I've heard that over and over and over and over again growing up, that we need everybody at the table. And when the state kind of -- in the last Summit I heard that state sovereignty is a big issue. Well, so it is for the local and Native corporations and the people in the tribes of the State of Alaska. It is a huge issue, and I urge the state to recognize that, along with their own requests to the federal government, that that has a huge impact on how we deal with Alaskans, all of them.

And I was sitting there listening early -- before I got involved in all the political stuff in my life, I liked to travel around the state and up in Kaltag and up on the Yukon, I had the pleasure of meeting that gentleman. He sat there in a big speech and he was sitting there talking about -- in celebration of Columbus Day, that -- and his stance was that ever since Columbus hit Plymouth Rock, the Native people in this country have been here to help and educate the people that are in country, and the education is key. When we're sitting around the table and we have -- I think Charlie I think said it straight the last time, when we're sitting across the table and we're sitting there trying to negotiate in terms of what our needs are, and someone across the table ain't even looking you in the eye and ain't even able to sit there and listen to you, that's a mistake I think we all make.

The hardest thing to do is sit there, and when we have that happen we continually meet over and



over until we get the issues resolved. The hard thing is that I don't want to be here for 20 years figuring out how to do this over again, because, number one, people suffer in that realm. We live in a great state, we live in a great place to figure it all out, but what I got out of this whole Summit was, number one, public outreach has got to be a real important part of this process. And every meeting in every state, we're under dual management, every meeting I attend we are short-staffed, we are short-handed, and we are short-public -- there's a shortage of public in every meeting that I attend. Why?

Our presenters and our forefathers told us the same thing at the Summit, "there ain't enough people in Alaska to take care of all the business that's happening in Alaska." And you add that component to rural Alaska, it's even worse, because the people are so damned busy they can't pay attention. And when resource -- we talk about -- someone talked about our Native Corporation bringing one issue for it. That village corporation is one of 270. That's just one. And I focused and I asked my area, I'm just Bristol Bay. I see you got a letter from Bristol Bay Native Corporation, I see we've got -- my boss is here, our land managers, and we have actual representation because of not just my requests, but I think people are interested in what we're doing. They don't know what we're doing.

As a commission, what are we doing? We have to ask ourselves. Are we reviewing ANILCA, are we asking for public input, are we trying to change the law? And I thank Coghill for addressing the MOU. That's a huge task. And I think by the time -- and I'll shut up, but I'll have public input, there's got to be an outreach. The second -- the biggest private landowner has got to be at the table. If we're going to start dealing with land issues and regulation of process, because when I think about this there's got to be an outline, and I think we'll get to this in the work session, but it ain't going to be an easy fix. There is no easy fix. So, man, there's a lot there. I read through the -- Tina Cuning, I'd like to thank Tina for showing up again, coming out of retirement, and I see Brad taking her place, and Commissioner Fleener for showing up and writing letters that are addressing this board that we need to be aware of, but I think as a board we need to figure out what we want to be doing. And I'll shut up, so welcome.

**Commissioner Meekin** - Well, I missed that August meeting, but it sounds like I missed a good one, so I'll come up to speed on that stuff. But what comes to mind to me is sometimes it's just not the state against the feds, it's every federal organization. Like I deal a lot with the Federal Aviation Administration and it's like there's a mentality there that it's just hard to deal with, that they want control of everything all the time and it's a tough situation. So sometimes I think that they need new people, you know what I mean, or something. I just wouldn't know the answer to all those things, but it isn't just -- it's every federal organization I see that sometimes needs some revamping, but I don't know how to do that. So I'm here to listen and learn here.

**Commissioner Hanson** - The Summit was very illuminating, as it was my first foray into the business of the commission. There were a few things that really stood out to me, besides total education and a straight-up learning curve, was -- well, he was talking about Don Young and it really rang a bell. As a historian, the fact that we are returning back to territorial days is so true. And that was one of the reasons that we wanted to become a state, is because we could have certain rights. And so when I listened to the testimony about what's going on in the preserves and the navigable water issues of state waters flowing through national parks, it's just one of those things where I'm like, we have the right to go through those waters, so why is there even an issue there. Well, for me it was such -- there was so much information that came forward, that

what I really came out of there with is that we're back to states' rights. It's really all about states' rights and I really would like to see a strong executive branch take this to court, take it to the Supreme Court. I mean, let's just do it, let's get the ball rolling, because we're not the only state that's dealing with this kind of stuff.

And one of the other things, Frank was talking about education. I'm also an educator and I think that we are in a desperate situation for our next generation because of the lack of information, and the best way that we will lose is to not raise the next generation to know what to do. And so I'm just wondering if we can work with the State Department of Education and enforce some sort of high school education with Alaska history to put ANILCA training in that. I know that there are classes for ANCSA that go on, well, mostly in rural schools, but I think that ANILCA needs to be put forth to the Department of Education, because if the next generation doesn't know about it, then we're lost.

### **AGENCY REPORTS – Mr. Randy Ruaro, Special Counsel to Governor Parnell**

**Representative Keller** - We'll get back to that one I'm sure in the work session. That's good comments. I think everybody knows that I've been critical a little bit about our -- I'm going to stick with the executive branch, in the sense that we have silos of people that are very expert and very good, but not all working together. In that context, I can't tell you how encouraged and delighted I am with the governor. The governor has stood right in there, and Randy and I have been meeting and talking about this back in the last session, about how to get everything in the group here working the same direction. And so, Randy, I really appreciate the fact that you are here. I don't think you're on the agenda, but like I say, I'd like you to come up and tell us about Chicken. But while you're up here at the mike, if there's questions that you have or comments that you want to go directly to the governor, with discretion, go ahead and make them now. But Randy, introduce yourself and so ahead.

**Mr. Randy Ruaro** - For the record, my name is Randy Ruaro. I'm a policy director for the governor, Governor Parnell. Mr. Chairman, if I could just quickly walk through a few items that were brought up in comments by commissioners. Commissioner Coghill mentioned the review of MOUs, and I just wanted to let the commissioners know that I'm also working on that review and I'll be happy to share the copies of MOUs that I've gotten with Chad and work through that inventory with him.

To Commissioner Lean's comments about instances of federal law enforcement overreach, I just wanted to mention that it is happening I believe not only on a statewide basis, but also in the Lower 48 states as well. And I can mention just a couple examples real quick. In Skagway there were some folks out camping, two of them were plinking away at a stump and some federal rangers heard the shooting and came in with weapons at high ready position and scared the heck out of these folks. And there was a daycare in Wrangell, the operator had five or six young children out for lunch and were using a federal park area, and they were cited for having lunch in the park.

And then we have Chicken. It sounds like there's more examples that **Commissioner Lean** has mentioned, and I'd like to catch up with you at some point and get some documentation of those, because it's just -- and Chicken is maybe the epitome of it. And I can tell you that the procurement for the special council should be completed next week. That fellow will be on

board and digging into it. They did have the meeting in Chicken. I rode out with a couple folks from Fairbanks and went to the meeting and it was pretty clear that most, if not all, of the 30 or 40 camps that were visited, the miners that were visited did not have criminal records, or would not be considered a dangerous person. And somehow EPA got on the track of the need to do their investigations first as a criminal investigation, but also as if the miners there were a threat of some kind.

And I can just mention, and this came out, this was publicly stated at the meeting, that both BLM and DNR and DEC have folks that go out to these claims and work with the miners, and they do some civil type inspections. And they've never been -- any of the ones that I talked to had never been threatened, or felt threatened, or felt the need to even carry a weapon to the camps. So somewhere in that process EPA I think got some bad information, or just misjudged it, but the full review by the council will dig into those facts. And I'd be happy to send you a copy of the report as soon as it's final.

I did want to mention on **Commissioner Olsen's** comment, that advertisement for another RS 2477 states' rights attorney is out. We expect to be hiring for that pretty soon and we anticipate that person having some experience and being able to hit the ground running, rather than going into a long learning stage. So we're looking for an attorney that's got experience and can help. We've got one designated RS 2477 attorney in Juneau, Kent Sullivan. He's the fellow that's filed the RS 2477s in the Chicken area in the Fortymile, about 30 miles worth. And we're going to hope that this position, this fellow can -- the new hire will be able to help him and hit the ground running. And there's actually another position after that that's funded that we'll be advertising and trying to hire for. So we are bulking up resources in that area and anticipate them getting work done quickly, so I just wanted to mention that.

King Cove Road, I think the governor has been supportive of the effort to get the road and pushing forward, pushing on the secretary to grant it. There's no reason that we can tell at all that that road shouldn't be put in. It's talked as if it's a new road. It actually, as **Commissioner Somerville** knows, you're just connecting two existing roads. It's I think a 12 or 13 mile connection of two existing roads. And we haven't seen wildlife devastated by those other existing roads, so the argument is fairly weak.

We continue to work on and we watch federal efforts, and maybe what I could do at your next meeting is get put on the agenda and I could actually present a summary of cases and comments that were in action and we're litigating. That might help provide some background for what we are working on. And we are seeing -- I don't know if the commissioners are aware, but the Secretary of Agriculture just announced that they're pulling back on a timber sale in Southeast that's needed to keep the last mill going down there, and so we'll be working on that as well. But they're trying to implement a new strategy on the Tongass that goes away from old growth logging, which is what the last remaining mill does, so I can probably provide an update at the next meeting on that issue as well. But we're trying to watch everything and weigh in. We do weigh in often, frequently, and oftentimes we're ignored. NPRA is probably a good example of that. We worked on that land plan for I think about a year-and-a-half, provided numerous sets of comments, and basically ignored, and the secretary made a decision. But I can provide probably a full list and description at the next meeting, but that's just a few current events that we're watching.

**Representative Keller** - Randy, thank you. Is there any comment or questions? **Commissioner Fish**.

**Commissioner Fish** - Yes. In relation to this EPA Chicken raid, I'm wondering what the scope of the -- I want a clarification of the scope of the council's investigation. It's not surprising to me, listening to the testimony as I have for years on this council, that the federal government won't do something like this. What I found remarkable is that we actually had state agencies that were supportive and complicit with it. And I was wondering if, in the special counsel's investigation, will they be looking into the role of the state agencies in this rate as well?

**Mr. Ruaro** - Through the Chair, **Commissioner Fish**, he will, and I think it's important to note that while there was a DEC investigator along with the EPA agents, several of our agencies did not have knowledge of the tactics or the efforts of the feds in that, including the Public Safety Commissioner was not consulted and our DNR folks on the civil side who work with the miners a lot, were not advised. So that is within the scope of the review.

**Representative Keller** - I've got to tell you, I felt betrayed, angry and very frustrated when I realized that we had state employees involved in that, but as I thought about it afterwards, in a way it's a reflection on us, how good we do our job, because put yourself in their position. They were on a task force looking into how to deal with environmental crime, and so they had a small group kind of like ours and they were working on this issue, and they just kind of -- one step and then pretty soon they're into it, and somebody failed to see the warning signals. And what we're doing is raising the awareness where probably that wouldn't happen at some point in the future.

Personally, **Commissioner Fish**, I have no need to see punishment of state employees and I would like to just put out there the challenge for us to do a better job on getting our rights understood and defined and be proud of our state sovereignty so those kind of things can't happen in the future. But I eagerly am waiting for the report also. Thanks.

**Mr. Ruaro** - Thank you.

**Representative Keller** - Commissioner Arno.

**Commissioner Arno** - I'm pleased to see that the Supreme Court went ahead and granted the state an extension on the Katie John, so you've got till November the 4th to file on that. And as important as that is, when you consider the acreage of state sovereignty that would be lost, should that decision stand, I'm just thankful that the governor is moving on that. And I hope the administration understands the extreme importance of putting everything into that case and being successful for the state sovereignty to manage those waterways. It's a huge issue I think, and I was disappointed to see that the state wasn't online ready to do it, without having to do an extension, and that certainly did not put my fears to rest. And I'm still not seeing what position the state, or how strong it's going to be, is still a concern to me.

**Mr. Ruaro** - Through the Chair, Commissioner Arno, I can relay that it is an extremely important issue and the state has retained probably one of the best Supreme Court attorneys that are experts in that area to assist, so it's the Department of Law and an expert in the field.

**Commissioner Somerville** - Yes, thank you, Mr. Chairman. Randy, I guess just kind of echoing

what Rod said, but the magnitude of this if it isn't appealed could be horrendous. I mean, the state has 16 million acres of submerged lands in which we should be managing the water column, and I don't need to tell you, say any more, but I do echo that. That's got to be appealed somehow to lay that to rest. Having been in the state government and dealing with the AG's office, we always heard how we've got to have the perfect case. There is never the perfect case.

Now, I realize that there's other cases coming along, but they're going to have to be treated on a case-by-case basis, and I sure encourage that we don't drop the opportunity. And it's not anti Katie John, but the issue here is we need -- and I think that was amplified throughout this whole Summit thing, and that is that the state needs to have a clear definition of what its authorities and jurisdictions are, whether it's subsistence or something -- if we had that done and we knew what the definition of federal public lands was, and we know what the definitions of navigability were, we had all these things in place, then we can negotiate with the federal government. But as long as we keep in this position where we're always walking backwards and losing these grounds, there is no limit on their jurisdiction. And that's where I see as a major problem of not appealing this case.

**Mr. Ruaro** - Through the Chair, **Commissioner Somerville**, I agree. I am also an attorney by trade and in 20 years I've never seen a perfect case in anything. Maybe they exist, but I haven't run across them too often. And I think you're right, the definitions, the issues, and I think Ted Stevens even was quoted at the time ANILCA passed that he was really concerned about the ambiguities in the legislation and that it would create a lot of uncertainty down the road and I think it has. But I'm certainly aware how important the case is and it's being worked.

#### **COMMUNICATIONS and REPORTS from the Executive Director –**

**Representative Keller** - Thank you, again. What we're going to do is go over our executive director's report of communications and start on that, and then we'll stop that at 10:30, if you're at a good breaking point. We're being real flexible with the agenda. But before we go there, I just want to say thank you to Stan. Actually, as for me personally, the reason that I feel really motivated for CACFA to do a good job is Stan, because I have come to respect and appreciate the scope of his experience and background and understanding, and it's incredible. And I can't help but think about where we'd be at in this state without that expertise. And so to me I felt panicky. He's not an old man, his beard is a little gray, but if he goes away what's lost here and how much have we lost in the past? And like Tina in the back of the room, when she retired I thought, wow, those kind of things, so we've got to -- so just thanks to him, and take it away.

**Leaphart** - Thank you, Mr. Chairman. I appreciate that. Yeah, I kind of share -- I don't know who said it, but a little disappointment after having been -- come on the scene just a few months after ANILCA was enacted and saw the first management plans and the first sets of regulations that came out. And it's quite disappointing I think in some respects where we're at today, almost 33 years later. One of the problems with institutional knowledge is that it does go away and there are very few -- I can think of two people at a federal agency that were here when I started that are still here in Alaska and that's a problem, too, I think. So I think our educational recommendation for increasing education and awareness of ANILCA is one that ought to be pretty near the top of our list.

So with that, Mr. Chairman, I'd just start out with some correspondence that we've received, different subjects. The first item came shortly after the Summit. It was a request from

Representative Scott Kawasaki from Fairbanks who had some questions regarding expenditures and costs for the Summit, and wanted to know where the funds were allocated within the Department of Natural Resources. I provided Representative Kawasaki's office with a breakdown of the commission's budget that was in the department's budget.

We are a separate component within the department's budget and all the monies that were expended by this commission on the Summit were within that FY14 budget. And I also provided the information through Representative Keller's office as Chairman. And there's a breakdown; it's not much to break down. Mostly what we paid for was travel for the commission members, and we spent about \$127 on name tags and some other meeting supplies, and about \$680 to Daniel Solid's Strategic Services. He helped us set up the registration, online registration and some of our social media outreach stuff. So the total that we spent on the Summit from the commission's budget was \$9,459.49, which is about what we will probably spend on this meeting, so it was not an unusual amount and it was within our budget. So I thought I would share that with everybody. I have not had any follow-up requests for additional information.

The next item is just a copy of the letter from Governor Parnell to Secretary Jewell on the King Cove Road. I think Randy Ruaro addressed the issues there pretty well, as did **Commissioner Somerville**, but I thought we'd share that. And as you all know, Secretary Jewell made a trip out to King Cove and Cold Bay area with Senator Murkowski and a number of other people and had a chance to see the area on the ground. Unfortunately, the weather was pretty good and they were able to get in and out without any difficulty, so she didn't get to experience what we all know can be a real difficult area weather wise.

The next item, Mr. Chairman, is one that is a letter that came from Mr. Fletcher. He has some concerns about the -- Mr. **John Fletcher** from here in Anchorage. I don't know if he's in the audience now. I think he plans on being here maybe tomorrow to talk to us a little bit. He's a property owner adjacent to the Alaska Railroad right-of-way, or easement. He has some concerns about the possibility of losing access to his property across that railroad easement. He contacted us because BLM is involved with issuing the patent to the state for that easement, wrapping that up.

As you know, the Alaska Railroad was transferred to the state in 1983 under the Alaska Railroad Transfer Act, and I guess I was surprised to hear that all the patents had not been issued for the right-of-way. The Transfer Act granted the railroad an easement, an exclusive use easement. So anyway, I'm not sure what we can do about this, if anything, but he wanted to bring it to our attention. I think **Commissioner Olsen** probably is familiar with the issue as well. But hopefully Mr. Fletcher will be here tomorrow and talk to us a little bit about this. And I'll contact the BLM next week to see what I can learn about it as well. Having worked for the State Department of Transportation and getting permits from the railroad to build overpasses across their rail track, I can tell you that they are a force to be reckoned with. They guard their easement very closely and so I understand Mr. Fletcher's concerns, but we will look into that.

The next item is just a copy of a letter from the U.S. Fish and Wildlife Service National Director Dan Ashe to former Commissioner Dan Sullivan, DNR, responding to the state's request for reconsideration of their application for exploration in the 1002 area of the Arctic National Wildlife Refuge. And I'm not going to go into much detail. It's a fairly technical review of that agency's interpretation of the provisions in Title X of ANILCA that deal with oil and gas

exploration on a coastal plain.

You may remember that in the early to mid '80s the U.S. Fish and Wildlife Service did adopt regulations that governed exploration in that 1002 area. There were a number of exploration permits granted, or at least one, anyway. I think the exploration did take place, a seismic exploration, that most of that information I think is proprietary, it has not been released. But the Fish and Wildlife Service, just to sum up their position, is that that was essentially a one-time authorization and the time has passed under their regulations. There's no time limit set in the statute itself, but I understand there are some time limits in the regulations. So their position is that they no longer have the authority to grant an exploration permit under the provisions of that part of the statute.

Are there any questions? I don't have a lot of information on their interpretation. I mean, it's pretty self-explanatory and it's fairly -- it's based on a solicitor's opinion from 2001, issued just at the end of the Clinton administration.

**Commissioner Arno** - Stan, have you heard anything from the state, from the AG's office what the state's intentions are to go forward with any kind of litigation on this?

**Leaphart** - I have not. I think this letter was dated just a couple weeks ago, so I suspect they're still evaluating what their strategy might be. I haven't heard anything specific, though.

**Mr. Ruaro** - Mr. Chairman, I can say that we did receive that decision. It's under review. There was really nothing new in the decision on reconsideration to their position that we saw. They were repeating kind of arguments that were first set out in the Leshy memo from 2001, I think it was, so really nothing new on their side. And we continue to believe we've got the better argument and the attorneys are reviewing it right now. It is now ripe for filing of a complaint.

**Leaphart** - Those of us who organized the Summit in August took it to heart that we got some criticism, and I think justifiably so, for not including the Native community in that Summit. We did reach out to a couple of the corporations prior to the Summit. They weren't able to make it. We probably should have had a much more extensive outreach. So in order to try to find out more about where the Native community stood on the whole issue of federal overreach, we sent invitations for this meeting to all the 12 regional corporations, to the Alaska Federation of Natives, and to quite a number of the nonprofits, such as Tanana Chiefs, Maniilaq, BBNA, I know they are here, and a number of other tribal organizations. So we've had some response.

As you know, AFN conference is coming up later this month in Fairbanks and I think this is the time of year when a lot of regional corporations and other groups are having their annual meetings prior to that. I know Sealaska -- I talked to Rick Harris at Sealaska the day before yesterday. They have board meetings. I know someone from Sealaska is listening in from Juneau. Other -- Nana Corporation sent me an email the other day. They also have their board meeting going on right at the same time, so it's just a lot of those scheduling -- and I think -- and also what Frank said, is I think a lot of people throughout the state don't know enough about what the commission does, and that's my fault. We've tried to reach out. I think there is a social media aspect that I am totally unschooled on that's one of the things that we're going to use some of the money we got from the governor's office is to try to improve that, working with folks like Daniel Solid and try to improve that aspect of it.

Interestingly enough, on the state computer system you can't access any of those social -- you have to get a special waiver, so if we had a Face on Facebook, that would require a special waiver from the Department of Natural Resources and the Department of Administration. So it's something that we're going to work on improving.

But in response to our invitation to Bristol Bay Native Corporation, they indicated they weren't able to participate directly in this meeting, but they sent this letter about one of the concerns that they have, and that's the failure of the federal government to address the situation with contamination of lands that are conveyed to the corporations. There's a letter in here that outlines some recommendations that came down about 15 years ago, which have never been acted upon. And that is to establish a forum for all interested parties to exchange information and discuss issues and set priorities for cleaning up of the sites, compile a coordinated and comprehensive database of the contaminated sites.

Going back to my time at DOT, we had an airport project in Grayling, and part of the property that DOT needed to acquire for expanding that airport involved an old landfill that belonged to the village corporation there, that it was on village corporation property. It was impossible to find out any information about where that site -- how that site came to be, where it was at. It was closed down, it was closed down by a grant through Indian Health Service, and the landfill was relocated. But there was no information on what was there, there had been no testing, they had no money to do any sort of testing. And the long story short is that DOT actually just acquired what's known as an aggregation easement over that property simply for that reason, so they didn't want to assume the liability. So that's a big -- it's much more of a problem I think than people realize for these corporations that have land conveyed to them that have these contaminated sites. So I think that's something that perhaps we need to put on our list of items to address in recommendations that we make.

There's a letter that went from the delegation just a couple weeks ago to the Secretary of the Interior on this very issue, so I think that's one that will bear watching.

**Representative Keller** - On this topic, I just wanted to say thank you, at least from my perspective, to Commissioner Woods. It's a huge responsibility you have on your shoulders and you -- I mean, you represent a large segment of interests, and believe me this whole issue of federal overreach, if we can't get together and work together and forget our differences on some of this stuff, or put them aside, we're not going to be very effective. And if we get divided, believe me, that's deadly when we have to stand up to the feds. And I think Commissioner Woods handled it well. I think you spoke well and I just want to say thank you. And I'm putting this on the record partly because it's on the record, people are listening, and some of our friends in the various corporations that are listening, and I would just encourage, if you have something that has to do with Native interests that you work through Commissioner Woods. He has a very important role on this commission, so thanks

**Leaphart** - Well, maybe one more thing on that topic. The subject of additional meetings came up at the Summit and the need to improve our outreach. And one of the things that I've outlined, and just preliminarily, we can talk about it when we get into the work session, is holding some regional, what I call regional meetings. And we have some -- with the additional money we'll have travel and budget available to do that. I've talked to Ahtna and a couple of the other



corporations about getting their assistance in maybe recommending locations within their region that might be essential. We obviously can't have dozens of meetings, there's not enough time and there's not enough staff to do that, but if we can get help from folks in a region to say, okay, this is a good central location, then I think we can go out and go to the folks who use the public lands extensively and listen to what they have to say, rather than them having to come to us. So that's something we'll need to talk about during the work session, scheduling that, and maybe recruiting some commission members to go along on those meetings.

**Commissioner Arno** - And I also want to thank Deputy Commissioner **Craig Fleener**, and this can get back to the Governor's office, since he's got a representative here, that Craig also has done a lot to try to outreach to the Native communities. And my feeling is that the longevity of this commission depends on the support of all Alaskans, so without that important link I think then we are teetering on the edge of not really fulfilling our legislative mandate. So thanks, Craig.

**Commissioner Fish** - Yes. In response to Bristol Bay's letter here as well, I think it does point out an avenue that we all can agree on, and that's in essence property rights and the responsibilities for these cleanups. Certainly, the lands that were transferred to them were contaminated when they were transferred, and possibly even with knowledge of that contamination and passing on that liability. I don't think -- I think we can work with the corporations on that issue, because the height of irresponsibility is to damage something and then not being responsible for its cleanup, and particularly when it's the government or the federal government that actually did the damage in the first place. If anybody should lead by example, it should be the EPA, it should be the government itself. Cleaning up your own mess would set a standard for everybody else. And I really would be excited to help Bristol Bay and other Native corporations to ensure that the lands that were transferred to them were actually quality lands and the problems and issues that were transferred to them was taken care of by the parties that were responsible. So I'm anxious to work on that with them.

**Representative Keller** - Good. What we'll do is, seeing no other comments at the moment, we're going to take a break for 10 minutes. Come back at 10:35 and we'll start the work session, and then we'll come back later when we can to the -- just the reports. Stan says the reports that he has aren't all that substantive, won't take long, but we'll go right into the work session. And the reason is that at 11:30 we have public participation time and we want to do that promptly and get started. So take a break for 10 minutes.

**Leaphart** - Mr. Chairman, just to point out for folks, there was a -- as Randy said, there was a meeting in Chicken a couple weeks ago, and Deantha Crockett, who is the executive director of the Alaska Miners' Association, was there and she did some very thorough notes and I've put those in your packet. It's actually the last item in your packet and it's just notes and kind of minutes of the meeting. And they did have an EPA representative there along with the governor, and of course the governor's Chief of Staff Randy was there, folks from DNR, the BLM folks were there. So it was a pretty good meeting, I think, and I think there were a lot of -- we had a lot of good comments from the miners out there. If you've had any dealings with the miners on the Fortymile, they're not shy about making their views known, so I think -- but anyway, I just wanted to let you know that those were in there.

## **WORK SESSION – Review of August Summit Issues and Recommendations**

**Representative Keller** - Okay. I think we'll go ahead and get started on the work session. And again, what the intent here is to, if you remember, of course, the Summit was to come up with a list of proposals. I think Bill Horn was the one that called them a play book, said we need to look at the action steps. We have a wealth of that information available. What we're trying to do here is just to bring it ahead of the commission, make sure we're all on the same page, and help Stan as he writes the report for us and whatever -- and for an example, what I'm going to do is I'm going to suggest the first one. I'm going to leave most of it up to you, I mean, to bring up, and we'll discuss them, we'll try to figure out an action plan.

But the one I'll use as an example is the MOU review and evaluation. And **Senator Coghill** took that. He is the subcommittee chair now, the point person on that. He has agreed, if you remember, to bring back a report to the commission on it and that's what we'd kind of like to do, is look at -- okay, we've got some MOUs, and Ernest is going to write these up as we go, but the MOU review would be number one on our list, Ernest. But the idea is, okay, we know now as a commission what's going to happen. We're going to get a report back from Randy on the review and it's going to be worked with Stan, and maybe separately one from **Senator Coghill**, whatever, but they'll come through Commissioner Coghill. So I don't know that any more has to be said about MOUs, but now is your time if you have something you wanted to say to emphasize or to prioritize this one, or whatever.

**Senator Coghill** - I could actually have Chad give you an idea of what we've already got to date. He has been the one compiling and I know I saw him and Mr. Ruaro talking previously. But if you wouldn't mind, I could just have him say what he's got to date.

**Chad Hutchison** - Thank you, Mr. Chairman. My name is Chad Hutchison. I'm with staff for **Senator Coghill**. Right now we have a binder that we're compiling and we're trying to categorize it based on what department we're dealing with. So far we've gotten a substantial amount of MOUs from Fish and Game and I'm in the process of analyzing those and categorizing them. I think one of the expectations, too, in addition to the hard copies, we're going to make those digitally available and we want to provide those to CACFA and the public at large. We've also got a few from DNR and I'm still waiting for the majority of them, and that's something that I'm still working with the legislative liaison. I expect those to come in. It takes a little bit of time to analyze all these things, so I want to make sure that we understand what's going on. And we're in the process of compiling a report to make sure there's an executive summary, essentially, that is compiled along with all of these particular MOUs.

We're also -- I'm going to deal with DEC. I understand that Randy's got a bunch available for me, so that's the next phase and that's what we expect to be brought forward within the next week or so. So that's the current status of the MOU compilation.

**Representative Keller** - I have a question for you. Is there a scope of departments, agencies that you're going with, or are you -- I mean, are you looking at things like the Department of Transportation, or anything like that, that maybe we wouldn't think of right off?

**Chad Hutchison** - We're open to suggestions, and maybe that's a great segue into any other suggested departments that the commission feels we should have a focus on. I'm certainly all ears. So if the DOT needs to be included we can put that on the list.

**Senator Coghill** - Just to give you an idea of some of the things that we'll be looking at when we get to DEC is we've got not only issues that they're dealing with EPA on, but the Denali Commission, as they went forward, so looking at the underground storage tank, the above ground storage tanks issues. Knowing now about the contamination land transfer issue is going to be helpful to me, but I've already been kind of going down the road of looking at the replacement of storage tanks throughout many, many of the villages. What they did was the Denali Commission and the State of Alaska together put up storage tanks and replaced old storage tanks. And those old storage tanks are languishing. And so I know there's an MOU somewhere out there on that particular issue. That's a federal/state MOU. It will be instructive for us to know that and it may very well help on the Bristol Bay question. We might be able to help lift that discussion to a higher level. So those are some of the things I'm looking at. Everywhere we have that kind of an agreement to work together, shared responsibility, or divided responsibilities, so DEC, DOT, I'm looking for things that help us access lands, the difference between a wilderness land, a park land, a forest land, and how the state works with them and what kind of relationship has that MOU dealt with crossing or helping on Native lands issues. So looking for any way we can ease access issues, both for the Native lands and the state lands, so those are the kind of things I'm focusing on.

**Representative Keller** - For what it's worth, I'd sure be interested. I need basic understanding. In other words, who has the authority to make an MOU, does it have to be signed by a commissioner, and are MOUs made by divisions that sit in the drawer and are dusty and nobody knows about them except the people that are actually working with -- I just don't have a clue. How many are there? How many MOUs are there? I mean, I don't even know. **Commissioner Somerville.**

**Commissioner Somerville** - Thank you, Mr. Chairman. Part of this becomes the semantics of it, but most master memorandums of understanding, MMOUs, authorize the development of agreements underneath them. I know the ones in Fish and Game did, and allowed subsequent lower level people to develop agreements, whether it be field people to cooperate in field studies or whatever. So the question I have is, are we getting into cooperative agreements as well? Some of them are just as broad in essence of -- in terms of commitment, as master memorandums of understanding.

**Chad Hutchison** - We can certainly look into that. Right now we just have the memorandums of understanding, but if we need to go to that next level, we can compile those, too. Maybe that will be the next request when we go back up north.

**Commissioner Woods** - In that arena, we have listened to multiple enforcement problems within -- throughout the state. We have our own I think in Bristol Bay, and if you would research the state's MOU with the traditional Village of Togiak, that might be a good template of understanding how to maybe curb some of the enforcement issues we have, at least for our region. The state has come in agreement with the traditional council at Togiak that the misdemeanor cases and some of the wildlife cases will go before the traditional council before it gets up to a higher level. And each officer that comes in, wildlife officer that comes in Bristol Bay is based out of Dillingham, so we have direct contact, and then we have refuge managers and enforcement managers right in our community, so we deal with that on a daily basis. And being a regional organization that collects all the data and has to disseminate it all, I think there's a lot of work to be done in that arena, but it has to be -- that MOU that -- I think the state has

taken on, you have to really not only enforce it, but also continue to work in that agreement situation. It almost becomes a cooperative -- like Rod said, a cooperative agreement situation. Thanks.

**Representative Keller** - Before we press on to the next item, I just want to remind everybody that the CACFA role is analysis, research, recommend. We don't have any authority. We can't tell anybody what to do, and it's based on the credibility of our work together. This is just a perfect example of it. We've got something here, we're gathering information, it's valuable information I think for everybody. And so is there any last word on MOUs? I think we've got a direction to go here. We're going to hear a report back. **Commissioner Smith**, I'm sorry.

**Commissioner Smith** - Yes. I was just curious, after this list is compiled, where we're going to take it. And I was just curious if we would be able to actually compile a list of the terms that were agreed to and actually any place we find a conflict, ignore the federal overreach in that area and just abide by the MOUs. So I'm just wondering if we could -- this is kind of -- just take a stand and say, all right, here are the MOUs, here are the encroachments on those MOUs, and we are no longer going to recognize your encroachments; we are going to go by the MOUs.

**Senator Coghill** - I think that may become something that will come to light, no doubt about it. Probably the areas that I will focus on is, do they have a basis in law, number one, but because we actually quite often have cross-purposes in land management, somewhere along the line you have to come to an agreement we're going to do certain things and then looking to see if that actually makes it better: if it's a good cooperative effort, if it's not a cooperative effort, if one is a usurpation or not. It probably becomes apparent as you roll them out, but the federal government land ownership is not going away, so it's just -- we have to look at what is actually happening first. And I think my thinking is to lay it out as clearly as possible on this is what's actually happening, whether it's Fish and Game management, or whether it's access in the lands issues. Or we have, like on the Clean Water Act, we have huge federal authority that can go in all kinds of directions, and where can we literally challenge it and where do we have to work with it. We're probably not going to change congress's mind on it real soon, so then it's just a matter of how do we make some of these things work.

So earlier it was talked about rule of law, and there are times when civil disobedience is the right thing to do, but for me to work within the rule of law, even when it's painful, is the right thing to do, that's the first thing to do, until there's just no other way of doing it. So these MOUs are probably the grease in the wheels that help us do that, and I'm looking for places where it works well, and to try to highlight those, and where it doesn't work well, we need to highlight those as well.

**Leaphart** - Just to let everybody know, the list that Chad compiled, we put that on the commission's website under the Summit background information. And I know that we sent him some additional information on a couple of MOUs that are being looked at for possible revision between the state and the Forest Service with regard to the Tongass, so it's a constantly changing sort of stream of MOUs.

**Representative Keller** - Thanks. Before we go to the next subject, I'm going to go to the commission for suggesting the next thing you want to advocate for, as far as a play or action step. I want to acknowledge Representative Criag Johnson in the back of the room there, one of

my partners in crime, taking time out of his day to come by. And welcome. Commissioner Arno.

**Commissioner Arno** - One of the items that was discussed at the Summit, and **Tina Cuning** I think commented on it in her review, but I don't see it on his Draft Summit Action Points, is the landscape cooperative program, the conservation. And Stan, you've got some new information on that, but I think this is one that the commission should take up right now, because it is not really -- it's just in its infinite stage, but as far as federal overreach, I see nothing in the past that compares with what this LCC could actually be. And for all the commission has heard about this before and we've discussed it, where it's a federally funded from the Department of Interior to work with private landowners in the state, and endangered species are looking at surrogate species that you're going to pick one species in an area and then not having to worry that the whole United States and parts of Canada and Mexico, actually, have been divided up by the Department of Interior in these LCC units. And Alaska's got, what, three of them, three or four. So I think as far as the commission getting some background data, and if this is -- we talked and brought this up to our congressional delegation. I never heard a word back from any of them on it and I wrote separate letters to them about it. And with the funding being there for that, I think it's something that we ought to get pretty high on the list.

**Representative Keller** - Ernest, would you put that one on the list, please?

**Commissioner Arno** - Landscape Conservation Cooperatives. There's five of them here.

**Representative Keller** - So Commissioner Arno, will you be the point person on that to work with Stan?

**Commissioner Lean** - I agree that this is really important. There's a big push to do similar things without the same title. Eco system management I guess is the term I've heard most often. And it's an economic shortcut, I guess, in one way, you don't have to study everything, just paint everything -- one species indicates something, you assume that all others are suffering the same problems. And I can think of numerous examples where that -- people have misjudged the relationship between various species. And there's a similar thing going on with the marine fisheries. I don't know the right terminology, but.....

**Commissioner Somerville** - Yes, Mr. Chairman. I don't know about the rest of the commission members, but I would benefit from some discussion about how we're putting this together. Are we just going to go through them one item at a time here? I think we're going to have kind of mishmash. In other words, let me put it this way, give some examples. I think we need to produce some sort of final summary of -- the thing Tina put together is extremely good. There are some things left out of there and I think this commission should consider them. They may not choose to include them, but there were recommendations made that are not included in there. And if we could -- one of the items and one of the purposes would be to produce a final summary from the commission, would be one of the things. And my question then is, what do we intend to do with this information when we get it? I think there needs to be some discussion about that, if that makes sense. We can put them on the website, but all of us know that not everybody goes to websites. Are we going to have a public outreach program? Do we intend to do that, and in what form? I guess the regional meetings; you get input I think as much as anything there, rather than us educating them. And there's some discussion about the education programs, which have

been discussed at length. Tina had that in her summary. Sally Gibert included that in her presentation, as well as other people have talked about the need for increased communication. So I'm kind of sitting here wondering how we're going to do this, and maybe that it might be worth some discussion.

**Representative Keller** - Thanks for the question. From my perspective, we have not the final report, what we have is a couple of really good lists of play actions that we could take, priorities that we could take. One of them came from Chad, one of them came from my office, one came from **Senator Coghill's** office on the -- and we have Tina's, and it's all very good and just presumed. All I'm trying to do -- and I'm surely open to suggestion if the mishmash is uncomfortable and we want to take a different approach. But the intent that I have is to put some meat on the bones that we have by going through and letting you make your case on the things that are most important to you. So like if on Tina's list of things that you feel are missing, feel free to advocate for them. And what I envision this information being used as, is developing our final report and recommendation. We may decide in one arena that we want to get somebody to sponsor legislation, or we're recommending something to the legislature. Another thing we might do would be making a recommendation to the AG's office. And it's so broad that I don't know of any other way to go through it, unless we were to screen and categorize, which I'm a little uncomfortable with doing that, even though we would just compile all this information -- now I'm trying to get us to work together to put meat on the bones. Does anyone have any suggestions? I'm certainly open to it, but that's the way my mind went. Response?

**Commissioner Somerville** - Yeah, and I'll use the summary again. If there are things that this commission feels are not included in there, for instance, I don't think we should be putting out a summary that isn't complete. And so what I'm suggesting is maybe we need to have another document, in other words, work towards another document that is a product of the commission as a summary. In other words, taking what Tina has and adding to it to produce what we feel better reflects how we view the summary.

**Representative Keller** - And **Commissioner Somerville**, I believe that's what we're doing. That's exactly what the intent is, is to come up with a comprehensive summary of the work that was done. And by going -- I don't know of any other way to do it, other than go through the list of recommendations and take them one at a time. Did you have some info for us, Stan?

**Leaphart** - Just a little bit. We took Tina's summary and we wanted to get it to everybody as soon as possible. And Tina's had some personal things that she's had to deal with, and she got this to us and we tweaked it just a little bit, in terms of some typos and a couple of omissions that we saw. We never envisioned it to be a final product, but just sort of a stop-gap summary. We have a full transcript of the Summit that is in electronic form, and I've had bits and pieces of it printed out. That will all be reproduced and everybody will have a copy of that by tomorrow. So what I've been doing is going back through that and kind of cross-checking with my notes, Tina's summary, the list of stuff that Rynnieva put together, and just making sure we don't miss anything, because you did mention that you had noticed some omissions in the summary.

So this is sort of an interim step and I envision once we go through the list of items and make sure we have them all, decide which ones we want to move forward with, then we can develop sort of a narrative, a background, a justification for each of those possible recommendations that we might come up with. So this is definitely a work in progress. I mean, we kind of

acknowledged to everybody at the Summit that we weren't going to come out of that with a complete set of recommendations and I don't think -- I certainly didn't have an expectation that this would be complete either, even after a couple day work session. And of course it couldn't be if we're going to reach out to the public through these regional meetings. We have to incorporate what their views are in our final report. So I certainly agree with your point that we have to make sure that everything is in here that needs to be in here, that we don't leave anything out. But our strategy here was just to get something in front of everybody as soon as we could, so with that....

**Representative Keller - Commissioner Arno** had something and **Commissioner Olsen**, but before I wanted to add one thing, is that whatever we come out with on this, it would be far better if it's a collaborative product of all of us. And like if -- we're talking about landscape initiative cooperatives, frankly, that wouldn't represent me, because I didn't lock onto that, and so without a discussion of it and making it a priority and getting information back to us, to me that completes that, it gets us all in the loop, and on every one of these issues that are out there, because we all focus on our favorites and we don't want to be in competition with each other, as far as what gets in the reports. So I think it's a valuable work time. Commissioner Arno.

**Commissioner Arno** - Thank you, Mr. Chairman. I look at this as a process of triage. I mean, there's nothing on all of these lists that isn't a reasonable concern that the state should address. And as my responsibility as being appointed to CACFA, I feel that responsibility is to the residents of Alaska as to what their concerns are. And so when I look at the things that are already at the top of the list, there's nothing like the memorandums of understanding to really focus on what's happened and what's fallen into neglect and not followed the rule of law in the last 30 years. That's an example that affects every Alaskan who participates in any outdoor activity. And since it's federal lands that this commission is looking at, I mean that makes sense that we would want to gather that information and then go help educate the Alaskan public, that here's the reason why we're having these user conflicts between the two sovereignties of the U.S. Government and the State Government.

The landscape cooperatives initiative thing, that is brand new. There's no baggage that comes with that, but it is the one step largest thing I've seen from federal overreach, go to back into a sovereign state and say, okay, now we're going to be the agency, the Department of Interior, that's going to tell you how you're going to -- you're cooperating with it, what's going to happen on state land as well as private land, as well as the 60 percent of the federal lands. So if that example was made clear, and it's becoming more clear as the Department of Interior comes out and says, this is what we're going to do and here's the money we've got to do it, that we could then go out to the regions and educate Alaskan citizens to say, oh, my gosh, that's not what we -- we don't want to have that kind of oversight coming out of Washington, D.C. So specific little things I look at in triage situations are the ones that will get the most Alaskans engaged in the process, and I think that's just my concept of where it should all start, and so just food for thought.

**Commissioner Olsen** - Yes, Mr. Chairman. Looking at our schedule, I notice we've got 30 minutes for public input. I wonder, we got this list, I'm sure big discussions for the next three days, and I'm wondering if we shouldn't possibly give the public a consideration for input, instead of 11:30, possibly at this time.

**Representative Keller** - Commission Olsen, we're going to stick with the approved agenda, unless you have a motion for discussion. And I would ask that we just stick with the agenda as it's printed, where people that have come, yeah.

**Commissioner Olsen** - Okay.

**Representative Keller** - If you are prepared to make a motion, go ahead and we'll honor it. Commissioner Woods

**Commissioner Woods** - What I see, we're going to have a lot of work ahead of us, that we go -- but if we're going to go blow by blow, item by item, that we have maybe just a discussion on how to fix whatever comes up, and if it's -- there's multiple targets, so there's a legislative fix, there's a regulatory fix, a policy fix, an administrative fix, and then recommend which category -- and it could be some cooperative fixes, so that needs to be addressed I think. We've got a lot of work. We're going to sit here, and out of this I see -- I'm going to speak for the Natives, and there's a Native fix to this, too, because we have our own different issues, our own different lands, and you've got to watch what you ask for, that might not be what you end up with. Like I said in the last meeting in June, that the Native community has grown up, and when their needs aren't getting met, they go directly to Washington, D.C. and get their needs met. And if we don't include that group, I think we're going to really do ourselves a disservice for the State of Alaska. Thanks.

**Representative Keller** - This is the kind of thing, the discussion is going to be clumsy, but we're going to continue on. We all see this a little bit different. Part of this is us getting to know each other, part of it is we've got to work together if we're going to put out a good product. So with that, we're going to go to the third play action that somebody may want to recommend for -- and be careful, because when you recommend, this is an important one, you may end up being the subcommittee chair or the point person for it. But that's the whole intent of this thing, is to sort some of this out, and it's going to be fuzzy, it's going to be foggy.

**Commissioner Smith** - Thank you. I think the ANILCA section review is very important, so I don't know if it's number 3, but it's close up there. I know I have some issues. One thing is, I was really upset and wrote a lot of information to a lot of agencies to try to not get that definition of adequate and feasible taken out of the regulations, because the new interpretation is completely different than the old. And I know that's one thing I'm thinking of.

Another might be the recent change that was made to the firewood. Any tree -- it used to be any tree over 3 inches dead standing could be used by rural residents for subsistence use, and now the word dead was taken out of the regulation a couple, three years ago. And now it implies that anyone who wants to cut a dead standing tree needs a permit. So those are a couple of areas I know, and I have others, but I think the ANILCA section review is going to be very important.

**Representative Keller** - And who are you anticipating would do the review and how do we proceed as an action step for us?

**Commissioner Smith** - Well, I believe that the state ANILCA team needs to be involved in some way, because they're probably -- and Stan, you've probably got a lot of background on some of these issues, too, but maybe we could form a subcommittee within the group and go



from there.

**Commissioner Arno** - I think if you went through the draft action points, or Tina's review, that you could pick out a number of those issues and put them all underneath the review of the sections of ANILCA. I think that's a great big broad area and every one of those little examples that could go under that. We'll pull a lot of them off of the list as individual, and under that umbrella would be advantageous to us.

**Leaphart** - Mr. Chairman, actually, Tina and I were talking a little bit at the break and I think I'm going to be able to enlist her assistance in doing the title review. I mean, between her and Sally, there's an awful lot of expertise in the whole aspect of different parts of ANILCA. A good example, like Rod said, that Steve Borell brought up. The Alaska Mineral Resource Assessment Program, that's a program that started out with the Bureau of Mines, USGS doing mineral surveys on federal lands throughout the state, is to produce an annual report. It was required by ANILCA and there hasn't been a report since the mid '90s. The program is no longer funded. It's an inactive program. And anybody that knows anything about Alaska, the mineral surveys in the state are far -- I mean, there's millions of acres that have never really been adequately surveyed. And with the new methods that they have, everyone, geophysics, all the newer methods they have, it's a shame that there's not funding for that, just to delineate where mineral potential is, so that's just one example. It's a part of ANILCA that's just dropped off the table completely, and I suspect there's others that maybe aren't quite as obvious. But, yeah, I think I may be able to enlist Tina's assistance with that.

**Senator Coghill** - My office would be willing to work along that line as well. We will probably do a couple of title reviews specifically for access and transportation. However, there's probably three areas with this review we'd be able to look at. One is for education purposes, so you have the condensed version, right, the executive summary. The other is for the legislative intent. And then the other is going to be for things not done, or unfinished business, or however you want to call it. So those become those action items, basically. So I think I see it for those three purposes. But it's a mystery to most people, even those who have to manage land in Alaska, including Native corporations. So it's something that could be a benefit to everybody in Alaska who has to operate federal lands, including the federal government, so I think the recommendations can go broadly. But I see it coming at kind of those three purposes.

**Representative Keller** - That's part of the -- probably one of the confusing things about this, is that this does touch a number of the different play book actions. And you mentioned about education and the ANILCA training, for example. I see that as a priority and it falls in there in the category of review of the ANILCA titles, so it's a big one. But that's part of the reason we're doing this, is that if we were to put out a list as a team and say, ANILCA review, we all want to know what that means. We're kind of defining it in our heads, and if it includes the education aspect we need to sort that out.

**Senator Coghill** - Mr. Chairman, Rynnieva has already begun some of the -- we contacted Mr. Horn and are looking for things that he has already prepared. I think there's some of those things. And then the legislative, legal, also we're asking if there's been things that have been reviewed already, so we're kind of already doing some searching.

**Commissioner Somerville** - Yeah, thank you, Mr. Chairman. At least for your information, I

just was notified that the AG's office intends to have the legal review done by the middle of November.

**Representative Keller** - Yeah, that's why I'm a little hesitant to say we need a subcommittee chair on this one, because I see so many areas for the -- Commissioner Hanson.

**Commissioner Hanson** - I would like to submit that maybe number 4, the education, would be a separate thing that would not fall under the ANILCA review. I think the education, it's spoken of several -- there's several bullet points on that from the Summit and there's so many levels that it needs to happen on, the federal level, the state employees, more corporations, and you're talking about for the university system, all of that is still -- nobody has to do it. And I would submit that it needs to be a broader aspect and that it would go into the state school system, where bring it to the state level, too. So I think it's such a big deal that it needs to be its own thing.

**Representative Keller** - Do we -- would you be willing to be the point person on the ANILCA education? You can word it -- by the way, your comments, Commissioner Hanson, I think validates what we're doing right now, as uncomfortable as it is, and the reason is I know Tina is out here. She looked me in the eye and said, she's working on this, and that she continues -- is going to continue to help us on this. So we have people listening that are very much keyed into this. And by saying, okay, Commissioner Hanson, you're going to be kind of the point person to the commission reporting back to us and whatever; it'll just kind of organize these things in our mind. So our scribe didn't get it up there, but education on -- ANILCA education, yeah, separate, unless somebody thinks that that ought not to be separate. I tend to agree with you.  
**Commissioner Somerville.**

**Commissioner Somerville** - We're not just talking about ANILCA here.

**Representative Keller** - That's true. Well, let Commissioner Hanson respond to that first. Were you thinking ANILCA, or.....

**Commissioner Hanson** - I was actually thinking it is a bigger issue, because I think ANCSA needs to be covered in all of that, too. It covers all of our lands.

**Commissioner Woods** - I think just as we're putting points up there, is I think we're doing it like you said, this is par for the course that we're separating the issues. And I think there's regulatory issues, legislative issues, enforcement issues, so if we can categorize each one as we go and then go on to the work session. As we get into the fixes of these, there might be answers before we even -- and part of that is education, but I think we're in the right direction, right where we need to be. I think once we get them all separated and in different categories, that we'll be able to attack them in order. So I already see it happening. Thanks.

**Commissioner Arno** - To go back to education, we've got -- I guess it's not settled in my head just yet, who it is who's deciding what ANILCA says, because that's a process we've been going under for 30 years-plus, is that -- and that's kind of -- we say, okay, we want to follow the rule of law, but what is it? I mean, because every time we try to go to the courts and say, well, this is what is says here, as opposed to what the intent, and we've been battling this out and we're still not at the end of it.

And without a doubt, an outdoors person who has lived in a nonsubsistence area for the last 40, 50 years, as opposed to an Alaska Native living in a western village, has got a completely

different interpretation, if they've been following it, to what ANILCA really says. So I think when you talk about trying to educate people of the ANILCA process, I really do think -- or the law, and now it's being implemented, I really think that that's a stand-alone type thing. And no other state in the union has anything close to it. I mean, it was a real novel approach, looking at the public trust doctrine and dividing it on your zip code, that was a real deviation from what's happened across the United States on land settlement stuff. So I think that it is important and I think that -- I've always felt that trying to educate the federal employees who are already indoctrinated to where they want to go, might be a waste of time. But it's imperative that young Alaskans, all of them, whether they live in rural Alaska or urban, need to have a basic education of what's in ANILCA. It's that important, so I agree with you.

**Commissioner Lean** - I agree that ANILCA, ANCSA, are unique, in that they say that Alaskans are different than other Americans in some respects. And I'd submit that the new Arctic Oceans policy is going to do the same thing, to a lesser extent. But still we're saying, we're going to manage the Arctic Ocean way different than all the other oceans, and I guess the Antarctic is even a step further. But we are facing unique conditions, unique law, and we as a group of Alaskans, we've dropped the ball on this. So I don't -- I think issues like navigable waters and RS 2477s and so forth, we have commonalities with many western states, but I think there is this unique Alaskan deal. And I kind of see it as an education set with subgroupings within it that require specific education for their unique problems.

**Commissioner Somerville** - It also dawned on me, and I guess as much for Randy and others, is the fact, and I'm speaking from my perspective in dealing with when ANILCA was crafted. I've told you a couple of stories, one like the wilderness thing, that some of us wanted Senator Stevens to put everything in the law, but he was reluctant to do that. At the insistence of people like the Forest Service and Park Service, they would administer this properly. So we have legislative history and congressional records which deal with a lot of the things that were put in there by individuals. Udall put stuff in there supposedly that was a commitment to the state, so there's a lot of stuff in the legislative history that's not in the law that reflects some of the compromises that we expected to get out of ANILCA, which we haven't gotten. So just limiting it to a legal review of that thing is going to leave out a huge portion of those compromises that we thought we got out of ANILCA. So I warn people that we can't just stop there.

**Representative Keller** - I really appreciate that, and I just want to put an exclamation point on it. That's why the education thing is so important, because if we do not capture that into legislative intent in a form that is repeated and spread out, it will be lost.

**Leaphart** - One of the things that this commission did in its first life, and I know the state ANILCA program did, is we were commenting on the original park plans and refuge plans and original regulations that came out, we quoted extensively from the legislative history. We will have all those files. I did a memo for the House and Senate State Affairs Committee in the last session that looked just at the so-called no-more clauses and the legislative history of that. And there's extensive, as you know, discussions and committee reports, and during the floor sessions that talked about that. So your point is well taken, I mean, that's what drives a lot of the controversy is what we as a state got out of the legislative history, versus how the federal agencies implement the same law. So I think it wouldn't be an easy task, but it's very doable, to go back through those original comments where we did quote extensively, with references and

all that, and include that as an appendix to any kind of legal review that we do. I mean, I think that would be essential.

**Commissioner Liska** - Along with Rod, your concern regarding the Landscape Conservation Cooperative, after the Summit last month I went and attended Institute of the North's Week of the Arctic, just a small portion of that. And Deputy Commissioner of Department of Natural Resources, Ed Fogels, at the Summit said, we need to be looking also at what's coming, not what we're just dealing with here. And he said that the Integrated Arctic Management Plan is an overlay, again on top of what's already existing. And part of the education I think is, with these new things that are coming, we're not even sure what they entail yet, but that we need to be looking, or have -- I know the state is looking at those, and the Native organizations were a part of this, having to do with the Arctic, but their definition of the Arctic includes the entire State of Alaska. So looking at what's coming and what do we need to do proactively along those lines, too. I don't know if that's in addition to what's coming, but that's something that I think we need to look at.

**Commissioner Somerville** - Yeah, just one quick comment, and that is we do have -- for most of the commission members, and certainly Stan and others are aware of, we have a complete legislative history of ANILCA that was put together by Pittman, Roberts and Sons. Ron Skoog approved that when we walked out at the last hearing and we were advised we'd better get this down in writing. And so a lot of the commitments are in writing and they are a part of the documents that are available to the state, which I'm sure was used in drafting the comments.

**Representative Keller** - And this shows the complexity of what we're doing here, but as you said that Ron, I was thinking that something that fits really tightly in here is, I'm going to call it the CACFA outreach. Maybe we are -- help me out here, but it has to do with capturing stuff like that, putting it in the format where it educates and it's available. And Kathleen worked really well with Daniel Solid getting the word out on the Summit, and so I learned some things in that process that I had no idea. Most people now get their information off video clips on the Internet, many young people in particular. When they go -- their expert source is these video clips. And we have not gone there at all, just barely with CACFA, and it's part of the education process using the Internet. And that needs to be another topic, but that isn't a good way, it isn't CACFA outreach, it's, I don't know, technology or whatever, and I would like to ask you to volunteer to be our point person on that, you did such a fine job. But that's just another area that we could discuss. And we'll come back to that. We're at 4. We'll come back when we come to the session.

We're going to transition now into time of public participation. And we're going to start with Representative Johnson, he has something. But I want to tie it to what we're talking about. There's at least two or three times it has come up that one of the things we need to do is collaborate with the other states and to work with them. And the DNR, Scott out there, they've gone with Utah, done a number of things with Utah. We had a -- in the legislature we had one of their assistant AGs who was into constitutional protection come up and brief the legislature. And so there are things out there going on, but to capture this somehow, I don't know what CACFA can do, but to capture it as a priority and as a recommendation for it is very, very valuable.

One of the venues that we have as legislators is we have various legislative membership organizations that we get into, where we rub shoulders with people in the other western states

that have similar concerns. PNWER is one of them, Pacific Northwest Economic Region; we've got people involved in that. I'm involved with ALEC, the American Legislative Exchange Council. There's a task force on federal overreach in that arena. And there's also Council of State Governments, who Representative Johnson is in, and I believe you're due to be -- you're set up to be one of the top dogs in CSG. And he wants to talk to us a little bit about what's going on in CSG as part of his public participation.

**Representative Craig Johnson** - Thank you, Mr. Chair. My name is Craig Johnson and I'm here -- I am a representative for District 21 in South Anchorage. I want to speak to you today as the incoming chair of Council of State Governments West. I just attended a meeting and the president of CSG happens to be Senator Gary Stevens from Alaska. And he, in conjunction with the next year's chairman, has appointed a task force on federalism. And we are due to look at all things -- we are actually having a meeting in November again, and we will be meeting with our delegations. This is made up of about 16 states. It is the judicial branch, the administrative branch, and we discussed everything in our first meeting, everything from constitutional convention requiring regulations to be approved by congress, so we've covered a full gamut of things that we can do. And I guess my point is, most everyone recognizes Alaska is the tip of the spear. When the federal government wants to do something, they do it to us first, but they know it's coming to Nevada, Utah, Maryland, they know it's on its way to them, so they kind of recognized us as the petri dish for federal overreach. So I wanted to point that out.

I wanted to include -- let you know that you're not alone. This ranges from Indiana, Maryland, Florida, a lot of the western states, and we got some very good insights. And we're going to be taking this to D.C. and we're going to be approaching it on a broad level. CSG West is a membership organization made up of all 50 states and it is -- it was one of the best attended roundtables for spectators, so it is something that's on the agenda of every state. And so I applaud what we're doing as a state and I would like to be able to take some of this to a national level.

So when you're thinking about the things we do, look at other states, especially in the west. The west, they are in lock-step, with the exception of that big one on the end, with everything we're trying to do when it comes to federal overreach. Those guys kind of like that overreach, I think, so with the exception of them we -- and they also have a lot of federal lands, so we have a lot in common, and we can speak louder with a voice of 50 than we ever can as a voice of one. That's the reason I'm involved in this organization, is to bring allies to our cause. Thank you so much for what you're doing. But I did want to make that available, so you do have a national forum.

It's not just -- you're not screaming in the dark. So that's the message that I wanted to let you know about. It's a two-year task force, which is unusual, because each chairman every year sets up a different one, but the two chairmen -- the next two chairmen have set it up. So this is a two-year event, so it's going to be very active and we've got everything from radical successionists in the group, to all the way to the other end, so it'll be very lively and we will light Washington up in the coming years over federalism and overreach and their role in state governments. So with that, I'll answer any questions, but I mainly just wanted to put it on your radar, you're not alone.

**Senator Coghill** - Just one thing, to first of all thank the Representative. But I think the Western Governors' Association works very closely with the CSG West, if I remember correctly.

**Representative Johnson** - Yeah, they do, and there's a Supreme Court justice from Nevada is on the commission. There is a special assistant I think from the Governor of Indiana who is on it, so it's across all -- it's not just legislative; it is all state administration, so it's all three branches represented in this. It's heavy legislative, but it's represented by -- and we have panel discussions from Pew Charitable Trusts all the way down as to how do you overcome this. And we have access to a lot of pretty high powered experts, so we're fighting the fight on a national level and need your help.

**Representative Keller** - For what it's worth, Representative Johnson, this is just a comment, reflection, but one of the things I worry about is that this issue becomes really, really popular and it ends up collapsing under its own weight, because none of us get anything done. We don't want to work in silos, so I guess with that I'm saying we're offering the resources that you now know that we have look at the website and work that we put into that Summit, it's a valuable asset, and we will look there. Director Leaphart just pointed out that Michael Geraghty, our Attorney General -- read that, if you would, that comment, but he's also in the national attorney general group working on this. And we have all these very sincere, passionate interests and we need to, as much as we can, be the catalyst to get everybody in CACFA to be the catalyst as much as we can to work with those groups.

**Representative Johnson** - And in quoting -- and I don't want to take up a lot of time, public time, but I think that's one of the advantages that as an organization the Council of State Governments had, because it's all branches. And the Governors' Association has its representation in our organization. We don't get in theirs, but they are in ours. So we are kind of the catch-all for all branches and it's something that is being taken very seriously by the group. So we might in fact -- I'm not going to speak for the other 16 members of the task force, but we might in fact be that single spearhead that's able to bring it to all the states concerns, and especially of course my passion is how it affects Alaska. And I'm the only Alaskan on the task force, so it will be this group I'll be depending on quite heavily I think to take our message to D.C. and to the other states and garner those allies that we so desperately need when it comes to fighting the bureaucracy in D.C.

**Representative Keller** - Have you met Representative Ken Ivory yet?

**Representative Johnson** - Yes. It's something else, and Gary Stevens probably had something to do with putting an Alaskan on there, so -- but I appreciate your time. I don't want to take up anymore of it. I'm in the building, I'm available, the staff knows how to get in touch with me, but I'll be watching you very -- watching this very closely to see how we can meld together and work towards a common cause. So once again, you're not alone, and we are the tip of the spear, so we can't be dull. Thank you.

**Representative Keller** - Joan Frankevich, if you would, come forward. The topic is wilderness designations. Introduce yourself for the record, tell us who you represent, and talk to us.

**Ms. Joan Frankevich** - Good morning, and thank you for providing this public comment period. My name is Joan Frankevich. I work for NPCA. That's the National Parks Conservation Association. We are a national nonprofit, nonpartisan organization. We work on protecting national parks for current and future generations. We've been around since 1917.

I attended the Summit and I learned a lot of things. I gained a better understanding of some of

your concerns. I also heard some inaccurate statements. And I had written a written comment to that effect. And Stan Leaphart reached out to me by email and asked me more about that, and I really appreciate that, Stan. And I have not forgotten, in fact, I just finished my letter yesterday and I will get that to you. And I also appreciate this opportunity, so I'm going to pick just one thing that I wanted to respond to from the Summit. And at risk of being banned from CACFA future meetings forever, I'm going to jump right into a difficult and complicated....

**Representative Keller** - You'll find a polite group and a warm reception.

**Joan Frankevich** - I appreciate that, and I have gotten that sense, so thank you. I'm going to talk about wilderness designations and how they relate to the no-more clause. What I heard at this Summit is that ANILCA said no more wilderness. And any time that the Park Service or Fish and Wildlife Service has a plan and proposes more wilderness that is in opposition to the 'no-more plan', to the no-more clauses. And I'd like to offer an alternate vision of that. NPCA look at that differently. And I think perhaps where the confusion or different perspective lies is new units versus existing units. When I look at the no-more clause, I see that it says, no more new units, we're not going to create a new ABC national park, we're not going to create a new XYZ national refuge. When we talk about wilderness designations, at least in regards to national parks, and that's where my experience is, we are talking about an area that is already an existing conservation unit, it is already a national park, it is already a protected area. If this is our national park and the Park Service recommends that this portion of it be -- get the additional overlay of wilderness, is that against the no-more clause? This is already protected land, it is already a conservation system unit. It is additional -- so that's where I see the difference.

Let me pause a minute. When I was researching this and thinking about this after the Summit and looking at some of ANILCA, I was getting confused. And I made a page for myself with all the different pertinent clauses so that I could see them on one page. And so I found it helpful, so if it's helpful to anyone else, I made copies. If not, that's fine, because many of you are way more familiar with this than I am. So you might ask, what do I see as the no-more clause saying? And primarily people refer to three clauses, section 101(d), section 1326(a), and 1326(b). So if I don't think they mean what you think, what do I think, what does NPCA think? When I read the first one, section 101(d), I see that it says, no more new, so new in the last -- I underlined the last sentence. There's no -- it says there's no need for new conservation system units, new conservation areas, new national recreation areas, the new national wildlife refuge, the new national park. That's the difference I see there. And it's saying there's a balance, that there shouldn't be another ANILCA. We've kind of -- we've done it, we've balanced the need of protecting land and having land for development. And I get that and I don't disagree with that. So that's what I see there.

Section 1326(a), it says, the executive branch can't make withdrawals greater than 5,000 acres without the okay of congress. So what I assume that they are going there is, when Carter made -- in '78 when he made the big withdrawals with the Antiquities Act, this is saying, no more Antiquities Act. If we're going to do anything greater than 5,000 acres, it has to have the okay of congress. So we're not saying you can't have new areas, but it needs the okay of congress. And as far as I'm aware, we have no -- since ANILCA there has been no proposals for new areas. This has not been dishonored, the intent of this. And congress can do anything it wants, so if congress could designate new areas, should they choose. But I don't believe -- I am not familiar with any new proposals to do so in Alaska.

Section 1326(b) says, no further studies to establish conservation system units, unless authorized by this act. And this is often quoted that we can't study anymore wilderness. I read this to mean, no more big studies, no more ANILCAs. And again, it says, establishment, so I read that as new, no new areas, which is different than putting a wilderness designation on an existing unit. And it also has a key phrase at the very end, it says, unless authorized by this act. And when it comes to wilderness, there's at least six provisions in ANILCA that talk about wilderness designations. I wrote down two of them. The first one, second 1317(a), refers to national parks and also national refuges. And this process, it started about reviewing all the lands for their suitability as wilderness, because ANILCA was -- as we know, it was finished hurriedly when the administration was going to change and it wasn't done, and so there were provisions to continue with the wilderness designations. This process has never been completed. People often talk about promises of ANILCA that were unfulfilled. To me, from my side, from the conservation standpoint, this is what we see as an unfulfilled promise of ANILCA, that these additional wilderness designations have been held up and they've never been completed.

So that's the way NPCA looks at it, that I'm not disputing the no-more clause, or that it's there. I see it as a big picture thing. When you're looking at the smaller picture, adding a wilderness overlay to an existing unit that's already protected land. I think that's an incorrect statement when I hear those statements.

**Representative Keller** - Thank you, Joan. I'm not cutting you off, but just for perspective on this, you noticed our ANILCA review and the report, that we have one coming from our AG's office, and I'm sure this will all be taken into account on that. And thank you for your testimony. Were you done? I would just as soon not get into a discussion on the wording of the law. We're not attorneys, I don't know if you are or not, but with two judiciary chairs here we know where that can go. So I just would really recommend to the commission that we take this and appreciate it and honor your comments and emphasis here. And it will be taken into account and also by the Attorney General's office.

**Joan Frankevich** - Thank you. I was done. I guess if I could just sum up. It's just there's always two sides for every story, and I would -- I appreciate you listening to alternative viewpoints, for continuing to look for them. And if I could add one more point, as I look out at the commission, this is a state commission, I'm an Alaskan, I've lived here all my adult life, for 30 years, I don't see my interests represented on this commission. So something to think about in the future is maybe to add a conservation representative.

**Barrett Ristroph** - Good morning, commissioners. My name is Barrett Ristroph and I'm with the Wilderness Society. I'm a lawyer and I've worked there since last year. I used to work in the North Slope Borough, spent some time in Barrow, three-and-a-half years. So I've spent some time in Alaska, although I'm originally from Louisiana. But what I wanted to do today, just take a few minutes to talk about public participation. And so right off I just want to thank you, this is exactly what the commission should be doing, is holding a hearing like this and letting anyone in the public, even yahoos like me, come up and testify, so I really appreciate that.

So because I am so obsessed with public participation, I do have some concerns about the way the state runs some programs, and I want to compare them to some of the federal programs, just so we can see some of the differences. One concern is I know that the state is looking right now



at taking over permitting for the Wetland Fill Program that is currently run by the Army Corps and the Environmental Protection Agency. That's section 404 of the Clean Water Act. So I know that the state's looking at that, and the state has already taken over the 402 section of the Clean Water Act program that deals with the permits for water discharges. I'm concerned that sometimes the state doesn't have the greatest record for public participation, and when it takes over programs like these, there's no state equivalent of the National Environmental Protection Act, NEPA.

And I know NEPA sounds like something like a big moan and groan, but it was interesting, I was actually at a conference last week and a representative of an oil company actually expressed some appreciation for environmental impact statements, because he said once that's done and my client knows that the matter has been aired out to everyone, everyone's had their say, and it's less likely that it will get challenged in court, so that's one of the benefits of public participation, to reduce these legal battles later on. Like I say, Alaska has no equivalent of NEPA, and there are some states like California that have their state equivalent, but we don't have one here. Maybe the closest thing we had to getting this full public participation and input was the Alaska Coastal Management Program, ACMP. We know that that is no longer with us, and in fact we are now the only state that doesn't have a coastal management program, which is authorized under the Coastal Zone and Management Act, and which actually does give the state a say in outer continental shelf. So we've kind of lost that say and we've lost that chance to really align local permitting with the state permitting.

I know the state has been working to improve its tribal consultation as part of taking over the Clean Water Act, section 402 water discharge program. But the state doesn't have that same trust responsibility to tribes that the federal government has. There's some concerns about that. Also, the state doesn't have anything like the executive order that the federal government has, which requires this government to government consultation. A recently enacted law, HB 129, could add to the public participation dearth. That bill ended review of project specific plans for both exploration and development, so instead now once every decade the Department of Natural Resources will establish general conditions for exploration and development. That will be something that operators meet in a large region, which could be as large as the North Slope foothills, 7.6 million acres, so it's really difficult for local residents, or people like myself to come and identify and comment on an area that's that big, what's going to happen over a 10-year period.

So concerns about public participation; they also come up in regard to HB 77, which hasn't passed, but could come up. And that's a concern just for one reason, it would allow temporary water use permits to be approved over and over and over again without review, so really they could become permanent and the public doesn't have the opportunity to come in and weigh in on the permits each time, because it just keeps getting approved. The burden shifts to the public to demonstrate that the permit is causing harm, rather than on the operator to demonstrate that the permit is warranted. So that's enough out of me. The bottom line is, I just want to keep the dialog going with public participation, and to the extent there are state laws that limit it, there needs to be some other forum, whether we bring back coastal management, or something to make sure the public is involved. So thank you for your time.

**Representative Keller** - Thank you for the encouragement and the challenge to listen, and we'll try to keep that up. We're going to go online to our telephone. Percy Herbert?

**Percy Herbert** - I'd like to talk about the King Salmon. You guys cut us off for about -- right now about 23 years. And I'd like to -- you guys cut off the commercial fishermen for the next 10 years. Otherwise, the King Salmon will become extinct, like the sturgeon, just because they're corrupt and they have exclusive rights to all the King Salmon. And all the King Salmon, there are only 2,000 throughout major rivers. You'll see there's up to -- and make it to the river, and 2,000 made to Canada. There's something awfully wrong going on, but I'd like it corrected. And stop the commercial fisherman for at least 10 years so that King Salmon will build back up. Thank you.

**Representative Keller** - Thank you, Mr. Herbert. And as you know, the legislature, at least in the state -- in the department is very interested. We've invested a lot of money in figuring out just exactly what the problem is. Thank you so much for calling in, Percy.

**Wayne Heimer** - My name is Wayne Heimer. I live in Fairbanks, Alaska, and I'm the second-most excited guy in the world about what you're doing. I don't know who's number one, but I'm right up there. I attended the earlier Summit meeting and couldn't wait for this one. But the -- shortly after I attended this meeting, I'd like to preface my comments on education with a little anecdote, if I may. I attended the Summit meeting that you had and was very excited and impressed. And being basically an alumnus of the Institute of Arctic Biology at the University of Alaska, because I'm matriculated there for some graduate study 45 years ago, or whatever, they had their 50th anniversary party. And sort of being an alumnus, the most distinguished non-completer they ever had, I think, I went to the party. And it was an interesting contrast for me to be at this Summit meeting and look at all the warhorses that had fought valiantly to get the protections into ANILCA for the state, that were on display there, to go from there in about a week to another meeting, charge, and participated in by old warhorses who had been on the other side and were very much pleased with the federal overreach that has occurred.

I share that with you, because the folks that were in charge of that particular business already are full-time in the education business. They're professors, they teach wildlifers how it is done these days and what it means and where it all fits in society. And it strikes me that, as well as the public school education, certainly at the university level, the education apparatus is already in the hands of those that like federal overreach. I think that makes the education business a real interesting challenge for you. And as you look at going toward that, I would suggest that the point of education is behavioral modification with actually a hope to influence the future. And if our goal is to influence the future by producing changes in behavior, an objective program, such as has been the want of people trying to explain ANILCA and ANCSA, whatever, to folks over the years, simply isn't going to do it. The other side is passionate, they're perspective driven, and if we are not motivational, and if you can't stay out of the weeds to the point that you can stick with the central issue, which I think for us is federal overreach.

I'm not particularly a well-schooled person in ANILCA, although I've had plenty of time to play in the area, but my brain just goes to sleep when you talk about section 13-1024 -- you know, I'm gone. And if you're going to try and educate the public, I think you're really going to have to identify the issue, and I believe that issue is federal overreach. I think to be successful, you're going to have to have a passionate perspective and you're going to have to share that. And what you're talking here, given where we are today and where we come -- you're talking a quiet revolution, and a quiet revolution doesn't usually succeed. A passionate revolution may.

So I'm thinking, well, who is really important to educate? And we talked about educating the public, and that's certainly important, but if you're going to have revolution, somebody is going to have to lead it. And I suggest that the leaders in this revolution should be those folks whose ox has been gored, if you will, and I believe that's the Alaska legislature. And if we're going to have an education program, particularly if you're going to get into the weeds at all, you're going to have to start with the legislature. I think staying out of the weeds is important. I think the big issue is motivation, to fix a wrong that has been done. If that requires some outrage, then I'm afraid that will be necessary.

An example that I'll leave you with before we do go to lunch, is the -- I don't think moderation is going to get this done. Now, it's great that you have the opportunity for this work session today, but the reason you have the opportunity is because the federal people, to whom you should be addressing serious questions, are not here. Now, the reason they are not here is because they are not working, presumably, and the reason they are not working is because they are unessential. Now, if the director, the regional director of the Fish and Wildlife Service, and the regional director of the National Park Service are unessential, then they're not working today. I know the Park Service has 750 employees, and all of them except 75 or so, 70, are done yesterday after they had four hours to say they were going to be out of the office. It wouldn't have taken me that long. But if Director Haskett, or Masica, or whatever, are working today, they think you are unessential. And I don't know whether they're working or whether they're not. I will probably make some effort to find out. But if this is a big problem only for us, we'd better be outraged, and any education that we do, and I suggest we start with the legislature, has to include the passion that is called for when you are treated as poorly as we've been treated. Thank you. And you have a minute to spare.

**Representative Keller** - Thank you. I don't see anybody just dying for the last word, so we're going to gavel out for lunch. We'll be back at 1:30 to continue the work session. If any of the commissioners have feedback for us on how we're doing the work session, let me know; otherwise, we'll proceed to plod and clumsily move on. At 3:30 this afternoon we have public participation time again, and we'll be here until there are no more to testify, and we'll plan to be out at 5:00. So don't forget that if you came with your travel -- commissioners going back Saturday, if you're not staying for shopping or whatever, you may want to look at your travel plans now, because we're going to shoot for being done tomorrow evening, tomorrow at 5:00 o'clock. So with that we're going to gavel out for lunch. See you at 1:30.

Gavel out at 12:00 p.m. for Lunch.

### **1:30 p.m. WORK SESSION (continued) – Review of August Summit Issues and Recommendations**

**Representative Keller** - Okay. We'll call the meeting back to order after lunch and get back to our work session. Just some more clarification on process, or attempt to. It's really obvious, I think maybe from this morning's work session, that there's no way that we as a working group are going to be able to go through every detail of every proposal that has been put out there in the Summit. I think that part is really, really obvious. And so what we've done is Tina has worked with Stan and Karrie, and they put that online. There's this list of issues and solutions that are there. But we're not saying that that is the CACFA list of things, that's not our list yet, our issues

and solutions.

We have the option of doing that, I mean we could make a motion and make that it and press on and go, but the process of us as a group, with our limited time trying to work through what the priorities are, I think is engaging for all of us. And so we're going to press on, but keep in mind, this is basically the draft issues and proposal statement that's out there with our name on it, and we're working toward getting a more refined list and so that's coming. So we're going to press on with the same kind of thing, and all I ask is those of you that have read this carefully, look for things that got left out.

**Commissioner Somerville** - pointed out right away that there's some things that weren't included, and I think that that's really important and really good. And also things that you may want to word different, or whatever, and think about coming back maybe tomorrow in the work sessions and we can improve on it. But in the meantime, with the preparation we've had and the struggling we're having trying to do this, we're going to continue. And what I want the commission to do is, like we said this morning, is the things that are in your heart and mind as the things that really jumped out to you as the things that we want to emphasize, it's not that they will become the priority issues, it's that get them on the table so we can talk and hammer them out a little bit and fill in some gaps, with the understanding that it's not a competition to see who gets first priority, so much as it is to -- learning where you're coming from and getting some information on the table.

It's not going to be a comprehensive list, that's going to fall back on our capable director's shoulders and staff with out input. So if you have changes that bother you that you want to make to this draft summary that's out there with our name on it, try to get them in writing to Stan, or bring them up in the group to us here. So we're up to number 5. And I hope that was as clear as mud. It's a process; we're learning how to deal with a good stack of information.

**Commissioner Somerville** - Yeah, I have two issues that I've probably had the most experience with, navigability and the fish and game issues. And starting with fish and game, as I said in my presentation, that I'm not proposing that we make a recommendation to do away with ANILCA, that's not going to happen, nor Title VIII, that's not going to happen. So we have a couple of things that I think the commission can emphasize and offer suggestions to the legislature, the governor's office or whatever, and that is either by negotiations, which personally I think will fail, because we've tried that, or litigation or some process, we have to define federal public land.

We have to get a clear definition of federal public lands. And that's for the purposes of outlining exactly what the state's jurisdictions are and where the Natives stand in this whole arena, in terms of co-management, or whatever else comes out, whether it be with the state or federal government. The jurisdiction of the federal government has to be defined. Right now it's an amoeba, it's constantly moving, and so that leaves us in this never-never land. However we want to put that up there, we have to resolve the jurisdictional issues with fish and game, in terms of -- similarly, I guess -- well, I'll leave it at that and I guess we can discuss that, and I'll talk about navigability later.

**Commissioner Olsen** - Thank you, Mr. Chairman. Possibly, federal public lands will be determined by the Supreme Court in the Katie John 3. And it appears that maybe we've got a time line, since the Supreme Court responds much more quickly than the District Court, and also the Ninth Circuit Court of Appeals, usually, that maybe we'll get an understanding on that. I was

looking at this list, number 5, and it says the fact that a clear definition from feds, what is a sufficient water craft for navigable water designation. As far as I can determine, and I'm strictly an amateur in this business, but that's a definition under the sovereignty of the state, each individual state. There's no standard federal definition of a water craft throughout the entire United States, and it appears to me that that's a total state responsibility within their navigable water clause to make that as broad, or as narrow as they want.

So I have talked to some legislators and encouraged them to get the definitions of as many water craft as they can and get that before and out into the public and so forth. The problem on the Sturgeon case is that for 17 years the state licensed his particular water craft, but in '96 the Park Service decided it wasn't under their definition, so of course John Sturgeon is in court today, and he is going to the Ninth Circuit Court as soon as he gets a definition out of the District Court. So that's an area that we can be far more aggressive on with the State of Alaska.

**Commissioner Fish** - Well, to add on to **Commissioner Somerville's** thoughts on defining federal property, because I think it strikes me as we have a common single unifying objective with Native corporations, the State of Alaska and private citizens. And that's the idea of property, and their rights that they have on their own properties. I think if we can focus a lot of these points to that fact, it's just who owns the property, what are their rights to that property, and I think if we can frame that in a way, we could get a lot of support from people that are suffering under the same.

Now, it may not be the same issue, me as a private landowner has with the EPA, but I have the same issue with the EPA as the state does on their mining claims, or I have the same issues with any federal agency on my land that a Native corporation has with that same federal agency on theirs. So I think somehow distilling all these issues down to something and keeping it out of the weeds, as was testified to, to something that people can grasp on and say, yes, this makes sense, that we should pursue this avenue. I think property rights is definitely something that should be considered as one of those distilling issues, because really our concerns over the resources that we manage, whether it be as a private citizen, or as a state government, or a Native corporation, concerns us all. So I would suggest that we not only define what the federal property is, but define the rights that we have on our own properties as well.

**Commissioner Olsen** - Just one additional thing. As a resident of Alaska, it would really be very helpful when the AG's office argues cases before the federal courts, or the state courts and so forth, if they would possibly write it in language that maybe a majority of the residents could understand, or see where they're going, or what the case is trying to present, and the means and methods that they put the case together. So many times when you read a state case or a federal case, some you can never understand, I don't care how many times you read it. But there should be some way to get this down into working language, because it's a great opportunity for the state to present their case to the public in such a way that they can understand this work and the importance of it to the feds, and vice versa.

**Commissioner Lean** - This may be naive on my part, but it seems to me that if there were a more formal mechanism, and maybe Representative Johnson was talking to that, but to communicate with other states of similar interests on issues that they're working on, we're working on, may affect each other, I think there would be real advantages to having a united defense. And I don't know if that's -- I understand strategy a little bit in the court. You don't

want to always give away all your arguments, but it seems like the state could do better in communicating with other states of similar interests. And I don't know if that's a formal process, or that's just a suggestion that we would make to the AG's office.

**Commissioner Woods** - A clear definition of feds for the significant water craft, and then **Commissioner Somerville's** request that clarify public lands and where the jurisdiction lies. If we attack it like Mr. Lean, **Commissioner Lean** and everybody else that testified, I think the problem is, is at least from on the grounds level perspective, that we don't have any issues on the ground level. Our biologists on the fed side agree to certain things, that they're there for the resource management purposes, that we -- on the state side, same thing. When it gets up into higher levels of administration and higher levels of government and higher levels of bureaucracy, that's where the conflict lies. That constant battle that we have over jurisdiction, and isn't at the ground level, it's at the administrative level.

Take for instance, if we just attack just -- to define public lands, and the Katie John will outline that for the state in their stance, and as a signer on -- say they want that to be enacted, there's a whole list of rules that go along with that enactment. Under section 22(g) of the Alaska Native Claims Settlement Act, is that what we talk about inholders. And part of this number 5 has to deal with that, because if you look at navigable waters and the inholders that we deal with, and we've had multiple issues with navigable water issues and inholders in that -- in our state, that those inholders, under section 22(g), if they're in a refuge, they follow refuge management.

Now, corporation lands are charted through the state and they are resource management through the state process, but when you get into the realm of this administrative layer of bureaucracy, and it's in every system, every park's got a different management, and it comes from Washington, D.C., every preserve, every refuge, and we deal with that on a daily basis. And it's way too much information, even that they admitted -- the feds themselves will say there's too much to grasp at one time. So when you talk about wildlife management and that whole arena, I'm thinking we're stuck with dual management and how that's going to play is basically the inholders are going to suffer.

And where I'm getting at is once we get that clearly defined, and once we get to that point where -- I guess how it relates to number 5 is like Charlie said, we get all the players to the table, from the ground level all the way up to the administrative level, because, number one, it has to be fixed I think from the ground up, not from the -- my perspective is, is that the administrative clashes will always happen because of jurisdictional issues and legislative and legal issues that the AG's office has to deal with. But until you get -- the guy that just testified before lunch talked about there's two different arenas out there. And if we don't address both arenas and everybody at the table, we're never going to get to agree on anything. So how do we get there? Actually, at some point Tina's office and Brad and the ANILCA office are going to come in and outline for us on the state level, just like they did -- the subsistence timber in the Wrangell Mountains, that we address certain issues

**Representative Keller - Commissioner Somerville**, are you -- just for clarification for me, are you suggesting that there ought to be a recommendation added that is to define what public lands are? In other words, who are you thinking of that we can recommend to the feds that they do this, or, I mean, help me out.

**Commissioner Somerville** - No. Thank you, Mr. Chairman. Yeah, I was thinking there's a broader thing, which has been pointed out by Commissioner Woods and others here, that the land rights and the inholding issues are in themselves different issues, but they are somewhat related. And we're going to find that with a lot of these issues. But what I'm recommending is that either by congressional action or litigation, because in my opinion the administrative process in dealing with federal public lands has not worked at all, either by litigation, or federal legislation we need to clarify that. And the governor -- and I'm recommending to the legislature and the governor that we use every mechanism to do that, because that's a solution to part of our problem with subsistence and wildlife management.

**Leaphart** - Mr. Chairman, this will maybe further muddy the waters. The 22(g) section that Woody is talking about only applies to those ANCSA lands that are within a wildlife refuge that was in existence at the time the claims act passed. So you have a whole other category of corporation lands in the new refuges that aren't subject to 22(g). And so that -- the Fish and Wildlife Service doesn't have similar regulations as the Park Service, with regard to the waters, but it's still a third category of inholdings. Yeah, you have inholders in the new refuges that are treated differently than inholders in the older refuges, and that might be a recommendation that would be worth folding into this. Maybe -- I don't know how the corporations would feel about having a 22(g) provision repealed, but I would think it probably would help their ability to manage their lands a little bit. So just to further add another little layer. Thanks.

**Commissioner Somerville** - I might have a suggestion, see what the other commissioners think. Maybe number 5 should be addressed, wildlife management issues in a broader perspective, and then underneath that one of them would be, litigation and/or legislation to define federal public lands. And another one is, exercise administrative authority to reduce conflicts, and that's reflected -- I don't know if you had a chance to look at it, but Wayne Regelin and I did the white paper that I included in my presentation, which it listed a whole host of administrative things that could be done to reduce the conflict, until Drue Pearce of course told us that the reason they're so onerous is we're trying to force the state to adopt a constitutional amendment. That kind of turned that conversation off. But you see what I'm saying. There are really two facets to that wildlife management issue. Until we get those two things started or resolved, I think we're just continually treading water.

**Commissioner Woods** - Are you suggesting a constitutional amendment, Mr. Somerville?

**Commissioner Somerville** - No.

**Representative Keller** - Well, is it fair to say we'll keep working on that one and we'll make sure it doesn't get missed. Okay. And you had a second one there also, right in the box. Did you need me to separate navigability issues?

**Commissioner Somerville** - Well, it's been kind of addressed, but we need to resolve navigability, and Scott Ogan covered some of this in the presentation to the commission, so I won't try to -- there are several issues. One there is to have legislation clarifying the Quiet Title Act, which forces the feds to take a position so the state's not stuck in limbo, and that's one thing, amend the Quiet Title Act. We need to resolve the issue of jurisdiction, if you will, on whether navigable -- on navigability itself, whether the feds can claim -- reserve water rights up and down the entire length of a river system, which they're doing, and/or extending their jurisdiction

in the state water. I mean, these issues are crucial to the state getting its entitlement, as well as the management of the resources in the water column. So there are really two parts to the navigability; one, clarifying, the other part is the administrative part, which BLM could come up with clear criteria for them to -- for navigability determinations? They've tried to do this in the past and then done a terrible job. For awhile we thought the Gulkana case would kind of set the parameters, and of course they've deviated from that since then.

**Representative Keller** - Just for reference sake, we've got two documents in front of us, and the one that we're working from -- because it's posted as Tina's, and on page 19 of 20 is a list, bulleted list of recommendations for resolution. And about halfway through there is one, about maybe just over halfway through there, **Commissioner Somerville**, the one on draft an amendment to the Quiet Title Act to establish process for state ownership of navigable waters, based on specific criteria, so BLM must take a timely position. So you're saying, then, we probably need some wordsmith and some addressing of the administrative.....

**Commissioner Somerville** - Mr. Chairman, yes, that's one I would expand. I think it's too vague.

**Representative Keller** - Yeah. That's what we're doing. Did you have something? I saw your -  
- no?

**Leaphart** - So that would be number 6?

**Representative Keller** - Yeah, 6 would be.....

**Leaphart** - Amend the Quiet Title Act?

**Representative Keller** - Yeah. And we're.....

**Leaphart** - And Ron, does your paper -- they did address the definition, our proposed amendments to the Quiet Title Act?

**Commissioner Somerville** - Yes.

**Leaphart** - Okay.

**Commissioner Somerville** - Yeah, I'm suggesting that that's one part of resolving the navigability issue, is the Quiet Title Act. That by itself doesn't speed up the process like we'd like to see it, because otherwise it's still going to take several thousand years to resolve it at the speed we're doing it. We also need to litigate, undoubtedly, litigate the issue of navigability, like what's happened with the Sturgeon case and the Katie John. This has to be done. And Mr. Chairman, if I may, I think the commission emphasizing that and supporting it helps the governor's office when he at least looks at these things and decides how important are these court cases. And I think we should -- this is a high priority, in my opinion.

**Representative Keller** - Okay. We're going to press on. Is there other things in the official list that's out there, or from your notes, or the list from **Senator Coghill**'s office? I want to commend **Senator Coghill** for breaking it up into federal actions, state actions, Coghill actions



and Alaskan actions. That's great buckets to put it in and it's a great way to think about it, is who exactly we're making a recommendation to and who has to take the action.

**Commissioner Olsen** - Yeah. Thank you, Mr. Chairman. A question for Stan. Do you have the white -- do we have access to the white paper that the National Park Service came out with in July, the Advisory Committee from Colorado on the preserves adjacent to the Hardcore Parks? Do you have that? I'm sure you have it in your file, but I'm wondering how many people here have read the proposed policy on the preserves in regards to management of wildlife.

**Representative Keller** - That's the one they've just done recently?

**Commissioner Olsen** - Yeah, they did it in July.

**Leaphart** - I guess I haven't seen that one.

**Commissioner Olsen** - You sent out a copy to us.

**Commissioner Somerville** - Yeah, you sent a copy out.

**Leaphart** - I did? I'm sorry.

**Commissioner Olsen** - Well, I'd really appreciate it being distributed to all the members, because it is very stark and.....

**Leaphart** - That was pre Summit.

**Commissioner Olsen** - Yes.

**Leaphart** - I was focused on Summit. Sorry, I forgot all about that. I can -- we'll get copies.

**Commissioner Olsen** - Excellent.

**Representative Keller** - I want to back up to one I brought real -- if we're done with that one for now, to one I brought up real quickly in passing, and that is use of -- I'm going to try to express it, Ernest, and you can write it down, but use of technology to help us express ourselves. How in the world are you going to say this? And I've already asked Commissioner Liska, kind of hinted that she might be the point person on this and I got -- I think I saw a positive nod. But I see this as critical; I see it as something that we've got to do better, using social media. We're getting better. I know that Karrie has commented several times how much she appreciated some input there on the website. Right? And I just continue pushing that. It's not really outreach, it's more expression of ourselves so that more people understand what ANILCA is, other than just an acronym, it would mean something. Does anyone else have any comments or interest in that area?

**Commissioner Liska** - Yeah, I'd like to say something. As I listen to all of this and look at the reports and what we -- all the presentations that happened at the Summit in August, and then hearing what the governor's office is doing through Mr. Ruaro and Representative Johnson being a part of the state government, the CGS, and then the attorney.....

**Representative Keller - CSG.**

**Commissioner Liska** - CSG, and then the attorney general and the organization that he's a part of, all of these organizations and agencies that are reaching into organizations dealing with states' rights, federalism, all these things, is can there be a coordinated effort so that the public outreach part of it isn't just what CACFA is doing, but what is happened overall, so that it's not just -- it's a coordinated effort from our part of the people that are actually working on these things and looking at these issues. Because there is so much of it that it's very overwhelming, but to be able to break it down into -- I agree with Wes, that breaking it down for us based on agency to do -- how we handle things.

But I'm looking at it from a standpoint of, here's the federal overreach issue, and here's the issue, and here is what is proposed dealing with the state legislature, the administration, the judiciary, where we're at in that, and looking at, one, the issue, and the different pieces of it and who is doing what, a coordination. So for me it's not just the public outreach, but is there -- can there be an organizational, or organization -- and I don't know if it's CACFA, that is a clearinghouse, if you will, and maybe an organizer of all the different parts and how they're working together, so that when Mr. Ruaro said that he's already working on MOUs, now he and Chad are working together on some of these things, so there's not duplication of effort except where there needs to be, at times there does need to be that.

So I mean, that's -- I'm looking at it from this perspective, 50,000 feet up in the air, because all these people are working on it and it's coming to the surface, and now people are sharing, hey, I'm a part of this committee, and so it's not just what CACFA is working on, because it's bigger than us. These are issues that are pertinent to the entire public citizenry in the State of Alaska. And let's educate on the issue and then what all the different groups or organizations and agencies are doing for the issue. That was a lot, but.....

**Representative Keller** - And partly I think what I heard is a struggle in your mind, mine too, as far as what our role at CACFA. And we always have to come back to the fact that our role is to recommend and research and analyze, not to change -- we can't -- we don't have the power to do much beyond that.

**Commissioner Somerville** - Yeah. Thank you, Mr. Chairman. And that's a key, kind of a key question to this. I start out by saying, where do we go from here? However, there's several parts to this which I think are important. One is we're required by law to give a presentation to the legislature within 10 days. Is that what you said, Stan?

**Leaphart** - Submit a report.

**Commissioner Somerville** - A report. And if we put this stuff together, we have concrete, or prioritized, or recommendations of critical issues that need to be addressed, either that's a place to put it in position. And that's a tough part I recognize for the legislators who are here, is that some things may in turn not be what you feel we can accomplish, but the commission may choose to still make a recommendation they need to be addressed, so that's the tough part. The funding, and that sort of thing, which I have obviously focused on, funding is crucial. You can't do these things without money. You can't inform the public, you can't involve the public, you

can't do anything without adequate funding, so I'm going to push very hard that when we make a recommendation to the legislature, we include funding in that somehow.

I also have other issues which require funding. I recommended there be a state's rights section in the AG's office, not just one person, there be a section dedicated to these issues. Are these issues important? Are they even more important than what the AG's office is already doing? I can't answer that, but certainly I feel that these issues are so important, we need to dedicate the resources to resolving them. And in most cases right now I think these things require litigation, unfortunately. I realize it's not always successful, but we've just hammered away at this corporation to the point where we're just not getting very far. So I wanted to make that pitch, that's all. I think that when we go to the legislature, we'd better have concrete recommendations.

**Commissioner Arno** - On the education, I agree that CACFA should be the clearinghouse, because, again, simple enough, it's a Citizens' Advisory Commission on Federal Areas. So if that responsibility wasn't given to the commission from the legislature, it certainly should have. That's taking the public input, and we can always have more of that and add more things to the list. But as far as the clearinghouse, to say -- to get us all out of one silo to say, okay, we're working on this, and here's something that the administration could be working on right now, here's something we would like to see the AG's office pushing now, I think that would all go in the report to the legislature, which we copy to the congressional delegation and to the Governor's office. So I think this long hard process of just grinding through these same things to try to figure out what rises to the top, to be the education thing that you get out so you're not overwhelming people. I think that should be the responsibility of CACFA.

**Representative Keller** - If I could, Commissioner Arno, responding to that, we are -- CACFA is created by statute, so if we're going to make a recommendation for legislation to redo the mission for CACFA, that's one possibility. And I think I heard Ron say, make the recommendation, I think it would be -- may not take legislation, but make a recommendation to the Governor, which I think we've done, or at least I have strongly over and over again, that we have a division on state's rights, constitutional protection, or whatever, as other states have done. So that's something -- I'm not sure -- it doesn't hurt to put it up there for thought, I don't think, but legislation to redefine CACFA, that would be just a word to remind us of this conversation and if we want to maybe consider that. I'm not sure I do, I'm just saying I think it's a good idea, but I -- that's something we need to consider.

**Commissioner Liska** - What do you mean by, do we really need to? I mean, right now it gives you the authority to review the relationship between the state and the federal government on federal land and make recommendations. Isn't that what we're talking about doing?

**Representative Keller** - Yeah, I guess to. I guess there's not -- I was thinking about -- so you're saying that if we just had a -- it'd be the clearinghouse of information, that you could take that as part of our role. Yeah, that is very possible.

**Commissioner Liska** - But if you're looking at states' rights, that's more than just land. I mean, **Senator Coghill** mentioned NSA and all these other issues. States' rights involves of course the land, but in looking at what else the federal government is doing beyond land -- I understand CACFA and I agree with that, but as a clearinghouse for all of that, what is -- I'm sorry, I don't remember that acronym that Representative -- CSG?

**Representative Keller** - Conference of State Governments, I think it is, or Council.

**Commissioner Liska** - Are they looking at just land, or are they looking -- what other issues are they incorporating in what they're looking at in that federalism task force. We probably need to ask him in that. But is it beyond land? Are we looking at states' rights, and the clearinghouse not just for what we're already doing in CACFA, but a clearinghouse for all these different things, is what I'm -- CACFA, our clearinghouse, yes, definitely, but that's what I was talking about.

**Commissioner Arno** - Yeah, I would object to changing or suggesting changing the legislation that created CACFA to make it more than anything other than just federal areas in the state. I think that's focus enough. I mean, if you're going to take on the federal government and all the other agencies that there's concerns with Alaska, that wouldn't be me.

**Commissioner Smith** - I agree with Commissioner Liska's analysis of how we should act as a clearinghouse. And I think, though, that Karrie has already, with the web page that we have, the website, there's so much information in there now. I mean, all of our minutes, all of our -- the testimonials and the minutes and everything. And we could -- if there are pages -- reports that are done by CSG, or maybe that come out of the AG's office, that maybe there's a new page that we could create in there that would put all of these comments from these other agencies that are working, and maybe subject, but coordinate it -- I'd even like to see a blog of some kind, or some way for people to actually give a testimonial online. When we worked with the Park Service in Wrangell, those testimonials were one of the most impactful, important things. Those were some of the comments we got back. When you've got a couple living in the woods talking about a ranger hassling them and the things that happen, and how they felt, and airplane overflies and everything, you can talk about federal overreach, but when you're reading that person on the ground and what they've been through, those are very powerful statements. So I just think what Karrie has already got set up is great and we can expand to get all kinds of information in there as a resource for all of us as well.

**Commissioner Fish** - Well, sometimes I think that we tend to focus -- our testimonies tend to focus on testimony from federal agencies or state agencies, and we take that and absorb it and come up with recommendations and advisory opinions to government entities. But I think we can probably do a little better job and take it one step farther than that, and realize that we are citizens advising, but we also need to advise the public, advise the citizenry. There's plenty of people that don't have the time to sit and absorb all the information that we have, but what are our recommendations to the public? I know the -- well, **Senator Coghill's** staff has been on teleconferences statewide informing nongovernmental organizations on these activities. I know there's opportunities at fairs, like I think it was Delta Junction that Stan -- I believe somebody spoke at, a function there. And I think the important thing is, if you look at the federal government and the partnerships, it develops with nongovernmental organizations to promote its agenda, its way of seeing things.

I think we're seeing an emergence of nongovernmental organizations at a local level that could really use our advice and they don't have the time to sift through the information. But if we could gain their respect and give them so-called marching orders, this is what you need to do to be effective; I think that could greatly expand our influence and capabilities in that role. So I

guess to summarize, I think we've got to pay close attention at getting nongovernmental organizations involved in the work that we do.

**Leaphart** - I had a question. Are we using the recommendation regarding the federalism section as an example, or did you want to put that up as number 8?

**Commissioner Somerville** - Which one?

**Leaphart** - About forming a separate federalism division, I think.

**Commissioner Somerville** - States' rights section, you mean?

**Leaphart** - States' rights section.

**Commissioner Somerville** - That's one of the things I want to add in, because I did make that recommendation.

**Leaphart** - Yeah, so we should put that in as number 8, then?

**Commissioner Somerville** - Right.

**Representative Keller** - **Commissioner Fish**, did you have something on that topic?

**Commissioner Fish** - We just can't hear what you said.

**Commissioner Somerville** - I just said, yes.

**Representative Keller** - Before **Commissioner Fish**, if anyone disagrees with including that, be sure you express it. To me it's very common sense that it be part of it. I was kind of presuming it was. Commissioner Arno.

**Commissioner Arno** - I Just have a question. Back again when you say states' rights, are we talking about states' rights as it relates to management on federal lands, or are we talking about the full umbrella of states' rights, as opposed to education, or medical, or all the other things that the federal government is involved in?

**Commissioner Somerville** - I guess I would include it -- what **Commissioner Liska** was saying, only from the standpoint that if they do that, they're going to include the things that are paramount in our interests. But I think the AG's office established a section that's going to deal with all of the states' rights issues. That's why I worded it that way. I'm not opposed to what you're saying that our focus should be on something slightly different, but really there are a lot of statehood entitlements and things that were granted to us at statehood that we're not getting that don't deal with land, or haven't been resolved, excuse me.

**Commissioner Fish** - I know this may sound a little ideological to some, but I do have an issue with the term, states' rights. If you look at the 10th Amendment, which a lot of people point to as the states' rights amendment, it deals with powers. There's a big difference between state powers and states' rights. States' rights don't exist in my ideological bent. Rights are inherent in

individuals and people. Government only has powers that are given to them by the consent of those that have rights, the individuals. So it's a fine point and I think the idea, or the term states' rights historically has negative connotations in some people's minds as well, as defending oppression against individuals as in the civil war. So I would suggest we address state authority, or state powers, and with the respect that rights belong to individuals.

**Representative Keller** - Good comments. And we're not paving new ground here, because a lot of states have similar things, and I think Utah uses, what, Scott can probably help me, constitutional protection, or something like that. I don't know what it is, but -- any other comments on -- we're scraping the Milky Way a little bit. Commissioner Coghill.

**Senator Coghill** - This is probably going to get down to a survey stick. Probably one of the things that both in the report and in the recommendation could be what we have on the last page here, take steps to improve coordination on federal issues with Native corporations and communities to seek funding for land surveys. In talking to **Tina Cuning** earlier, it becomes clear to me that that's something that the feds are going to do, but we have some responsibility. And that gives us -- it's in our best interest to be involved in this. So it's one of those things where if they stake it and it becomes a conservation unit instead of a good land swap, what have we gained? So it's something that probably should be explored and then stated. So there's still lots to do. The way I understand it, there's a lot to do yet. And that's one of those things where if you allow them to stake claim, because the way I understand the boundary surveys, they will try to follow whatever natural lines will be allowed for. And on the map they just struck lines, so you have to go back and do land swaps and you've got to figure these things out. If we leave it up to the guys who want to stake as much land as they want, or do it collaboratively, I'm for the collaborative. So it's just -- it's something I think that needs to be brought up, because the Native corporations stand to gain or lose, the State of Alaska stands to gain or lose, the federal government stands to gain or lose. So I think it's a very important part for us to highlight that.

**Representative Keller** - Yeah, go ahead, **Commissioner Liska** and then Commissioner Woods. And on the topic, land use council, I think that was brought up. Commissioner Liska.

**Commissioner Liska** - That's what I was just going to say. Could that be reinstated, but maybe in a newer up-to-date, including more of the people, as Commissioner Woods has said. We need to have all these parties at the table, but who calls that and what would that organization look like, that council look like today?

**Leaphart** - Mr. Chairman, in your packet there's a CD and it has an electronic copy of the 1201(l) report that was done to congress on whether or not the council should be continued. And the recommendation was that it be continued, but it would be restructured. For example, fewer federal members, eliminating the requirement that the federal Department of Transportation be on the council, there was another entity, a federal agency that would be dropped off. And there were a number of recommendations in there which proposed language for amending ANILCA to reauthorize it and restructure it. And there are a number of recommendations, administrative kind of things that could be done to make it more effective, because it did frankly degenerate into a lot of political infighting and stuff.

And one of the key provisions that a lot of people recommended was to, rather than have the governor be the state co-chair, have the governor appoint a state co-chair, because a federal co-

chair was appointed by the president. And that federal co-chair really had no line authority over any of the federal agencies. I mean, he could discuss things with them, but he was a political appointee and agencies could choose to follow his guidance or not, so there were a number of recommendations. And so I think if we would recommend that the council be -- or something similar be reestablished, then we should take a real hard look at those recommendations, because that a result of about a two-year study that was done by a consulting firm and a lot of interviews. I know I was interviewed, I think Rod was probably interviewed, and maybe a couple other folks here were interviewed about how to make it work a little bit better. So I think we should definitely look at that. That's why I included that in your packet, so you could look that over and just see what was suggested. And it never really took off. I don't know, there wasn't a lot of support on the part of the state to do it. Interestingly enough, the report was actually filed by the federal co-chairman and not the state co-chairman, so I'm not sure what -- I don't recall what the story was behind that, but.....

**Commissioner Liska** - When was that?

**Leaphart** - It was done -- the report's dated 1989, it was submitted late '89, it was submitted in 1990, ten years after passage of ANILCA. But anyway, that's -- it's worth taking a look at, because it makes a number of recommendations that I thought, and a lot of other people thought would have improved the way the council functioned.

**Representative Keller** - Do we have those in our packets?

**Leaphart** - It's on the disk, yeah.

**Representative Keller** - And what -- where would that be available for people in the public?

**Leaphart** - Well, I don't think it's available in hard copy anymore, but we can certainly post it on our website. And it's not that long. I didn't include the appendix, which was sort of a writeup by the consultant who did the study, which has some useful information in it, but we can certainly reproduce it in paper copies for everybody here, if you'd rather have a hard copy instead of electronic.

**Representative Keller** - Commissioner Woods and then maybe over here.

**Commissioner Woods** - Well, Stan answered by question. I still have to review the plan and that was my -- Kathleen, thanks for bringing the issue forward, because I think that's real important that we bring all -- and Coghill, your statements about bringing everybody to the table with that issue. I was going to reference a different -- there's two things going on here, I think, legislatively and then regulatory and then administratively.

Next week at the Joint Boards of Game there's proposals to eliminate those regional councils that deal with wildlife management, that those boards became nonefficient once the feds took over federal management of wildlife lands. That was the worst mistake I think that could have been possible, that these issues are getting brought to the forefront because of that decommissioning of those boards. Plus in the arena of -- that's when everything came to a head on the administrative level of management of federal and state lands. And in that process I think we've all lost -- in the beginning there was a planning commission, it sounded like from land use

advisors on the commission made up of representatives of commercial industrial land users, recreational, wilderness, environmental groups, Alaska Natives and other citizens. That whole group that formed all the stuff that we're supposed to do, and continue to still do, aren't there anymore.

And I think a recommendation -- our charge for Alaska, and we all live here, and I'll say it again, I need Rod just as much as he needs me, that we all live here and we have to sort this out at some point. And I think that commission that was -- I'm going to read this tonight and watch it, but it's real important. I think you've made a real good point that at some point we have to readdress it, just because if we just present all our points, it isn't going to go anywhere until we sell the other side what our points are. And if we're not at the table, we're not at the table, so -- and we might not get invited to the table. So thanks.

**Senator Coghill** - Oh, go ahead. After you, Stan.

**Leaphart** - Just one more little historical note. The Land Use Advisors Committee to the Alaska Land Use Council and this commission shared a member for most of the life of the Land Use Advisors Committee, so there was -- we had that linkage, which was very important. And we had three or four, maybe as many as five, joint meetings of the Land Use Advisors Committee and the commission over the period of the 1980s. So initially we were -- the federal co-chairman was very suspicious of the commission, but once we started working with their advisors committee, we developed a really good working relationship. And we came up with a number of recommendations regarding all sorts of management plans and regulations, all the early stuff related to implementation of ANILCA. So it was a good working relationship that we had, so that's a missed group as well, because it did represent another group of citizens that had pretty wide ranging views and knowledge.

**Senator Coghill** - Mr. Chairman?

**Representative Keller** - Commissioner Coghill.

**Senator Coghill** - I'm glad to make it a two-step process. I think recommending the Land Use Council is probably appropriate, but I don't know if I'm willing to wait for them to take up that recommendation. And so I think the next step should be if they don't, we'll seek collaborative ways to get those surveys.

**Commissioner Woods** - And that would include revisiting ANILCA with that Land Use Council. Is that what you're saying?

**Senator Coghill** - No, I'm okay with the recommendations to restructure, but I don't know that that recommendation is going to fall on active ears. So we can make the recommendation, but I still think we should recommend that the state be proactive in seeking out partnerships to finish some of those surveys.

**Representative Keller** - Are you thinking about a recommendation partly to the legislature on that to do resolutions and maybe even spend some money on.....

**Senator Coghill** - Absolutely.



**Representative Keller** - Okay. Commissioner Liska.

**Commissioner Liska** - I think that's -- **Commissioner Somerville**, when you talk about a states' rights and we need a better word here, but being headed by the Attorney General's office, my concern in that is that even with what -- some bills that are before the house right now and the senate in state, is that we need an organization that is separate from, but includes all the legislature, the AG's office, the administration, all of them, that is a clearinghouse for that, that is -- that can call all the different people to the table, whether -- I know there's legislation for parts of this, but it's beyond legislation, it's beyond the AG. And who is the group or organization or whatever, and maybe it's the governor that can call all the different people to the table. That's what I'm looking at. Who is that and who can do that? Because CACFA's got our place with the federal lands, but what are the other organizations? And I don't know how to even say that fully, but that's.....

**Representative Keller** - **Commissioner Somerville**.

**Commissioner Somerville** - Yeah, thank you, Mr. Chairman. Yeah, I wasn't proposing that the AG's office be a clearinghouse for everything. We need a legal section dealing exclusively with litigation, and that's the sole responsibility of the AG's office. And I think -- my suggestion is that we keep pursuing this, if in fact part of the things that we get from the public involve things other than public -- federal public lands, or whatever, that we include those. I'm not saying I disagree, maybe a little bit, that we should exclude them. I don't think we should do that, so until somebody else steps up to the plate, I haven't seen many of them, and I think we should continue on this road. And if somebody looks down the road and says, that's not CACFA's responsibility, maybe we need to create a different group to deal with different parts of it, then so be it. I mean, that's a policy decision. Right now we're probably the broadest authorized organization in state government to look at them all. I'm not saying the commissioners can't do that, or the cabinet, or whatever, or the governor's office, but by and large they have other responsibilities. Is that fair enough?

**Representative Keller** - We've definitely got to have the passion, if we can just figure out how to get in a box and push it down the road. What we're going to do is take about a 10-minute break. Come back at 20 minutes to. And when we come back, just for a little change of pace, we'll have our executive director finish up whatever report we have. But be thinking and looking over these lists, and if there's something you want to emphasize, something you can't even remember what it's about, let's ask, let's talk about it, compare notes. If you've got something that you want to add, we'll just keep on that avenue after the reports. And we have public participation scheduled one hour from now at 3:30, just to give you an idea.

**Commissioner Somerville** - Just for clarification, you did say, though, that things that we felt should be added as part of the summary, we should give to the staff, or bring to the commission tomorrow?

**Representative Keller** - As a general -- it depends on how strongly you feel on it. If you have something you want clarification on, I would -- hopefully you'd bring it up right now so that we can all be thinking about it. If you write something down, of course, that usually requires a more formal response, and if you write it down you have taken more time to think it out. It's a good

process to do that and get it to Stan, get it to me and I'll get it to Stan, or Karrie, and we'll put it together. But tomorrow we don't have any work session planned. This is going to be a -- but we are not planning to finish this meeting time with a formal list of the Summit recommendations yet. That's going to be partly as a result of the work that has been done, the work that we're doing right now in the work session, and the work that's coming by Stan and Karrie on this. But does that help?

**Commissioner Somerville** - Part of it is I guess a difference in philosophy here. One is people made recommendations at the Summit you may or may not agree with, and I kind of hate to see us edit those too much. I mean, just consolidate maybe.

**Representative Keller** - There's no difference in philosophy there. I couldn't agree with you more. It's just that as commissioners, and with our hands on it, and we're close to it, there's some that we're going to want to emphasize probably and put first, so that's all. So let's take a little break for 5, 10 minutes.

**Representative Keller** - We're going to start back up here and continue with the executive director's report, and then we'll come back for a little bit of time on the work session. Stan, go ahead.

**Leaphart** - Thanks, Mr. Chairman. I mentioned I think earlier on that, and I know it's been mentioned also by **Commissioner Somerville**, the governor's office provided us some additional funds to help with the followup to our August Summit. And about \$100,000, which will go a long way I think towards putting together some good recommendations, and as I said, funding for some travel for some meetings around the state. And that's something I think we can talk about in the work session, maybe where to schedule those and whether or not it might work with some of the commission members schedules to go along for some of those meetings.

So one of the things that is happening also is that the Department of Law is conducting a legal analysis for us to utilize in assisting us in developing our recommendations. Because one of the things that we didn't want to happen, and we were talking about this earlier, there are a number of core decisions obviously that have come down over the years, or a number of settlement agreements that were reached, and there are a number of what we see as violations of ANILCA clauses and those sorts of things. So what we hope to get from the Department of Law is an analysis of a number of issues related to implementation of ANILCA and other federal land laws, and maybe some possible resolutions that might be available.

Now, I've asked them to provide a confidential document. It would be attorney-client privilege, so we would have to deal with that as such. But also they're going to produce for us a public version as well that would be -- we can make available to the public. And we had asked for some additional money to maybe contract that out, knowing that the Department of Law is pretty strapped right now, in terms of time and case loads and everything. But I think after discussing it with the attorney general, the governor's office decided that they could handle it. So they have a group of attorneys working on that. Kent Sullivan I think is heading that effort as part of his duties with the RS 2477 and Navigable Waters Program that Scott heads up, so that's going to be a real big help.

And of course part of the things, we're just finding a band for the transcriptions. That was a

lengthy and somewhat expensive process, not nearly as bad as I thought it would be, but it's going to be a big help, so I just wanted everybody to know about that. The governor has really been a lot of support behind us in this effort, so I'm very grateful for that. And it's also going to allow us to hire a little temporary help to help with just some of the nuts and bolts kind of things that we'll have to do.

Mr. Chairman, I just want to give you a couple of informational items here. It's nothing real earth-shattering, just a notice came out Tuesday. Of course, this is all depending on whether or not the federal government reopens by the end of the month. But there's a meeting of the BLM Resource Advisory Council and that's here in Anchorage. It's supposed to happen on the 29th and 30th of this month. This is a group, this is their citizens' advisory group, if you will, representing various interest groups. We worked with them a couple of years ago on modifying the BLM's cabin policy for trapping cabins, and were able with their help and support to get the BLM to make changes that can actually allow some of the trappers that lost their cabin and cabin permits to get back out and either rebuild the cabins or build new cabins. So the old policy was just completely unworkable, but they have a couple of guys on this group that trap and were able to put that together. So they're looking at -- one of the topics that they're looking at, which I think is kind of pertinent to what we've discussed today, is the Integrated Arctic Management and scenario planning. I'm not really sure what that means, but I'm going to find out more about that. I suspect it's probably somewhat related to landscape conservation cooperatives.

And then also some new placer mining policies. I don't know -- I don't have a lot of information about that. I know I've been hearing things from a couple of miners up in Fortymile about a change in policy on the part of BLM that's making it a little difficult for them to -- well, it's making it very difficult for them to expand or move their operation onto claims that have not yet been developed. And I think part of that is a requirement that they actually go through a validity determination before they are allowed to operate on a claim that's not been previously mined.

**Representative Keller** - What kind of determination? You said they had to go through some new determination?

**Leaphart** - A validity determination, yeah, to make -- a lot of the -- and we'll talk about this. I notice one of the recommendations on the so-called d(1) withdrawals, and a lot of this came out of the ANCSA. There were millions and millions of acres withdrawn from any sort of mineral entry or mineral leasing, except for valid existing rights. And I think a lot of these claims are surrounded by these d(1) withdrawals. So it's my understanding, and I'm not certain about this, that even though it may be a preexisting claim, if it's not been developed before and not been mined before, that they're required to go through and make a determination that is in fact valid before they'll allow them to combine that. So that's created quite a -- it's normally a process you only go through if you're going to patent.

And I'm sorry, this just came out the other day so I didn't get copies to everybody. But there was an announcement made again on Tuesday that the U.S. Forest Service has announced that they intend to modify the Tongass Land Management Plan. They were going through a five-year review. The ten-year plan is supposed to go through a five-year review, so they went through an assessment process earlier this year. And I think the conclusion was that in light of the recent decision that now applies the Roadless Rule to Alaska, that there's no way that under the current plan, which was adopted in 2008, they can meet the provisions of that plan under this new

Roadless Rule, and also make that transition from what they call from old-growth harvest to second-growth harvest. The whole transition strategies is not going to work under the existing plan. So that's going to result in a -- I think the last one took about ten years to revise, so hopefully it won't be that long this time. But it also runs into the problem with being done under the new planning rule, which no one's quite sure how that's going to work.

Now, the Chugach Forest Plan is in the process of -- it's going to be one of the five or six forests that were supposed to be sort of the first line of forest plans that would be revised under the new planning rule, and they're in the middle of their assessment now. There was supposed to be a meeting tonight on that forest plan, but again, like so many other things this week, it's been canceled.

**Commissioner Somerville** - Yeah, thank you, Mr. Chairman. And I think in Southeastern it's further complicated by the withdrawal on the recent timber sale proposal, because of the endangered species impact on wolves. And second, until the Sealaska thing is resolved, which has significant impacts, if you will, on available timber, they're probably not going to be able to do the plan either. So I mean the whole thing is really sitting in limbo. Nothing new.

**Leaphart** - Speaking of nothing new, did I already mention the '99 hearings that were held? They were in your packet, and on the CD is a transcript from -- a hearing report from hearings that were held by the Energy and Natural Resources, U.S. Senate and Natural Resources Committee in August of 1999 here in Anchorage that deal with implementation of ANILCA. So you could not quite, but almost change the dates and hear the same problems from '99 as we heard last month here in 2013, so it's -- and I think that's a good -- it just sort of emphasizes the point about you have all the hearings and identify all the problems, but if you don't look for ways and actually try to fix things, nothing changes. So it's a good historical record. It's a look at ANILCA almost 20 years after it passed, so 30 years after it passed we're still facing the same issues. But take a look at it if you have a moment.

The next item, Mr. Chairman, is just a final, what's known as a FONSI, a Finding of No Significant Impact, on the guided sport hunting concession proposal on Bering land bridge. You'll remember we discussed that last fall I guess here in Anchorage. We commented on that in support of the decision to create three guide areas out there, which there had not been any in operation since the 1980s. And they went ahead and decided to move forward with those. We made a number of suggestions. Most of those were incorporated, but I thought you might be interested in that. That was something that local people had asked for, the preserve and the National Park Service to provide that opportunity to allow that and they agreed. So it's going to create three guide areas and have some local economic benefits and a positive result.

There's just a memo here announcing the final EIS and Record of Decision for the JPARC, Joint Pacific Alaska Range Complex enlargement. You will recall we reviewed that EIS last year. Record of Decision is also on your disk. It's rather lengthy, so we didn't print that out. Not much, if anything, in the way of changes from the draft. What are you smiling about?

**Leaphart** - Yeah, I think you're correct. We made no impact. As was pointed out at our meeting when we discussed this, there are still steps to be taken. The FAA still has to make its ruling on whether or not they will in fact authorize these air spaces to be utilized during exercises. There's also a proposal in that EIS that would designate corridors in the Fairbanks

area for use of unmanned aerial vehicles, also known as Drones, which has the local aviation community less than excited about that prospect. And then there's also a proposal that would have to go in front of the Department of Natural Resources for a block of state land that would be adjacent to one of the impact areas, that would be I guess a set-aside, closed to use by the public. And I'm not sure, I don't think that's just during the exercises; I think that would be because of the possibility that you could have a live ordinance there, it would be a permanent closure. So there's that process that it still has to go through.

**Commissioner Somerville** - Anymore good news?

**Leaphart** - I'm just full of good news. This is something that we heard a little bit about. The next item is something we heard a little bit about at our June meeting, just a Notice of Intent to prepare a resource management plan for the Central Yukon Planning Area in Alaska. And that area, it's going to include what was originally known as the Central Arctic Management Area, which are all the BLM lands north of the Brooks Range, but outside of the National Petroleum Reserve, and then east of -- excuse me, west of the Haul Road. There's a lot fewer acres in that area now that are under BLM management than there used to be, because it's a lot of it has been conveyed to the state and also to the Arctic Slope Regional Corporation. And that also will include the utility corridor, pipeline utility corridor, which now is a stand-alone plan, and then a large block of BLM land that's west of the pipeline corridor in what they call the central Yukon area.

The scoping period is open now. It's open until December the 11th. We haven't prepared any scoping comments yet. I know the Alaska Miners' Association have been working on that, as has the Department of Natural Resources and the Department of Fish and Game, on putting together scoping comments. I do not know if the state is going to be a cooperating agency on this plan or not. I'll find that out.

**Commissioner Woods** - On cooperation, is it the Arctic Village Corporations that are -- you're talking about the Interior, right around the -- north of the Fairbanks area? Is that where you're talking about?

**Leaphart** - Right. There's a.....

**Commissioner Woods** - I've seen the map. In lieu of cooperative management, I guess, what's his name up there in Arctic Village, I don't think he works for them anymore, but have you contacted the local village corporation and see what they're.....

**Leaphart** - I have not.

**Commissioner Woods** - Maybe since I'm the only Native representative, when we're dealing with an area that I'm unfamiliar with, I think it's a really good idea to get a hold of either the tribal organization or somebody that's in charge of land up in that area, just pass them the information, because I think when we did Togiak Refuge, the management plan, there was a big hole in that public input process. And what I'm getting at is that if we leave it up -- like Coghill said, if you leave it up to the federal system, that outreach has got to be addressed, I think, if we can address that.

**Representative Keller** - Commissioner Arno? By the way, for the record, that was

**Commissioner Woods.** Sorry.

**Commissioner Woods** - Yeah, sorry, I didn't say that.

**Representative Keller** - Commissioner Arno.

**Commissioner Arno** - I think that's an excellent suggestion, and I think that's something that CACFA should take on on a regular basis, because in a lot of cases the state doesn't. I mean, I've been told in the past by DNR that that wasn't their responsibility to inform Alaskans of these processes. And that happened to us on the East Alaska Resource Management Plan, and we learned from that, and Togiak, the same thing. So I think in the future if that's something that CACFA could always do, I think that would really be beneficial.

**Leaphart** - Mr. Chairman, we always include notices of these type in our monthly newsletter. Of course, it doesn't go to everybody, but it goes to an ever-expanding list of people. I know they're supposed to have some scoping meetings in this area. I think those have all been kind of sidetracked because of the -- now, for the Eastern Interior Plan, they had an extensive number of public meetings during the scoping phase. They did a really good job. The same planner that did that plan is doing this plan, and of course this is being done out of the Fairbanks office. So I'll get a list of planned public meetings that they're going to have, and if they look like they're not adequate, then I think we can make the pitch that they need to cover all the communities out there.

**Representative Keller** - Commissioner Arno.

**Commissioner Arno** - More importantly than just knowing that they're having those meetings, is just actually contacting some individuals. And there's other channels that if you don't have, or maybe some of the other commissioners, or some of the agency folks would help, to get individuals in those areas who are either on the village council, or something like that, aware of it, it would make a big difference. Because nine times out of ten on stuff like that when I ask, whether they're Native representatives or just people living out there, where were you, they go, what meeting? So there's still an information gap, that whatever CACFA can do to fill that, I think would really be advantageous.

**Commissioner Woods** - Just for point of interest, and you do a real good job and so does Karrie, I am updated as a commissioner on our reports. The funny thing is, is that our regional -- our tribal entity is Bristol Bay Native Association, and our accountant keeps track of CACFA. He sends me the annual update, the monthly update that Karrie sends out, directly to me, so it is -- you're right, there's certain individuals that are interested, and if you keep them -- like we have this plan in certain areas, so just for points of interest. Thanks.

**Leaphart** - Mr. Chairman, the next item is another BLM planning effort, notice of intent to prepare a management plan known as the Bering Sea Western Interior Planning Area. And there's some additional information back under new business. It's really not anything we need to take action on right now, but we put it there. There's a map of the two areas and some background information on their planning effort. This also has a -- well, actually, from the

announcements, it's going to have about 180-day comment period till December 16th. And again, this is just for the scoping phase. This is where they ask people to identify issues and stuff. So that's also a very large area, and of course it's going to be looking at a number, or most of the other similar issues as the other effort. But we'll do the same thing there, we'll contact organizations and villages in that affected area as well.

The next item, Mr. Chairman, is just a notice of availability for the recovery plan for the Southwest Alaska distinct population segment of the northern sea otter. So that plan -- this is just a notice that's printed for you, but the plan itself is on the compact disk. So I've not had a chance to look at it yet.

**Representative Keller** - What if we want less -- no, I'm just teasing.

**Leaphart** - So anyway, yeah, apparently they listed this segment as threatened in August of 2005, so needless to say we weren't around to comment on that one. Anyway, if you're.....

**Commissioner Woods** - Since this is in my area, I'd like to give you an update at the next meeting, I will, a written report from the Marine Mammal, a person that -- there are too many, not too less, for.....

**Leaphart** - Well, I would say the recovery plan is already succeeding, right?

**Commissioner Woods** - Well, the Village of Port Heiden that's being affected by that population has been addressing the decimation of the clam beds, the sea -- the resources that they depend on. So I'll bring a written response to you when I get back home, so thanks.

**Representative Keller** - Don't feel alone. Kachemak Bay has been hit really hard, I mean, there's lots of scudder (ph) down there.

**Commissioner Somerville** - Cordova, Southeast, and.....

**Leaphart** - Mr. Chairman, the next item is a proposed rule from the U.S. Fish and Wildlife Service and the National Marine Fisheries, actually, from NOAA. And they are proposing to amend the regulations governing consultation under section 7 of the Endangered Species Act regarding incidental take statements. The purpose of the proposed changes is to address the use of surrogates to express the amount or extend the anticipated incidental take, and incidental take statements for programmatic actions where implementation of the program requires later authorization, funding, or implementation of site-specific actions that would be subject to section 7 consultation. So as we were discussing earlier, use of surrogates is becoming I guess standard place, standard practice by the U.S. Fish and Wildlife Service, and now apparently the National Marine Fisheries Service.

Mr. Chairman, I have not reviewed these rules. They came out a couple weeks ago. Their comment period runs into November. I've had some very short discussion with the Department of Fish and Game. There is an ESA person. I know they're working on comments, so we will take a look at these and see if we can add anything in the way of comments on that.

**Representative Keller** - I'm sorry, Commissioner Lean.

**Commissioner Lean** - They use the example of Northern Spotted Owls, and I was reading an article the other day about the competition between the Spotted Owl and the.....

**Leaphart** - The Barred Owl?

**Commissioner Lean** - .....the Barred Owl, and how Barred Owls out compete Spotted Owls, and indeed it might not have lots to do with the forest at all, but inter-specific competition.

**Leaphart** - Right. Well, the U.S. Fish and Wildlife Service has chosen to address that issue by lethal take of Barred Owls in critical habitat areas for the Spotted Owl, so.....

**Commissioner Lean**- But had the indicated species been Barred Owls, the conclusion would have been very different.

**Leaphart** - Absolutely. They have similar habitat, but that's exactly right. Yeah, good point.

**Commissioner Somerville** - That's a self-serving policy. You make Barred Owls on the endangered species list, then you've got to go back and forth, pretty soon it's a never-ending cycle.

**Leaphart** - The next item was something I got I think in the mail, just a -- economic effects of national forest recreation in Alaska. It talks about the -- just the economic impacts nationwide recreation and visitor spending that amounted to nearly \$11 billion in 2012. And the region total for Alaska, total annual spending related to national forest visits region-wide in Alaska was \$353,323,648, which is an interesting figure.

The next item, Mr. Chairman, is just a notice of a lease sale in the National Petroleum Reserve. The lease sale bid opening will be held Wednesday, November 6, and this is under the newly adopted integrated activity plan for the NPRA that we also commented on, with little or no effect.

And let's see, I think the final item, Mr. Chairman, is just a notice requesting comment, and this may be actually more significant than it seems like. It's for information collection. As you know, federal agencies, before they can collect information, do surveys, prepare applications, or anything like that has to go through approval by the Office of Management and Budget. They can't ask questions, collect information without that approval. We went through a process with the U.S. Fish and Wildlife Service in their application process for special use permits on refuges, and what we learned was that the -- a couple of refuges in Alaska were, even after having sought and got approval for questions and application requirements from OMB, and went to a formal process where they actually developed their own set of instructions with their own set of information requirements, which were completely illegal under OMB's guidelines, and that's what's known as the Paperwork Reduction Act. And these came out just last week. And these are information collection proposals under the new Forest Service Planning Rule.

**Commissioner Woods** - I'd like to address -- I think this is a problem that I think we need to address as a commission. I think the Bristol Bay area plan that came up -- the Bristol Bay -- BLM's Bristol Bay plan, that process was implemented and never used, and that is a model under



the federal system. And I think we'd asked for a solicitor's opinion on -- I think it would be in our best interest for maybe you to write a letter to the solicitor's office asking for an outline, and maybe a presentation on how that's supposed to work here in Alaska. Is that possible?

**Leaphart** - That's on -- oh, you mean to ask how this is supposed to work?

**Commissioner Woods** - Yeah, and planning, generic information collection for management -- Office of Management. Is it OMB or OMP?

**Leaphart** - OMB, it's -- these all have to go through that whole -- their review process. They have to justify the types of information that they're asking for, sometimes forms have to be approved, that sort of thing. So they can't ask for any information that's not been -- for any information that's not been approved by OMB, theoretically.

**Commissioner Woods** - I understand the process what they're trying to do, but it doesn't make any sense to me. I mean, I understand that federal system is -- and maybe -- at some point, maybe our spring meeting in Fairbanks or something, if the solicitor's office can have an opinion on that. That's pretty important. I think if they're restricting information in that process, I think we ought to address that.

**Leaphart** - Mr. Chairman, Frank, they have a -- online, and I'll get you copies of it, they have a writeup of their justification for why they're asking, why they need this information and stuff, and I'll get that for everybody to take a look at.

**Commissioner Woods** - Okay, good, then I'll be able to speak.....

**Leaphart** - Like I say, this just came out last week and I haven't had time to look at the OMB website to see exactly what -- but this may be important because of the recently enacted planning rule. That's kind of an unknown right now. We don't really know how that's going to work. There were a lot of changes made to the previous planning rule, and so this is all related to that process.

**Commissioner Somerville** - Thank you, Mr. Chairman. I'm familiar with some of this type of activity, and I think if you look at this in more detail, it illustrates part of our problem. During the assessment phase, and I'm quoting from -- the agency is required to identify and evaluate existing information relevant to the plan area for the following; terrestrial eco systems, aquatic eco systems and watersheds, air, soil and water resources and quality, system drivers, including dominant ecological processes, whatever they are, disturbance regime stressors, wildfires, endangered species, baseline assessment of carbon stock, threatened endangered proposed Canada species, potential species of conservation concern, and it goes on and on. If you look at the land status, ownership, use, access, pattern, existing designated area is located in the plan area, including wilderness, wild and scenic rivers, potential need and opportunity for additional designated areas.

What I'm getting at, these things are so broad, and the people that are watching, I'm talking about the organizations that push for some of these types of things in order to affect what happens in the state, they focus on this stuff, and that's what they get. Will we comment? Probably not too much, because we don't have any recommendations, other than avoid these areas as much as you

can. You see what I'm saying? These become just huge magnets.

**Leaphart** - Mr. Chairman, I think that's all that I have. Like I say, there's some additional information in the back on the two BLM plans. There's some questions and answers and a couple maps. And I did mention I think earlier the notes from Deantha Crockett of the Alaska Miners' Association on the meeting in Chicken, September the 16th, about the EPA enforcement action, the EPA raid, whatever, and I don't think we really need to go into that. I just provided that for everybody's information. And I think, Mr. Chairman, that's all I had on my report.

**Representative Keller** - Thank you. We have ten minutes before we go back into public participation, so last chance. If you have an issue or a recommendation that came up in the Summit, or you've been thinking about since that you want to emphasize, now is the time, or you have questions on.

**Commissioner Smith** - Thank you, Mr. Chairman. Yes, I have one issue that I think should go up on the board, and that is that the feds are starting to not follow their own regulations. They have regulations in place for how planning documents need to be addressed with the public and all of that, and we've seen at least two where at the last minute a brand new alternative is introduced, and it's the preferred alternative and there's no more comment. And so this -- how do we get the federal agencies to honor their own rules? We're expected to abide by them, but now they're starting to not abide by them. And also, was it the BLM plan where there was absolutely no public outreach whatsoever? The compendia being used to put in a whole new set of regulations that don't go through the regular process. So I don't know how to word it, other than maybe process, like get the federal agencies to stand by their own process and honor their own rules.

**Leaphart** - Mr. Chairman, we've seen that happen with three separate planning efforts. One was with the Nabesna ORV, off-road vehicle EIS, where we supported, with some changes, their original preferred alternative. And then what came out of the -- in the final process, in the final record of decision was a whole new alternative. It had elements of some of the other alternatives, but a whole new alternative, the result of which was elimination of any off-road vehicle used on those trails within the park, the park portion.

So prior to this plan people could drive on these trails through the park to access hunting, under the State General Hunting regulations, in the preserve. And now they're precluded from doing that under the terms of the plan. And there was no opportunity for the public to comment on that new alternative that was implemented as the plan. The same thing happened with the Denali Vehicle Management Plan. They had a preferred -- well, they didn't identify a preferred alternative, but the alternative that was adopted as a result of the final EIS and in the record of decision was a whole new alternative, again, which no one had the opportunity to comment on, no official opportunity. We sent a letter of protest, but there really wasn't a formal comment period.

Probably the biggest example is the National Petroleum Reserve in Alaska, the Integrated Activity Plan that was done there. The plan had, what, 120-day public review period. It was pretty extensive. A number of public hearings were held, identified four or five alternatives. And then the agency got somewhere in the neighborhood of half or three-quarters of a million comments, and 60 days, some 60 days of the close of the comment period, the secretary traveled

to Alaska and announced the adoption of the final alternative, which was not any of the alternatives that were originally in the plan. I mean, this is not the way that the NEPA process is supposed to work. Agencies aren't required to identify a preferred alternative in their draft, but I don't think they should be allowed to adopt a whole new alternative as part of a planning process and not give the public the opportunity to participate and evaluate that alternative before it becomes final. And that's -- and I'm with Commissioner Smith, I'm not really sure how to address that.

These are all policy calls under the CEQ guidelines, but it's just not a good way to do business, because you really cut the public out. You make the public process a farce. If you go through a whole extended public outreach process and public comment period, and then you adopt something completely different that the public doesn't have a chance to comment on, it just subverts the whole process. So I think there's some mechanism that needs to be put in place that would prevent them from doing that, or if they're going to do that, to at least go back out to the public and say, okay, we've revised our list of alternatives here, this is what we want to go with, and ask for comments on that.

To me it's an extremely dishonest way of doing business. And I really felt bad for the staff at Wrangell, because Bruce Rogers had done such a great job I think of hammering out a really pretty good compromise, and then, quite frankly, the regional office sold him out, or maybe the Washington office, I don't know which, but it was not the plan that everybody thought they were going to get out of that process and that's really unfortunate.

**Representative Keller** - If it's a clear situation, and I'm not an attorney, Chad, listen carefully and wave a flag, but if they clearly violate regulations, federal regulations in the development -- if it's policy it's one thing, if it's regulations it's another, then I think a way maybe that we could approach this is make a recommendation that our attorney general's office makes us aware of regulations and actions that are not valid, because they were done illegally, put in place illegally, because it's not a law, if it is not passed legally, if it is not -- if the process wasn't followed in the development of the law.

And the reason I have this opinion, and again I'm not an attorney, but we have a bill that passed that requires the department -- requires the -- yeah, requires the AG to let the respective judiciary chairs know when they become aware of, or believe that something like this happens, so that we can decide what to do. Now, whether that will ever get followed, I don't have a clue, but it seemed like a good idea. But it's not a law unless the process was followed and it was put in place legally. And we can encourage things from our own attorney general's office that would maybe exempt us at some level in response.

**Commissioner Olsen** - Two things. Commissioner Smith, it appears that with the recruitment of this new position in the AG's office, that this would be a good place to pick up the slack that you're talking about, and this is very encouraging. The other thing is, isn't the Administrative Procedure Act applicable to federal agencies, as is applicable to the state agencies, and don't you have to notify, review and so forth with the public as a main participant? Is the Park Service immune to that Administrative Procedures Act....

**Representative Keller** - Can't answer your....

**Commissioner Olsen** - .....within the federal agency?

**Representative Keller** - Stan.

**Leaphart** - In answer to your question, a layman's answer, they are subject to that, and that's one of the issues we've asked the attorney general's office to look at as part of that analysis,.....

**Commissioner Olsen** - Right.

**Leaphart** - .....the applicability of that, and when it applies, and when it may not apply, so we've asked them to look at that.

**Commissioner Olsen** - A response back -- have we received a response back from the AG's office that the procedure is being violated, or.....

**Leaphart** - That's part of the package of things we've asked them to look at, that they're going to give us in that report.

**Commissioner Olsen** - But this -- these circumstances happened how long ago under the Nabesna and that entire work.....

**Leaphart** - Last year.

**Commissioner Olsen** - Yeah, so the water's over the dam here quite a ways.

**Leaphart** - Well, Mr. Chairman, at the time the decision was -- the record of decision was signed, I know that that question was raised to the Department of Law and no decision was made to go forward with any sort of legal action. That's the only thing I can tell you on that one.

**Representative Keller** - In a way, this is an action step for us, is not to let stuff like that get over the dam too far.

**Commissioner Somerville** - Thank you, Mr. Chairman. But we're just touching the tip of the iceberg. There's a whole ocean of areas where they violate the regulations of the National Park Service compendia that violates the regulations. So I mean there are other areas that need to be included in this whole process. I agree.

**Representative Keller** - That's something let's look at further and think where we can go. My staff's steel trap mind caught that. He's just trying to figure out how to put it up there to remind us of it. With that, I think we're going to the public participation time, we're real close here. And I don't have any lists in front of me, so we'll start with Mark, because we talked to you earlier that you were coming back. Mark, identify yourself for the record and give us your testimony. Representative Gruenberg, welcome.

### **3:30 p.m.PUBLIC PARTICIPATION**

**Mark Wayson** - I'm Mark Wayson. I'm an inholder in Denali National Park. And before I start, just what I'd ask, if I could, Stan, when you were talking about the Denali Road Management

Plan, wasn't there also a quote from the Park Service that was printed in the newspaper from Chris Pfister saying it didn't matter what the public -- they were going to go ahead with the plan, because it didn't matter what the public thought about it?

**Leaphart** - Mr. Chairman, I believe the quote was, we're taking comments, but we won't be making any changes.

**Mark Wayson** - Oh, okay, all right. Basically the same, right?

**Leaphart** - The same thing, yeah.

**Mark Wayson** - Okay. There's a couple of things I'm going to start on, that I'd like to start on, and number one is the issuance of new maps for the entire State of Alaska at a scale of 1/25,000. And this is a five to six-year process, and 400 of them have been issued and are online and they deal with the road system in Alaska. But they've got a lot of the cities and so on, and of course they've got Kantishna, which was helpful to me. And I went to the map office, because after I received these maps I noticed that every single trail that I'd been on the month before, with the exception of one, was gone from the map, all cabins were gone, all indications of mines were gone. There are five lodges there at Kantishna, four of them were gone. And the map office explained that they had had a lot of inaccuracies, including streets in the area of Fairbanks, streets on the map which do not exist, but at the same time the USGS, Department of Interior mapping people, had also missed the railroad tracks that do exist and going to Fairbanks.

And I ran this by Stan and several other people who were interested. I sent copies of the maps that I got, I got six of them, and we were going to put together some kind of presentation today. And it would be a question of comparison, people lined up looking. And Karrie suggested, and I think Stan agrees, that she's going to take four of these maps, I've got to deal in my area because that's the only ones that I have. I've got three maps from 1928, '52 and '73, I believe. And then of course this latest one, and you'll be able to see quite clearly that trails and roads and so on are gone that were there. And she's going to scan them and then put them out to the commissioners to have a look at. It would be more effective than people saying, look at this, look at that, so that's -- I don't know if you have anything else you wanted to add on that, Stan, or not.

I do think it's pretty ominous for the entire State of Alaska, because you talk about the health of this state, economic health, it's based on access. And the new manager is going to come in and say, geez, I've been here two-and-a-half years and it doesn't say that on my map. He may have something old that no longer exists, and yet these roads and trails do exist. I was on some of them that have disappeared from the map. I was on them in August; by September they're gone. So I think it's a pretty important thing to address, and I don't know why we're paying for inaccurate maps. God knows if you had one in your hand and you were lost and stumbled across a road and it wasn't on your map, which way are you going to go? But I think it's more important for Alaska, for the economic aspects of it. But I didn't know if you've got anymore on that, or.....

**Representative Keller** - Stan.

**Leaphart** - Mark just brought this to my attention I guess last week. That's the first I had heard about it. I knew the USGS was engaged in revising the maps. My understanding is they're doing

it using satellite imagery, and I don't know if it was you who told me that their statement is, if we can't see it from the satellite image, it's not there. So that's a little -- if you've read any of the stories out of Fairbanks last week, and this isn't granted a USGS map, it uses some of the same satellite imaging, Apple maps you can pull up on your iPhone were routing people across the runway at Fairbanks International. So that's a very dangerous situation and Mark's points I think are well taken, is that they're historic maps that are invaluable in determining where routes existed, some routes that may not be, because they've grown up.

I happen to have a cabin that's bisected by the water trail of the caribou that drives the caribou up on the Salcha River. You couldn't see that from the air, but it's there. If you're on the ground, because of the tall timber around that segment that's across my property, it's very clear, and you could not see that -- I'm certain you couldn't see that with a satellite image. And probably most of that trail would fall in that category. And so if they become a little overgrown with Alders, or Willows, or whatever, you're not going to be able to discern from a satellite image exactly where that trail is.

So I think it's a big problem and I think -- and we'll certainly look into it. I know that the USGS does have an archive site. There are somewhere around 8 or 9,000 maps in that website. I'm trying to see if there's a way that the state may be able to get that database so that we could have access to it without having to go through the USGS, because right now you can't access the USGS website, it's shut down. And it's a public record and I would think that we might be able to get that if the state was willing to make the effort to do that. So I think it's important that we have -- the University of Alaska Fairbanks has a whole stack of historic maps that are worth their weight in gold. So anyway, that's.....

**Mark Wayson** - Just to clarify, I believe it was somebody else that told you about the satellite, because I thought you mentioned that to me. But the thing that -- after I showed him the map, Stan looked at it and said, well, the roads in -- on the legend the roads are determined by Tom Tom, so basically Alaska has been Tom Tom, which is some kind of I guess GPS outfit, whatever it is, I don't know. So it's -- the other troubling thing on these maps, there were Jeep trails marked, there were winter trails marked, but it just says that, winter trail. There's no delineation of where that trail was. And it had Jeep trails on there that I'm not aware of myself, being somewhat familiar with the area, and I flew it in June, so it's -- I don't know, it's a hodge-podge, but it certainly is completely inaccurate, as far as for any access use for anyone, basically, unless you're on a Park Service approved or a government approved road. That's my concern.

And I think they also said that the next section they were going to do was Northwest Alaska, which will probably not draw a lot of attention with the population being very small up there, so they can wipe out every existing trail there is up there and people might not even notice. And like Stan pointed out to me, people are going to toss away their old maps, they got the new one, and the new one just doesn't have the information that is so vital to access for anyone, whether it's for economic purposes or recreational purposes, either one.

**Commissioner Woods** - A comment and then a question. Thank you for bringing all the issues forward. The last time it was an older transportation plan that was before the -- we reviewed last year. The second one is, DNR itself has a bunch of maps under ORTAB and SnowTRAC for winter trails, ATV trails and maintenance trails under RS 2477. Those were I think delineated in the early '90s, so there's another resource that you need. If we could get access to those at DNR,

because there's multiple layers of bureaucracy you've got to deal with. I mean, there's -- so I'd like to encourage you to maybe look up SnowTRAC, ORTAB, under DNR, and then DOT, because if you're having problems with the park, I think we already are faced with RS 2477 stuff that is litigated and we can make comments and actually move on that stuff. So thank you, Mark.

**Mark Wayson** - I'm not sure -- Stan, I believe you told me there are a whole batch of maps from DNR disappeared. Is that correct?

**Leaphart** - Well, we had -- the original commission, Mr. Chairman, had the entire set of ANILCA CSU maps, and these were 1/25,000, a smaller scale.

**Mark Wayson** - Right, the same.....

**Leaphart** - Just for example, the set for Wrangell-St. Elias was something around 20 maps, and when we shut down all the commission files were stored at DNR in Fairbanks for a year, and then they went to Fish and Game, and there were -- somebody threw out all the ANILCA CSU maps, so they're no longer available. So I mean it's -- they would be extremely useful every day for our office, but they're just not available. And that was just negligence, but for me it's almost a criminal act.

**Mark Wayson** - The other thing I wanted to bring up, and this is not -- I don't expect an answer right now, but I sent a memo and I copied the chairman with it, about changing the format a little bit, so that when these feds come in and lie their fannies off, there perhaps could be some kind of -- you can have the 'parkies' in here, we have the public input for parks, so we can confront them with these lies while they're still here. I was really looking forward to explaining what -- Sue Masica just lied her -- she lied just -- I mean, not even carefully, she just openly lied when she sent a letter to Congressman Young on December 6th of last year. And if she was a baseball player and was said to be using steroids, the feds would be all over her, but there's nobody that is even concerned about this.

I took **Commissioner Olsen's** advice and I filed a formal, return receipt request with complaint, with the Department of Justice for 14th Amendment violations for the mistreatment, or the different kind of treatment I'm getting in Denali, compared to other inholders. And along those lines, give them something to work with, I gave them evidence of where she had lied to the congressman. And of course the other thing is that I pointed out the antitrust violations being committed by the Park Service, wherein they are regulating those of us they're competing with. And the state of course has concurrent jurisdiction on antitrust matters, and it would require -- I just don't think the state is thinking very far ahead as far as what they can actually do. It's sitting around waiting for the feds to do something about the feds violating criminal law and/or regulations, I think it's just a waste of time.

But I think there are things that can be done. But the point I wanted to make here was if there could be some change in the format, so that these people could be confronted. And I remember in a meeting in, I think it was October 2011 when **Commissioner Arno** pointed out and Stan has pointed out to me, if you rough these people up, they're not going to come again, and I understand that. But if you let us citizens rough them up, they may run to you for comfort, comfort and/or a chance to clarify. My boss ordered me to lie, so I had to lie, I mean, which is

going to be -- that's a realistic explanation. But I don't -- I had hoped they would be here and I had little hope to change the format suddenly, but I think it's something that could be -- and make some of the public be able to sort of schedule their comments a little bit and make them perhaps more meaningful, although for the parkies you probably need extra time because you have a lot of complaints about them. But it's just something I'd like the commission to consider, as far as a change in the format.

**Representative Keller** - We can take that under consideration and give it some thought. I know legislative protocol, we wouldn't set up a situation where somebody that came to a hearing was subject to having a debate with other people that had come for the hearing. I mean, it could create -- we could warn them when they get to the parking lot they may have trouble, but I don't know -- but we'll....

**Mark Wayson** - But a chance -- this is what the facts are, and then perhaps the citizen a chance that's been hosed say, no, that's not hearsay evidence, that's not true.....

**Representative Keller** - Right.

**Mark Wayson** - .....this is false. And of course they do the old standard routine, they never copy you when they lie, they never copy the person they're lying about. They send it to -- and of course I got it from Congressman Young's office pretty quickly. I've had a lot of help from them getting it out of there, but I realize protocol wise -- I mean, so protocol wise, is there any way to call a liar a liar when they're lying? I guess that's -- is that impossible under the format, or not?

**Representative Keller** - Well, when you're testifying, and for the record, you can say whatever you want, but most of your communication to whoever you're confronting would come through a commissioner or the Chair, the Chair ultimately, so.....

**Mark Wayson** - Could it be set up so we don't have to listen to them lie and they don't get a chance to listen to the accusations? I mean, maybe it should go first and say, do you have an explanation for this, why you lied to the -- can you provide the commission with an explanation? What is he saying that's not true? For example, one of the things she wrote to him was that Mr. Wayson has never had the -- been on the list of people permitted to use the Park Road, yet there's a document, a National Park Document, not mine, that says I do have that right. I mean, but there's no oversight, there's no confrontation. Maybe if there was some interest from the media or something we could at least get some -- I don't know about this town, but at least get some news agency saying, hey, wait a minute, these people are not telling the truth, so.....

**Representative Keller** - We can certainly consider changing the format, but in a future setting if that ever happened, hurry up and get a note, a written note to the -- to someone on the commission you know to ask the questions. That's a good way to do that, or the Chair, and someone that you know will ask your question for you in fairness, so that's a way. But I don't know where else to go with that.

**Mark Wayson** - All right. So we couldn't have the citizen speak before the feds?

**Representative Keller** - Well, yeah, the order.....



**Mark Wayson** - I think that would solve a lot of it.

**Representative Keller** - Sure, we could do that. Sure.

**Mark Wayson** - Yeah.

**Representative Keller** - Yeah, the sequence is completely our prerogative, as I understand it. Anyone else have any feedback? I'm digging myself a hole here and I'm getting deeper and deeper.

**Senator Coghill** - Thank you, Mr. Chairman. Mr. Chairman, it's totally within the prerogative of this committee both to have public testimony and invited testimony, so you could have issue as invited testimony, there's no doubt.

**Representative Keller** - In any order.

**Senator Coghill** - Yeah, and so the whole idea, though, is to collect public testimony and to let people come in and speak, so we want to give them the best available. But in this particular case, if for example you had an agency come in where you knew there was going to be contention, it would be totally appropriate to invite testimony with that topic in mind.

**Mark Wayson** - I'll go to a little good news here. I did get into Denali for two trips, actually, plus an overflight this summer, and I think that this commission, specifically Stan, is the reason I got in there. I just want to read very briefly the requirements I had to meet before I could get in to take a look. And Ms. Masica wrote to me, she said, Mr. Wayson will need to submit details about his planned investigative work. Those details should include the proposed alignment of the routes to be investigated. In other words, give me the alignment before you can go in there to find out what the alignment will be, but it makes perfect Park Service sense. The type, size and number of vehicles or other equipment to be used and the number of trips, number of people, duration of time on the ground collecting data, and the intended time frame for doing these investigations. This information is necessary to assure that the activities will not cause significant or permanent damage. And she goes on to state that she wants four months notice for a trip.

Okay. Then Stan had lunch with the new superintendent and I got in there with two weeks notice is all it took. He was -- by that time, after lunch was -- when Stan said, look, after she -- after they said I would have to follow the rules, then Stan said, look, you told me you were going to let him in there. So then he let me in there with two weeks notice. But he gave me a permit and you can only go in there with an oversized vehicle from 10:00 at night till 6:00 in the morning. He gave me a permit, I told him exactly when I'd be in there, but he gave me a permit starting at midnight the day before so I lost that day. And then he ended the permit at noon on the last day so that I lost that day, because you have to come out the night before to make the 10:00 to 6:00. He also sent me this permit upside down, a pdf form upside down, and a notice that you can't ask any questions; this website will be unavailable for a week. So if you had any questions, you can't ask them.

He also said he was going to provide a map, of course it wasn't there at the ranger station, and of course he sent his little -- one of his wind-up rangers over there to meet me when I got there. But

what he also said he wanted done was he wanted to send a Park Service person with me, a babysitter. And I didn't object particularly, but there is a private citizen, Paul Scheer, who owns part of the road that is called Skyline Drive, and he got into a fight with the Park Service and he went to state court, which is something the state should be able to do on a lot of this stuff. And he got a ruling which the Park Service abides by, that they're not allowed to trespass. And because of the way the terrain lies, there's more or less a cliff, the road and another cliff, and he has effectively blocked off a good part of the preserve without his permission to use it. And so they couldn't send the babysitter, was the bottom line, because he was very specific; no, you can use it, you can cross my land, but you cannot take anybody associated in any way with the Park Service with you.

So it was -- I think what I learned from that more than anything else is that I think that the state and the legislature perhaps as well, is overlooking some big options about using the state courts. We shouldn't be -- on this 2477 or other issues, we shouldn't be tied to the federal courts. I just don't see why we are. I don't see legally why we are. But that's sort of the good news, I guess, that I did get in there. They've gone into the standard federal mode of not answering now, because since I got in there -- and I was required also -- yes, I was required to file a report of my activities within 30 days. The permit also, a page-and-a-half, threatens me I think six times with maximum -- prosecution to the maximum standard of the law if I stepped on this flower or that flower, whatever it was, but that's pretty standard for the feds, they're going to threaten you about almost anything. But in any event, that's kind of where we are.

**Representative Keller** - Thank you.

**Mark Wayson** - It's been an interesting meeting, listening to a lot of this. I think that I have to agree most with this comment about that Don Young hit the ball out of the park when he said, we've got to resist physically. And I think that I later heard the senator state that maybe we can - - civil disobedience has to be pushed back, might be appropriate, but we have to follow the rule of law. But the rule of law is kind of stupid to be following if the other party is not following the law, and then if they have their foot on your neck, how long do you continue to write protests about that when it's on your neck?

And I can relate a lot of abuses, but the story that comes to mind is one I heard two years ago from Commissioner Woods when he talked about his grandmother, who had hunted ducks from a child in an area, and going out to a point where she was intersected by four different jurisdictions. And I think that's standing on somebody's neck about as far as you can stand on it, and I just don't know if continuing to write letters is very effective after that. And I don't know what kind of physical resistance is appropriate, but for example, I know the governor asked you guys for 15 troopers, more troopers this year, asked the legislature. And I don't know if they were for extras for this absolutely stupid reality show about the Alaska State Troopers, where we're paying them to film outdoor adventures by these armed troops of ours, or if they were to increase the Click It or Ticket jurisdiction. But there's no reason that they couldn't be used to investigate violations by federal authorities, if in fact there's no law to cover that authority.

I've been in police work and more than once we've got a case put together and then had no statute for it, so get it over to the feds and have it prosecuted. And if that kind of emphasis was coming from the state to get this stuff prosecuted, maybe a few criminal prosecutions, whether it's for

antitrust stuff, or for lying to congress, might slow these people down a little bit. Needless to say, I sent my complaint that I filed with the Justice Department, I sent it return receipt, and the Justice Department got it on the 29th of August. Ms. Jewell, our Interior secretary, got her copy on the 5th of September, and of course I sent one to the governor, and of course I haven't heard from anybody. And I don't expect to hear from anybody, because the state oftentimes adopts the same, well, we just won't answer him, procedure that the feds do, as far as to quell and stop dissent or questions that are just too uncomfortable to answer. But anyway, I've taken my time and bored you some.

**Commissioner Olsen** - Yeah, thank you, Mr. Chairman. Mark, a couple of questions. You refer to going in there, within the park, and if we could inquire what was the purpose of your trip, or was this just a standard operating procedure for you for the year, or.....

**Mark Wayson** - No, no, it's taken 24 years to get this trip. It took 24 years I've been trying to get in there, because I own property in.....

**Commissioner Olsen** - In where?

**Mark Wayson** - Into Denali National Park, because I own property on an inholder back -- Diamond, owned the ghost town of Diamond, and that's 27 miles north of Kantishna. And there's several routes halfway to there and then there's one route that goes on from there. And so I have been, and required to under the federal regulation, to explore the alternatives, but they never would let me in there to look at this, so.....

**Commissioner Olsen** - Have other users been able to go to the destination that it took 24 years for you to go to.....

**Mark Wayson** - Not to that one, but.....

**Commissioner Olsen** - .....on a more regular basis?

**Mark Wayson** - No to that one, because that one is mine. But one of the lies in their policies, and now the latest wonder boy superintendent is repeating whatever Mommy Masica tells them to repeat, but their argument is that if I can't drive there, I can't go there. And so if you don't have a road there, it's pretty hard to drive there. And if they kept me out 24 years, much of the road has deteriorated, as you can imagine, if they haven't let anybody use it. What they do is they allow other inholders to go to Kantishna, that's 92-and-a-half miles, the first 92-and-a-half miles of the trip I have to make, they let them go -- they do not have driving access to their property, and they have to make -- one of them has to make 32 stream crossing to get to his property when it is driveable. And yet he has -- in the compendium, he's given permits to go in and out, but I'm not, and the argument is they say I never had it and because I can't drive to it. And I'm not the only -- there's one fellow that has to walk to his, but he walks from Kantishna. So it's -- and I think they're mostly unhappy about those Nazi Swastika bumper stickers. That's my -- they don't forget. They are -- there's a fellow I talked to in there who said, don't use my name, when he was complaining about some abuse, he said, because they'll come after me, and he's an inholder and he's afraid of being run out. And it's -- and the other thing is they don't make any money off me. There's one inholder there who has 400-some-odd yearly permits to use the road, but they're getting a commission off every butt that's on the bus. There's a financial

component to it also. I'm not making them any money.

**Commissioner Olsen** - Mr. Chairman, the material that Mark referenced to, on the back of every proposal book, on the back of every book that the federal government puts out on proposals, Fish and Game, there's a notification of violation of your civil rights. And if you feel that your civil rights have been violated in any way, you can contact the Interior Department, which in turn is in contact with the Justice Department. And it's been my experience -- I can't find -- I have done this process. I represented a gentleman that worked on the North Slope. It was difficult for communications, and I wrote a letter to the Interior Department, requested to represent this individual, and we took this process through to fruition. I'm amazed that more Alaskans don't step up to the bat. It was my experience that they responded extremely quickly. They were very responsive, in fact Mr. Arno participated as a witness. But we actually brought a hearing officer up here from the Justice Department from Seattle and brought the assistant attorney general into the meeting and discussed allocation of fish, water and wildlife with residents of Alaska. So that tool is available and hopefully you get a quick response, as I did, for this individual.

**Mark Wayson** - Well, I'll be surprised if I get a response at all, and it would be wonderful if -- for example, we've got an ANILCA office, right, we fund an ANILCA office, the legislature funds one. But I just would hope that at some point they would think that they had some responsibility, because my access is guaranteed by ANILCA. And it says it shall be given, not may be given, or maybe will be given, it shall be given. And the shall refers to the giver and that's the National Park Service. And their participation is just a process of endless applications, which they then in fact turn down. In fact, what I have done is filed a formal SF 299, which is the form required to cross federal lands, to go from the park entrance to Kantishna. And my first response from the superintendent, and after -- fortunately, after Stan had lunch with him, but before I made it in there, was that, well, you seem to be asking for something, but, no, you can't, and he cited the same lies that his boss had said -- had told Congressman Young's office.

And so it's -- and then most recently, if I'm not mistaken, Stan, he wrote to Stan and said, where does he want to go? Well, it says from A to B, and there's a map, and there's a line on the map, and there's nothing in between, there's no -- and he said his required time to file for the additional information -- and the better part of it is that, if I'm not mistaken, under the appeal process my point of appeal is to go to his boss, who told the lies to begin with and there it ends. And then I have to go to court, and I'm not going to court, because I've been to court with the feds, it took me six years, I never saw a courtroom, cost me \$35,000, I did it pro se, and of course it involved the BLM.

But it's -- the rule of law under the federal system is the right to sue. Rule of law for a civilian is the chance to sue, and of course that's not successful. So I'm not going to go to court, and if I do go to court I lose any congressional or political support they have to get out of it. If the Justice Department went to court for me, that wouldn't happen. But if the State of Alaska said, well, we're going to take some of this, we're going to take our AG's office, and we're going to take these wrongs that are being committed against these citizens, whether it's an old lady hunting ducks, or Mark Wayson trying to go to his property, and we're going to litigate it, we're going to either seek criminal action and/or civil relief, because a citizen doesn't have a chance. I told you it would be more than five minutes.

**Representative Keller** - Thank you for your sobering testimony.

**Mark Wayson** - Okay. Thank you, though.

**Representative Keller - Charles McKee.** Welcome, Charles. If you would, go ahead and have a seat and identify yourself for the record.

**Charles McKee** - Yes, my name is **Charles McKee**, for the record, and I come to talk about property rights. The very essence of this country, the United States Republic is property rights, whether it's Alaska inholdings, or whatever. But it was established that property rights were right in there with the hallowed essence of the infinity nature of the Declaration of Independence. And what you see on that card is copyrighted diagram of a star going supernova, and then underneath that is the original terrestrial signet.

So I have intellectual property rights embedded in the constitution is the patent law and copyright, and then that's all conveyed by congress. And so I bring this to your attention that I have property rights that I've been granted by congress through the copyright office. And I went beyond the actual time line of the formation of this country. The universe was calculated at being 13.7 billion years in creation from the Big Bang, and that's what you're looking at, is a mathematical equation for the fusion reaction of the original star that blew up, and then consequently after that the Earth is determined to be 14 million years old. And then the Treasury seal represents that Earth that we're sitting on, and it's about 1760, 1775, in that area, it was right before the Constitution was written and signed, but after the Declaration of Independence.

They needed the Treasury Department for the negotiation between France, and Benjamin Franklin was over there negotiating a treaty, but they needed a financial mechanism, because we did pay for their assistance, and France was in deep debt fighting Britain for six years. And that's why we were being charged a tax to help pay for a foreign war.

So this all ties in, dovetail, with Alaska having issue with the federal agencies and the federal government, and I might point out that they're utilizing an embargo process that they have an office embedded in the Treasury Department that does nothing but impose embargos on individuals and countries and states and they use it very effectively. And you're experienced in that with the various departments of the federal agencies they've been talking about.

And so I've taken the step to get property rights to when I do take this to court, some recommended legal action in federal court, the judge can't say to me that I don't own the argument, because I predate the issue at hand, I predate the Federal Reserve, the IRS, I predate all these agencies that have now been -- you now find yourselves struggling with, the state -- and matter of fact, I have an issue with the state, because you have to have a whole bonded commission and if you're a judge, after 30 days of being put in that position of authority, and troopers, as well as any APD police officer, and that's a law written by congress, signed by Lincoln in 1862. It lays down the requirements; it lays down the penalties.

And so the people in Chicago and people in New York that come running up here to make money off our vices, but in tent city -- and my dad was here at the time that it all took place. He was the second man on Red Beach. He was drafted out of a penitentiary and put in the war because of the lack of manpower, and he was brought up here and he came to shore under fire on that, too. And then survived, woke up in Anchorage, and then he had many different jobs, one of

which was being hired on, become a Teamster and driving a taxicab, then asked to leave in 1957 because he had married a Native woman and fathered two children.

Well, he witnessed the slavery that was being imposed upon women being brought up here because of the depression that so happened to have been put in place in the Lower 48, so they were looking for an occupation. They were brought up here and put in the position of a waitress, but that wasn't the occupation that they found themselves in, and my dad was driving them around. So the women that were brought up here were of a caucasian nature and they were forced to entertain the railroad workers and GIs at the time. And then my dad was asked to leave because he had bought 20 acres and married a Native woman, and him being Caucasian they didn't want these mutually blooded people to have access to the civilian court of law. So my dad was asked by, at that time the U.S. Marshal, territorial U.S. Marshal, to leave, and he was put on the Bartlett, one-way passage stateside and came back in 1964.

**Representative Keller** - If you would, Charles, try to wrap it up, so.....

**Charles McKee** - Yeah, I'd like to wrap it up. And so in summation, I'm handing out this card. I'm at the moment having someone do my web page and that will go up. And I've had this copyright since 1962, I mean 1992, and I might point out that in that brief on American history, I included two paragraphs in the front of it about a freebooter in Alaska, and he happened to be Governor Egan. And he put a canon on the bow of commercial fishing boats, and troopers and fired across the bow of the commercial fishing fleet that came in from Japan to enclose the tributaries of the rivers and streams and trap all the salmon coming up to spawn.

And now that was organized by our government. New York Life had acquired the ships that didn't get sunk. They refitted them, naval ships, freighters, that the Japanese government were utilizing to fight us, and didn't get sunk and they in turn brought them back over here to grab our resources to help pay for the national debt. And of course our government happens to be shut down because we don't want to borrow anymore money from the Federal Reserve Corporation.

Again, it all boils back to the treasury, now, doesn't it? The United States Treasury has been utilized to place an embargo on its own citizens and their property rights, whether it be intellectual or real estate. And that's each and every state.

**Representative Keller** - Thank you.

**Charles McKee** - And let me point out that the leverage placed on our strawman, our birth certificate, was an illegal act, stealing our identity and allowing the Treasury Department to put debt on that paper person. And that's what the health care bill all is about, is to bring the two together to where there's no longer an illegal act. It becomes one, and we have to carry the burden individually of all the debt placed on that paper title that's recordable, just like the real estate actions when you purchase a piece of property, it's recordable, it goes with every jurisdiction in the State of Alaska and also recorded with the United States commercial code office, federal.

**Representative Keller** - Thank you again and I don't see any questions. We've got one more here to testify. Eva Hunt.

**Charles McKee** - Thank you very much.

**Representative Keller** - You bet, Charles. No Eva here? I don't think we have anybody else on line. Does anybody else here intend to testify, now is the time, or bring us some information? I guess we'll move away from that, then, and participation is complete. And I think we're pretty well done for today, unless somebody wants to summarize your thoughts, I'll let you do that, otherwise we'll gavel off. We've got Commissioner Somerville, and I see a hand over here, too, and Commissioner Hanson. Go ahead.

**Commissioner Somerville** - Yeah, my question is, maybe tomorrow we can -- are we going to get back on track on dealing with some of the issues that we haven't discussed today?

**Representative Keller** - Well, that's a great question. As I see it, 9:05 a.m. we have somebody coming from the Bristol Bay Native Association and that's confirmed. And then 10:30 Lt. Governor Mead Treadwell is coming in, and our public participation is scheduled for 11:30. So there was nothing specified, but I would really appreciate it if you'd explain what more you want to -- would like to discuss or attack. I mean, there's more opportunity to discuss specifics on the issues, or.....

**Commissioner Somerville** - Well, as I said before, there are some things I would like to see included in the summary which are not, some which we haven't discussed today.

**Representative Keller** - We still have time. We don't have to gavel out now. We'll just press on now, that would be fine, so.....

**Commissioner Somerville** - Well, whatever.

**Representative Keller** - Yeah, that's fine. Commissioner Hanson.

**Commissioner Hanson** - I just have a general question for our senators. How behind CACFA is the legislature? I mean, how like-minded -- is this general feeling amongst our own legislature that there is an issue here and are interested in doing something about it, or -- I really don't know what the tenor of the legislature is.

**Representative Keller** - Yeah, I will try to -- you never want to speak for your peers in the legislature, but I'm a little safe here, because in the majority we hired a professional facilitator to come in and to help us identify what the priorities of the other legislators -- who the majority are that's a section of the house. And it's a fair statement that if it wasn't the number one concern of the majority, it was very tightly associated with the number one concerns of the majority. So as of last year I would say that it's a big issue and there's a lot of interest. There's several resolutions that have been put forward. If you go in and look at the summary of bills, you'll see there's quite a bit of interest and pretty unanimous responses. But that isn't a very complete answer, but it's a partial one. Senator Coghill, do you have a response?

**Senator Coghill** - It isn't very often I get to speak for the whole senate. I think if you look at the vote counts on many of the federal overreach issues, you'll see that across party lines there's some support. There's some places where we differ. Some of them are like the ocean management issue, pretty tense, because it has different regional issues involved with it. So the

answer is, generally pretty supportive. You get to Second Amendment overreach and it gets even better, as far as unanimous support. The game management is probably tougher, because you run into two very different styles of need for management, and so it gets a little tougher, a little more complex.

So generally, yes, though, standing up for the state is something I think people are willing to do. And for those of us who make law, we want people to follow them as best we can, so the idea of how far do you stand up for civil disobedience -- for example, we had one law saying that if you, the federal government, cross this, we're going to charge you with a felony. In the senate we didn't know that we could go that far, and maybe we were -- but we just said, we will see you to the fullest extent of the law if you do certain things, and try to use the courts as best we can. So to live under our constitution is our goal, but generally speaking standing up for the state in all kinds of ways is going to be very important. Plus we're an Arctic state and we feel like Alaska has kind of the squatter's right to have a voice, and yet the authority is really a federal authority, for the most part, it's an international and federal, and yet we live in the land, we see the impacts, and we want to be able to speak to them as authoritatively as we can. And so there's places where we don't really have legal authority, but we feel like we have moral authority. There are many places where we have legal authority that we're really under pressure, and I'd say we're pretty unanimous on standing up for the state.

**Representative Keller** - With that, we're going to go to Commissioner Somerville. I appreciate the fact that you -- and I want to encourage all of you -- I should not be shutting it down, I was just sensing incorrectly that it was done. But we aren't going to get a comprehensive list and get every detail. However, this is the opportunity for highlighting what you have interest in, so Commissioner Somerville.

**Commissioner Somerville** - I'm still interested in including the recommendations at the Summit as they were presented, whether or not we agree with them. I think there's been a basic agreement here with that, correct?

**Representative Keller** - Absolutely, and Stan, I should let you speak for yourself, but you suggested something right after lunch I thought was a great idea, and that is maybe putting all the proposals and encouragements and suggestions that came forward in there under the presenters, so we can categorize them and recall back to where they came from. I think that's an excellent idea.

**Commissioner Somerville** - I can take the next item. Is that what you want me to do? I went back, and I think we have one up there on wildlife. I guess clarify definition of federal public lands is what we have. Probably I would suggest that should include three or four of the recommendations that I had made; aggressively address wildlife management conflicts, as kind of a heading under that, legally define federal public lands would be one of them, apply distinct administrative standards to simplify and clarify federal subsistence. And I don't think that works against the subsistence usually, it just clarifies, and I think it has been recommended by some of the Native groups, and that is the state identifies how much is necessary for subsistence where the feds refused to do that, so you have this kind of moving target out there, which neither the users nor the government knows what they're regulating. So I'm suggesting that was one of the items that Wayne and I included in that white paper that we did.



**Leaphart** - Could you repeat that?

**Commissioner Somerville** - Apply distinct -- I'll give these to you. I'll type them out or something.

**Representative Keller** - That's okay. Repeat, though, so we've got.....

**Commissioner Somerville** - Okay. Apply distinct administrative standards to simplify and clarify federal subsistence. Develop cooperative state/federal administrative actions to reduce conflicts and confusion. Again, I'm back to that white paper. There were a lot of things we pointed out that could be done by the state and the federal government to reduce the conflicts. If your intent isn't to punish the state, you'd think that would be a good idea, so I'm just suggesting that we should go back and encourage that. Then the last one under that category, pursue state Native land cooperative management programs, it doesn't matter what you call it. And that's one thing that **Wayne Heimer** recommended, and I think that that should be done under state Native, whatever, pursue that legislatively and/or administratively. That's one. I didn't know if you wanted to take them -- do you want me to go on?

**Representative Keller** - Is there any comments from the commission on the -- a positive response? I guess not. Go ahead, then. Oh, Commissioner Olsen.

**Commissioner Olsen** - Thank you, Mr. Chairman. We just were handed out the information to every member. This is a white paper as of July out of I believe Colorado.

**Leaphart** - That's what threw me, when you said Colorado and I said, wait.....

**Commissioner Olsen** - Yeah. Well, this is a think tank area for the National Park Service. This is not an official position of the Park Service, but it's their crew that have come out with this white paper. And when you read this white paper, you might as well kiss every preserve area around every Hardcore Park area away, because management is not going to exist on the preserve areas, as far as predator control, habitat management, aggressive transplant, and/or enhancing prey species for our use.

Now, it's amazing to me that an agency can come up with a term called, wink out. It's a new one to me. I've never seen wink in, and they're using wink out. And what that means is, is that if the predators take it all, it was winked out, and it may not wink in maybe for a couple generations, or more. I think Sidney Huntington told us about the first time he ever tracked a moose for ten days before he shot it, because he didn't know what the hell he was tracking. So anyway, the bottom line is that this pretty well addresses your compatibility with these landowners and the means and methods that they're going to use to manage these huge vast areas. So I think this is huge.

I'm absolutely happy that they came out in July and timed this for our Summit meeting, and timed this for the meeting that we're trying to accomplish here, so this is serious business. So that's just a vast area that we can wipe right off. And the other thing is, if you take the preserve area and you take the Hardcore Park areas where 85 or 90 percent of the people are excluded from going to those areas for harvest to bring food to their table, then it becomes far greater. So we're left really with state lands, state waters, and we just reduce our activity here and bring it down to getting our own organizations to maintain high productivity, high maintenance, quality

of fish, game and water -- you know, fish, water and wildlife on our property. So anyway, comment.

**Commissioner Somerville** - Yeah, thank you, Mr. Chairman. Mr. Olsen, we've been around this battle for a long time. That's just one of the issues that relates to wildlife management, and that's misinterpretation of the intent of ANILCA. I'm the one that found the preserve issue in Texas and put that in my paper and took it back to Senator Stevens. They adopted it, the Park Service liked it, said that this will give us a chance to have subsistence and nonsubsistence uses in these areas that are not parks, doesn't violate park regulations, park standard policies, and so all those things were put into the record as one of the reasons for creating preserves.

Now they're creating, under the guise of this policy reinterpretation, are making them parks, is what it amounts to. They're taking away the very intent of what was intended when those preserves were created. So I'm just saying it's one of those issues that we need to outline as part of this summary of problems that we have with the federal agencies. And you're right, it's coming. I mean, if we don't put something in front of them, some mechanism to address these, that's what we're going to get.

**Representative Keller** - Commissioner Arno, I'm sorry.

**Commissioner Arno** - I hate to beat this same dead horse, but back at the d(2) hearings, the promise of the priorities to these new conservation system units, the majority of them, the Kenai being the exception, the first priority was subsistence. And, I don't know, but there were smarter people than me there, and I just go, okay, that sounds good, it's written there. But we haven't seen in the last 30 years where that obligation to provide a subsistence resource was ever -- it doesn't come up. It's not part of the plan. So under -- putting that under the heading that you had of fish and game management, well, maybe we need to be so simple as to ask that question again. Was the intent, the first number one thing that these CSUs were put together for, was to provide for subsistence opportunity, even if you had to have the right zip code to participate in it. But I mean the point is worth bringing back out to the public and to the agencies to find out. If that's not the intent, I'd like to know now.

**Commissioner Somerville** - Thank you, Mr. Chairman. And I apologize; I'm kind of dominating this section, only because I proposed it. But in response to Commissioner Arno, I think you're absolutely right, there's a variety of area in this thing, if we get into the details of it, that are involved here. One is which I have mentioned in my presentation, is a master memorandum of understanding between the U.S. Fish and Wildlife Service, and the ADF&G, and the National Park Service and ADF&G, includes a section that says, they will follow state management plans, unless they can demonstrate on the record that it's inconsistent with the policies. They don't do that. It also says in the MMOU that they will in fact participate in helping the state, including predator management - including predator management.

Now, Deputy Commissioner Fleener just gave a presentation back in Washington, and I think that was September 19th or something like that, and I happened to watch it on the website and it was a very good presentation. He focused a lot on just that issue, is the priority here is subsistence and you people aren't helping us. You're not providing habitat manipulation, in fact where we need it in some of these places where we have -- the villages need additional protein, and/or you're not helping us with the predator management we demonstrated in areas where in

fact it's needed, like the lower Alaska Peninsula, for crying out loud.

So anyway, I'm just saying you're absolutely right, these areas -- but we're not hammering that home, we're not getting to people who understand that these commitments have been made, and unfortunately they're not living by them. I have recommended that we drop those MMOUs unless they abide by them. So that's one response, and I think you're absolutely right on target.

**Commissioner Woods** - When you speak of subsistence and it means all Alaskans on the state level, and then when you divide it up in the state and we have to operate under the rural preference subsistence priority under the federal system, it divided us automatically. That urban rule, we eliminated that the first couple meetings we attended in Juneau. I remember when the commission came on board, and "we're not to adjust subsistence" was the first protocol. I think the fix to this is revisit with -- like the first -- on page 18, pursue/improve communication and collaborative process with the federal agencies that engage the Alaska public, Native corporations, State of Alaska agencies, and other federal decision-making and Alaska based legislation to reauthorize -- that land -- where am I going with this? And that would be my first instinct to fix this, because it's bigger than this group and this whole process is way -- like I think Susan pointed out, it's huge and we're not even -- we're just skimming the tip of the iceberg.

I mean, and in every area of the state we've got the same issues, the same issues, and it starts I don't think at our level, the citizens' level. I think we all can agree that we all share the same resources, the same land, we still all live in Alaska, but one point I think Mike points out every time, that when we're treated like visitors on our own land, or criminals on our own land, we've got -- in our area we'll -- later on in our sessions we're going to point out some huge -- it's a defunct system that isn't based on reality almost. And we live -- with ANILCA and ANCSA and all these layers of bureaucracy, we're still here, but we still have to live under a law and a dual management system that isn't working. And not only did they have them on September 19th, but they're going to have them again sometime this month, I think, Ron. October? They're having I think house hearings, or they're going to have another hearing process. And I'm kind of excited that we're going to bring this to the forefront. My point would be is revisit ANILCA and do it right, whether it means -- what did you say, the constitutional fix?

**Commissioner Olsen** - Fix?

**Commissioner Woods** - Who wants to hear how to fix something? I mean, we can sit here and meet and meet and meet, and as somebody pointed out at one of my meetings, that we're going to sit here and meet for 20 years, when it takes legislative action on both sides, not just our side, state side, on the federal side. So again, and I'd like to see everybody at the table, because I can only speak for Bristol Bay. And we'll be fully engaged in that process, I hope, so -- and Tina's referencing the Native brotherhood is real active in this whole process. There's -- if I'm supposed to be representing that group, I don't even know who was the chairman 20 years ago. I don't know who has even been active or even participating now.

But there's a whole -- we're missing a whole slew of information that needs to be at the table, because under 22(g) I mentioned earlier, under that rule they're supposed to be at the table helping negotiate all these regulations that we're still stuck under the thumb of the federal system. And I don't think that we're doing ourselves justice by -- I like to list -- and I'm trying to wrap my head around before the end of the day, I don't go home with this matrix going off in my

head about how to deal with them, but I am going to watch that summary from Stan today, and I'm going to leave it at that, because there's too much to grasp on an eight-hour day, to sit here and try to sort out. I'll shut up. Thanks.

**Representative Keller** - Yeah, Commissioner Woods, thank you. And I would just again really encourage you, if you see a collaborative, or -- think out of the box. If there's ways that we can improve the interaction, we can take some initiatives if you think of something we can do, feel free.

**Commissioner Woods** - Maybe Tina can elaborate a little bit later. Under ANILCA, there's a cooperative management agreement provision that says that we can manage and cooperate managed resource. Why isn't that being pursued on both sides? I see it done on the Native side, because we have -- say like Squaller's (ph) Commission, we have the state and the feds, and we're cooperatives for the walrus population of Round Island. We have that cooperative agreement for migratory birds, the feds and the state and the Native communities on both sides.

Under those provisions we have to sit at the table. Right now we force or ask or invite the feds to show up on issues that we have under ANILCA. I mean, what position does that put them in? And then when we go to the RAC meetings and the Federal Subsistence Board, the state's at the seat, but then they're -- I mean, what regulatory authority do we have without a cooperative management agreement? I don't know.

**Representative Keller** - Good thought. Well, what happened is Commissioner Hanson, a long time ago, asked to speak and I spaced it. I skipped you and didn't mean to. So you don't?

**Commissioner Hanson** - No.

**Representative Keller** - Oh, okay, then Stan and Mark. Is that right? Stan.

**Leaphart** - I want to kind of relay an incident from earlier this summer during a hearing from the Glacier Bay Gull Egg Harvest bill that Senator Murkowski sponsored. The Park Service and Glacier Bay work very closely with Hoonah Native corporation, or Native tribe there, because that's their traditional area of harvest, and they haven't been allowed to subsist in there since -- well, since the monument was designated back in the '20s. Well, so they -- we reviewed this I think a couple years ago, the legislative EIS, to do legislation for the gull egg harvest, very carefully regulated; it's really more of a symbolic harvest than anything, but since it's very limited, they're only going to be allowed in there a couple times during the summer.

Well, the legislation that was drafted by Senator Murkowski's office said that the harvest plan, the annual harvest plan would be drafted jointly between the National Park Service and the Hoonah Indian Association. A National Park Service representative came to the hearing and asked that that be deleted, because they wanted the Hoonah Indian Association to only have an advisory role. So I wrote -- it was very quick, happened very quickly, so I got in contact with Senator Murkowski's office and I said, that's not what was agreed to as part of that cooperative agreement and what was referenced in the EIS that was done. It was supposed to be a jointly developed harvest program. And she did change the language, but it just says that the two entities, the Park Service and the Hoonah Indian Association will draft -- will write the plan. They did take out "jointly," but it didn't relegate them strictly to an advisory role.

So I say this because what I have learned with federal agencies over the years is they do not like to share any power or authority, particularly when it comes to allocation of resources. So I think cooperative things are great to pursue, but you're not on a level playing field.

**Commissioner Woods** - Okay, cooperative agreements are one thing, cooperative management is totally different, I agree. And maybe I will ask Tina to address this under ANILCA, what that means for this board to address, because if we're going to start squabbling, and a good point in case is that gull issue. We've got caribou, we've got moose, we've got wolves. I want to develop a caribou/moose management plan for the peninsula that includes wolf basically control on federal lands. How is that possible? How can you do it? Maybe ANILCA is the answer. Maybe Tina, can you address -- is there something you can just put in our -- at least have input in that process and how that would look? I'm quoting you, because you're the ANILCA expert from years past that I depended on, and having you come to this board and address ANILCA issues. So and that said, it's not out of the realm.

You talk about thinking out of the box, that's cooperative management resource and including wolves. Why not? And that's why I think the state -- next week's -- a mistake, if we don't keep the regional bodies that are supposed to be managing resource on most state and federal lands, we ain't going to be able to address that. If that body isn't in place for next year for us to bring before the Federal Subsistence Board, wherever it may be in Fairbanks, without that board enacting -- without that board in place, I'm not going to be able to call a special meeting with the RAC, all the AC managers on the peninsula, all the AC chairmen, and then put a proposal in on both sides. I don't see how it -- or maybe we have to form a whole different organization. I don't know. I'll shut up. Thanks.

**Representative Keller - Commissioner Fish** and then.....

**Commissioner Fish** - Well, I'd like to beat a different dead horse, or take the box and burn it, throw it away and never speak of it again. I want to go back to the idea of physically challenging. It's something that we haven't done. What we have done is the same patterns of resistance that we always have. We've used the rule of law, we've showed them where their rule of law is wrong, they denied the rule of law, and yet if we somehow physically challenge that, I don't want to consider us being civilly disobedient.

I think it's the height of civil obedience to force them to recognize the rule of law. Now, one thing about power, and we're not talking about state's rights, but state's power, as in the constitution. Well, one thing about power, it's assumed. People that have it never give it, they never want to share it. You have to recognize that the power is yours and take it. That's a simple natural fact. Now, who owns the power inside the State of Alaska? Well, I'll tell you what, and you probably know this, too, is if it's got 50 miles out in the woods all by himself, what regulation is he following? The regulation of his heart, plain and simple. You know he's not -- they're not going to be -- he's not going to be concerned about anything except protecting what he views as his, by the work of his own labor and his own hands.

So I would suggest, just let's keep it in mind overnight and whatnot, but we've heard it from our congressman, who is a very wise man, been dealing with this a long time, that we should physically challenge, and we've heard public testimony as well that suggests that it's a good idea.

How do we do that? Well, certainly we don't want to disobey or encourage civil disobedience, because we are a nation and a people of law. In fact, I view this board as screaming out to our government to hold that protection of law and raise it up above arbitrary power. So I think physically challenging in a way, identifying an issue where we know as a people, as individuals and groups of individuals, we have an absolute legal and moral right to something, and then assert that legal and moral right in a physical manner, whether it be building a road, managing our fish and game, having a flotilla through a natural preserve on navigable waterways, we should do it, and regardless of the consequences, regardless of -- we have a supreme court ruling that says you can't.

Well, that's a federal court ruling, they can have their ruling, we're asserting our rights under our legal and moral foundation. So all I'm saying is, help me figure out, or think about a way that we can legally and morally physically challenge the arbitrary power that's being imposed on us. And I think if we do that in just one situation, or we can recommend to our state government that we do just one situation where we do that, that will be like the crack in the dam that unleashes all kinds of things. Remember our federal government does not want to be seen as a world stage as somebody that's oppressing their own people.

The Chicken incident is very bad for them. Russian leaders are bringing it up in negotiations with Iran. So if they are going to lead -- if our leaders are going to lead with moral authority, I think it's our obligation that we show them how it's done. So please, as you go home tonight or ponder these things, think about that term, physically challenge, and think about a way that we can actually do that, because I think that's one of the brightest lights that we can shine at this moment in time and this moment in history, and I think that there's enough leadership here that we can pull it off. Thank you.

**Commissioner Liska** - In response to Commissioner Woods and in terms of seeing that federal dollars are shrinking, proposing these very out-of-the-box ideas, there's a window of opportunity, and Bill Horn addressed that, that as the dollars shrink federally, it is a greater opportunity for Alaska to step up to the plate and say, we will manage these things. And thinking out of the box beforehand, going to these meetings that you're all going to, proposing solutions, being on the offensive, not physically offensive, but in terms of strategy, I think there's great opportunity here. But thinking and dialoging those -- well, what can we do?

My question is, where do we want to be? Where is it that we want to be? We're up against a wall and so we're saying, stop, but where is it -- where do we want to be, and here's the documents that were agreed on, ANILCA, all these things. To me it's like we're up against the wall and I don't like that position at all. What can we be thinking forward on? So that's.....

**Commissioner Smith - Commissioner Fish**, in regard to your comment, something like that was done in Wrangell. When the whole Pilgrim episode happened and all access was cut off on that traditional road that had been used for so many years, a flotilla of four-wheelers, motorcycles, dune buggies, big Jeep-like track vehicles all accumulated. And when the Park Service heard this was going to happen they said, oh, well, you're all going to be -- you're all going to receive citations. Well, they didn't care. There was a picture of 30 vehicles with everybody's picture in the newspaper and they went way up the road together and they did it, and the Park Service backed off. They couldn't find themselves in a position where they could actually do those citations and deal with the aftermath. And so what you're saying works.

**Commissioner Fish** - And just a response to that, too, as well, I think we have a current issue with the veterans at the war memorial here recently that points out the same thing. We have our rights if we assert them; if we don't, they're going to take the power. So if we just figure out how we can do this in a way that engages the public and helps that education process of knowing the powers that people have amongst themselves, I think that's a great role that we can play.

**Commissioner Arno** - I hate to get off the subject, but there's one more point that I'd sure like to see up on the board, and that's public access to public resources. And I think that's a stand-alone, so transportation, utility corridors, I mean I'll sleep better tonight knowing that's there, even if we don't get any.

**Representative Keller** - Of course, that goes back right under ANILCA review, because there's some of it there, but, yeah. Commissioner Liska.

**Commissioner Liska** - That's a good point, because Alaska power administration, when Meera Kohler testified or gave testimony too, she talked about that, and I don't know how we address that, or what is being brought out regarding ANILCA addressing her issues regarding -- I thought she talked about access and easements. And I don't -- she says regulatory challenges here, but I thought there was access and easements that she was -- that she brought up. Is that true?

**Leaphart** - Is it the draft amendment to Title XI of ANILCA to improve the process to authorize transportation and utilities across system units, and to maintain traditional access, recognize RS 2477s and assure the other access protections are not subject to subjective, quote, values of the land manager. Is that the one you were thinking about?

**Commissioner Liska** - I didn't see that. I was looking at her testimony that Tina quoted from on page 15.

**Leaphart** - Oh, I'm sorry. That was the bullet point.

**Commissioner Liska** - Yeah, that's.....

**Leaphart** - Oh, okay, I'm sorry, I misunderstood.

**Representative Keller** - Rod, you weren't done, right? Did you want to -- we have the option of opening public participation again. Mark Wayson wanted to make a comment with regards to Commissioner Woods' comment, but in the limited amount of time I want you to go ahead, but I did want you to know that was out -- oh, I'm sorry, it wasn't Mark, it was Tina. I'm sorry. Tina, but anyway, the same thing goes. When you're done we should have time to do that.

**Commissioner Somerville** - I have three or four other items, so can we do them now, or sometime tomorrow?

**Representative Keller** - Do you have a list of them, so that we can be thinking about them and we'll try to fit them in then tomorrow, so that we can be processing this overnight? Will that work?

**Commissioner Somerville** - Yeah. I wanted to reword and include the recommendations that I had made and some other people had made, aggressively pursue submerged land entitlement for state, and under that, amend quiet title act, in other words, trying to include something under that. I won't read them all, because we didn't do a -- this is the concept that I want to address and I can give you the detail. What I thought I would do is come early in the morning, if Karrie can get me on a computer, and I can type this out and have it written tomorrow morning, so is that acceptable?

**Representative Keller** - That's sure fine with me, because we're all pretty brain dead, and frankly, to have to do that.....

**Commissioner Somerville** - I'm getting that way, too, but one of the other issues was, pursue adequate funding. You knew I was going to bring this up and now it's become painful for both you and the senator, but it's an issue we have to make a strong recommendation on.

**Representative Keller** - And I want to come right back on that. We can go for adequate funding if we have a clear vision of where we're going, and that's why I saw this as a very important time. If we can't work together here and come together in consensus and collaborate on the recommendations, we're going to have a hard time getting funding, so.....

**Commissioner Somerville** - Well, we got 100,000.

**Representative Keller** - We did, yeah.

**Commissioner Somerville** - Okay. One of the others, develop a comprehensive finance -- I mean, that's.....

**Representative Keller** - Okay, I got ahead of you. I'm sorry.

**Commissioner Somerville** - That's what we need to do, and Rod brought up the other, aggressively pursue public access solutions. That's a critical one, and one that I -- Tina mentioned that there -- and I think we need to amplify this, clarify remote cabin policy. I know it's not a big huge issue, but it is in remote parts of the state, it certainly is in Southeastern, so I'm just saying it's something that we may not push it to the top, but it's an issue we should at least.....

**Leaphart** - Commissioner, on that note, that was one of the things I had on my notes that didn't come up at the Summit, because it's not a real high profile issue. But in 1990 the U.S. Fish and Wildlife Service spent about two years developing a cabin policy, went out for a round of public comments, adopted the policy, then adopted regulations. In 2010 in house, without any notice, without any opportunity for anybody to participate, they revised that cabin policy. And while they didn't make huge sweeping changes, they made some significant changes that do affect a lot of people out in the rural areas, because they went from the ability to do a refuge-wide compatibility determination for cabins, as part of their planning process, to having to do a compatibility determination for each and every cabin permit. And it's a much different and much more difficult process, so that's -- it is a big issue. This commission has always been very adamant about honoring those cabin provisions in ANILCA, I mean, that's why they were there.

**Commissioner Somerville** - Mr. Chairman? One thing, remember at the Summit you said we



could write down some things we pass on to our legislature? I didn't put down one. One is that we give every cabin owner out there, whether it's a trapping, or whatever it is, a five-acre title to that, and then they have to negotiate with each individual person as an inholder. That would solve this problem.

**Representative Keller** - To honor our process, in the morning we will take a look at the agenda here and make an official motion to add to the agenda that it include more work session, because we don't want -- I mean, this is a very unique CACFA meeting, in the fact that we had a floating agenda and I think it's worked out really well, but still we want to maintain that process of being careful with our agenda so that the approval of the agenda means something. My job is to do what you want me to do, you approve the agenda, I try to stick with it. So in the morning we'll consider just how to change the agenda to accommodate Ron's interests. Tina, in light of the whole Ron -- I'm sorry.

**Commissioner Somerville** - Well, I'm not changing my reservation. I still would like to pitch that we might consider staying here for at least a part of Saturday, but that doesn't change the agenda.

**Commissioner Liska** - I could go for that.

**Representative Keller** - Okay. Would you make a motion to that effect, and we can press on, and that way it will be something that we've acted on, so....

**Commissioner Somerville** - Yeah, I'll make the motion, Mr. Chairman. Ron Somerville, make a motion that we consider continuing this on, as was originally planned, into Saturday, if necessary, to complete the commission business.

**Representative Keller** - I'm delighted, yeah. Is there a second?

**Commissioner Olsen** - I'll second.

**Representative Keller** - All in favor, say aye. Discussion?

**Senator Coghill** - I won't be able to be here, so I'm not going to object to it, it's just that my participation is just not going to be able to happen. So I will try to find ways to have significant input in tomorrow, then. So otherwise there's no objection.

**Representative Keller** - Have you told him about the fine, that's -- you have such competent staff, I'm very confident that it will work. **Commissioner Fish.**

**Commissioner Fish** - Yeah, I'm going to agree with the motion as well, with emphasis on the term, if necessary. I wouldn't mind if we think that we can close it up a little later in the evening on Friday, doing that as well.

**Representative Keller** - Any opposed? So we're on for Saturday. Now all we've got to do is figure out what we're doing. We'll think about that and work on the agenda tomorrow morning first thing, okay, and get it approved. We have a few minutes left and I would like to get Tina up here. If she volunteered, I don't want to miss an opportunity, so if you don't mind, she has an

answer or a response to something that Commissioner Woods said, and go ahead with that. And if there's anything else, you go right ahead and take a few minutes and we'll stay over a little bit.

### **Working Session – Discussion of Issues and Draft Recommendations - continued**

**Tina Cuning** - Is this on? There we go. Thank you, Mr. Chairman. I think what Commissioner Woods was struggling with was something that Susan Smith was struggling with earlier, and which several people have mentioned, and was actually raised by a lot of the presenters during the Summit. And that was this concept of having something like a reauthorization of the Alaska Land Use Council, where the federal, state, Native corporations and landowners were at the same table.

A lot of the issues you are discussing here today, if they had to be addressed at the quarterly meeting of the old Alaska Land Use Council, which I always attended, they figured out how to resolve them. They did not like to be embarrassed by having done things like Stan was just describing, where we had a cabin policy and regulations in place for ten years, and then a new administration comes in and they just change them in a dark room somewhere. How do you struggle with that? That's almost impossible to litigate. Like Ron has often said, it's hard to embarrass them, because you're picking on one agency at a time. But when they're all sitting together and the policies were all developed together, like the wilderness policies and the cabin policies, and there is a difference, the shelter policy is based on 1316 of ANILCA, and all the agencies were sitting there together, then they made more consistent decisions, because they also had the adjacent land managers and the users all there together, land use advisors.

So things like use of chainsaws for maintenance and use of chainsaws for subsistence were voted on unanimously, including the federal agencies, when there was a Land Use Council. When the council went away, then they started changing their policies. So I can give you example after example after example of how things worked well, consistent with ANILCA, despite the political problems with the council, because of that mechanism of having to see each other face to face. And there was a requirement in the federal statute that the plans and the regulations had to be approved by that council, and if they weren't, the federal agency had to explain why they were going to go against the council. That was in federal statute. That was one of the bennies of the Alaska Land Use Council being in federal legislation.

Now, I'm not sure that it would be that difficult to reauthorize. It is just a simple matter of reauthorizing a Land Use Council, but if you're going to make some of the changes that Stan recommended we look at, that were recommended by the 1201 report. When the council sunsetted, there was a 1201 report done that recommended some changes to the council functioning. There were six federal agencies at the table, two of them absolutely had no role in any of the decisions that were going on there. They should be excused, a difference for having the governor chair, co-chair, that there be an appointee as a co-chair. There's a lot of good recommendations in that 1201 report that would probably be -- need to be included and thought about, and it's going to take a subcommittee like your group to work on it and then come up with a strategy, which is like what Bill Horn said, come with your dance card.

What are you going to take on? How are you going to win this one? How do you get it to the Native corporations so they understand the value of it for them? How do you get it to the public so they'll support it? How do you get it to the congressional and to the legislature so that it's

reauthorized? And in a time of declining funds you want to think about, is there a way to sell this as being financially efficient, because then you do potentially reduce the amount of litigation, or the amount equivalent, or the number of management who has come out and get reviewed and don't have a preferred alternative, and then they come up with a new one afterward. You're not going to get away with that and have all that expense if they have to sit at a table together. There's a lot of benefits to that.

So I heard several people speak to it, they kind of danced around it. Alaska Land Use Council or some similar mechanism never made it to the chart here. And that's what I heard Frank trying to say and I was back there going.....

**Representative Keller** - I want to clarify something on that, because that up there is not an exclusive list. That was things that -- and I appreciate that, but believe me, it's here, and I knew it was there, and I had just assumed it was part of the.....

**Tina Cunning** - And that is something else. There's been a couple comments about the summary that I prepared, that I'd like to be sure is clarified on the record. I was asked to do a summary at the meeting immediately on the heels of everybody making their presentations. And if you'll recall right, I missed half of the first day because the commission set its meeting while I was out of state. So I actually worked through a lot of people's notes and their materials from that first day because I did miss those presentations. Not only did I do that, but when I went to do this written summary, I then contacted a number of the speakers and asked them for materials they had referenced in their speeches that weren't on their website. And I went back and pulled all those materials and tried to prepare a consolidated set of examples. This is not comprehensive, it doesn't word things the same way each individual person worded things. It was something that tried to be a summary in draft, because you're going to draft your own summary in the end when you get done with all your roles, meeting with the federal agencies, meeting with the Native corporations. This was an attempt to summarize, at your request, what was addressed for the first two-day Summit and that was all I was trying to do, and hopefully give some help to you in the bullets of consolidating where more than one presenter had presented a similar idea. But it was all worded different, and I tried to consolidate those into something that gave you something to chew on.

**Representative Keller** - Well, I want to assure you that I have not heard one negative, nothing but glowing praise and appreciation. Really, it's just a matter of making these recommendations CACFA's own.

**Tina Cunning** - Absolutely.

**Representative Keller** - And don't feel slighted in any way. We are very appreciative.

**Tina Cunning** - Okay.

**Representative Keller** - And I know I'm speaking for the rest of the commission, because I've heard the comments.

**Tina Cunning** - I appreciate the opportunity, and I don't know if there's anything else I can help with. Okay.

**Leaphart** - I'll call you.

**Tina Cuning** - I'm a volunteer, Stan.

**Representative Keller** - She can't help herself and that's wonderful for us. Any last thoughts? If not.....

**Commissioner Smith** - One quick question.

**Representative Keller** - Sure.

**Commissioner Smith** - **Commissioner Smith** here. The legislation that established CACFA, does it sunset?

**Representative Keller** - Yeah.

**Commissioner Smith** - When?

**Leaphart** - At June 30th, 2014.

**Commissioner Smith** - So do we need to address legislation at some point to.....

**Representative Keller** - Yes.

**Commissioner Smith** - Okay. And I was just thinking, if there are any changes or tweaks that we want to make to our role, that would be a good time to do it.

**Representative Keller** - Yeah, it would. And just to make that very clear, that's next -- we only get one more shot. That's this next session coming up, so, yeah, that's something that I'm not sure we -- how we approach that. Probably one more to put on our list of recommendations, but it's something that we sure need to do.

**Commissioner Somerville** - Why not? I mean, yes, it sounds like we're being a little egotistical, but if we've got something to show for it, and you make this presentation in January and the legislature likes it, what's wrong with saying, if you agree, you continue the CACFA.

**Representative Keller** - We're never going to use (indiscernible), but all this -- we need to do that. We need to say, yeah, that -- it's very (indiscernible).

**Commissioner Woods** - Right now we're advisory. If we had some regulatory authority, I guarantee you we'd have some automatic changes.

**Representative Keller** - Then we could get that fine in for anyone -- we're adjourned at 5:05.

**5:02 - Meeting adjourned for the day.**

**Thursday, October 3, 2013**

**9:00 a.m. CALL TO ORDER**

**Representative Keller** - .....flip chart is more oriented toward recommendations. There's two things going on here that we're dealing with as a commission. One is we're trying to accumulate and report everything that was proposed as actions by the -- at the Federal Overreach Summit. You have in front of us the incredible work of staff, Karrie, this transcript. Obviously, we're not going to be able to read this transcript and refresh our memories this morning, so the accumulation of the recommendations is going to take time before we put it on the official list, anyway. Tina did a superb job in putting together a summary and I think she's coming this morning. And if we get into a work session later on, we'll ask her to come up here and make sure, to the best of our ability, that we identify areas that were not -- that we're afraid got missed in the -- at the Summit. But now that we have the total transcript, it's a work in progress.

Secondarily, our recommendations is from CACFA to the legislature and the governor, or whatever. That is really at the infant stage, and that's kind of what this flip chart pointed at. And I guess I should apologize, because I think I didn't make clear that that is -- that's down the road. I mean, we're going to have maybe another meeting before the Juneau session, or if not we're going to have to do an awful lot in teleconference and email to get the recommendations in the shape that we make sure that all of our recommendations are in there, prioritized as we want as a commission. So we need to be thinking that way, but in the interim we're going to nail down the report of the solutions and proposals that were made at the Summit. So I hope that helps.

**9:02 a.m. ROLL CALL**

**Leaphart** called the roll with the following members present - Rod Arno, John Coghill, Mark Fish, Teresa Hanson, Wes Keller, Charlie Lean, Kathleen Liska, Mike Meekin, Warren Olsen, Susan Smith, Son Somerville, Frank Woods. All right, we're all present and accounted for.

**Representative Keller** - And then as the first installment in our resolve to do better at engaging the Native community of Alaska, we have our first presenter today. Would you introduce her, Stan? I would appreciate it, him or her. Courtenay?

**Leaphart** - We have **Courtenay Gomez** from -- she's the Director of Natural Resources with Bristol Bay Native Association, and I guess she has a presentation. Are you setting the presentation up for her? Okay. Bear with us a second here. We have a password issue, apparently.

**Representative Keller** - You can see the agenda, but Lt. Governor Mead Treadwell is coming, and just maybe an interesting aspect is we forgot to invite him, or I did, really, to the Federal Overreach Summit, so just before we got there I go, whoops, and it's been one of his issues. He was gracious, but that's part of the reason why we invited him in and he's really enthused on the topic. Commissioner Somerville?

**Commissioner Somerville** - Mr. Chairman, I think you should word it that we wanted to give him his own space so he had more time with the commission.

**Representative Keller** - Yeah, we've got to be careful, because as time progresses you're going to be of equal time.

**Leaphart** - Mr. Chairman, just as another victim of the shutdown, we had a presentation by the U.S. Forest Service scheduled for this morning on the Chugach plan revision, but that's fallen victim to the shutdown.

**Commissioner Arno** - So did that meeting last night, was that shut down, too?

**Leaphart** - Yes, they were all -- there are no functions of that kind going on.

**Commissioner Somerville** - There is some side benefits here, Mr. Chairman, no regulations. I mean, if this goes on you can't talk to anything.....

**Representative Keller** - Let's take a little at-ease until we get online, so we can feel free to -- oh, you're ready? Okay.

**9:05 a.m. Presentations and Discussions - Perspectives from Alaska's Native Community**  
**Courtenay Gomez, Director of Natural Resources, Bristol Bay Native Association**

**Courtenay Gomez** - How's that for volume? Good morning, commissioners. My name is Courtenay Gomez. I'm the Director of Natural Resources at the Bristol Bay Native Association, Frank's spa, I guess, that he referenced yesterday. I guess just to kind of start you off with how I got to be presenting here this morning, at the end of the Summit last month, two months ago, now, time is flying, I sat down with Stan, myself and Tom Tilden, the first chief of the Curyung Tribal Council. That's something that I also do, is serve on the Curyung Tribal Council as the third chief. We sat down and talked with Stan a little bit about the Bristol Bay Watershed Assessment and kind of how that originated and some of the issues that we felt were maybe a little bit misconceived at the Summit. And so I'll talk a little bit about that today. And then we talked about Native representation at the Summit. And I was expecting an email from Stan with a list of folks to review as to whom he should invite, or whatnot, and then I got a list -- or an invitation to present, so here I am. Good morning, thank you.

A little bit about me. I'm originally from Dillingham. I grew up there, commuting between Dillingham and Aleknagik, went to high school in Dillingham, drove back and forth on the road every day before it was paved. And then I went to UAA and got my Bachelor of Science in Natural Sciences, and I'm finishing a Master's in Rural Development at UAF.

So just a brief overview of my presentation this morning. Please tell me if I talk too fast. I talk very fast regularly. I'll talk a little bit about BBNA, about the Bristol Bay Regional Visioning Project, which is really a foundation of the cultural values and shared values that we have in our region, and it's given a lot of reference in any work that we do now and into the future. I'll talk at the Natural Resources Department that I manage, our role in the dual management of subsistence resources, some of the conundrums that we face out here in Bristol Bay, or out there in Bristol Bay, I should say, in regards to co-management, and then I'll talk a little bit about the Bristol Bay Watershed Assessment, and then maybe some implications or just some of my views on federal overreach, and if it's necessarily federal overreach, or really just a disconnect between our two governments working together.

the Bristol Bay Native Association is our regional nonprofit tribal consortium of the 31 federally recognized tribes in Bristol Bay. Our area roughly encompasses a geographic region the size of

the State of Ohio. I'm not going to read that full mission statement, but I will read our Natural Resources Department. First I'll talk a little bit about the Bristol Bay Partnership and the Bristol Bay Regional Visioning Project. The partnership is just a collaboration, a working group of the BBs, as we call them, BBNA, which is us, our regional nonprofit tribal consortium, our corporation, BBNC, the ANCSA corporation, Bristol Bay Area Health Corporation, which is our tribal health care provider, the Housing Authority, which is our USDA funded HUD home program, and Bristol Bay Economic Development Corporation, which is our regional CDQ organization.

So the Bristol Bay Regional Visioning Project started in the spring of 2010. Through a series of collaborative conversations between the Bristol Bay Partnership, which is chaired by all of the CEOs of the organizations, and they were really talking about, what do we want for our region. You might hear that we're really conflicted in terms of Pebble, and really instead of trying to divide ourselves, let's try to come together on one page and see really what our shared common values are and how we can move forward in the future. And then it was funded through a variety of resources, including the Bristol Bay Partnership and the Gordon and Betty Moore Foundation, and ACF also provided a lot of funding. And Jane Anvik with Information Insights really spearheaded the facilitation of the project and did a really great job.

So the project itself convened over 50 meetings in 26 of our 31 communities. Now, we have 31 tribes, but there are a few tribes that are not resident communities, but are seasonal communities. So 26 communities, a series of two meetings in each community, an initial assessment meeting and then a community review meeting, where we went back and talked to each community and asked them, this is what you said in your first meeting, how do you feel this adequately reflects your values or your opinions as expressed at the original meeting? And over 1,400 of our residents participated in these meetings throughout the region. It was very, very well received.

The vision reflects the common hopes and values expressed by the Bristol Bay residents in community meetings across our region, and it's endorsed by 89 percent of the residents who participated in this project, so the vision really asserts the authority of the people of Bristol Bay.

I'm going to read you the visioning statement word for word: The foundation of the Bristol Bay region is committed families connected to our lands and waters. We believe future generations can live healthy and productive lives here. Across our region we share common values of community, culture and subsistence. We see a future of educated, creative people who are well prepared for life. This requires excellent schools, safe and healthy families, local jobs and understanding our cultural values and traditions. We assert the importance of local voices in managing our natural resources to continue our way of life. We welcome sustainable economic development that advances the values of Bristol Bay people. Our future includes diverse economic opportunities and businesses and industries based largely on renewable resources. Large development based on renewable and nonrenewable resources must not threaten our land, our waters, or our way of life. We foster cooperation among local and regional entities to coordinate infrastructure planning for stronger more affordable communities. Investments in energy, housing and transportation promote sustainable communities and spur economic development. We recognize the need to locate new sources of capital to implement this vision, with the goal of generating self-sustaining regional economies. We are unified to secure a prosperous future.

So how are we going about incorporating this vision? At the end of the visioning project the Bristol Bay Partnership hosted what was called our Bristol Bay Regional Visioning Summit, and over 150 different people, from community leaders, agencies such as Fish and Game, U.S. Fish and Wildlife, HUD, the Alaska Housing Finance Corporation, other CDQ organization, just business partners that we work with throughout the region on a daily basis, and also decision makers, law makers came out. They gathered in Dillingham. We celebrated the vision. We reviewed the project results and we had small group discussions. We broke out into five different work groups. Frank and I were in Culture and Subsistence Values, and we reviewed all the project results and then we came up with recommendations as to how each of these five subgroups, education, communities, healthy families, subsistence and economic development, how could we go about working in these different areas as partners to implement this vision.

And at the end of the Summit, 96 percent of the Summit participants stated that they were personally dedicated to carrying out the vision throughout their work in our region. And again, we just want to emphasize that the vision carries the authority of the people of the Bristol Bay region and serves as a guide to all entities who engage in Bristol Bay region in the future.

So the BBNA Natural Resource Department, we've undergone a little bit of a reconstruction since the visioning project has gone forward. We're really trying to find ways to use the project recommendations that come from subsistence and culture as to how we can incorporate that into our daily activities in our department. So our department is dedicated to protecting, maintaining and preserving the land, eco system and natural resources of Bristol Bay, while empowering our tribes to enhance their subsistence, cultural and economic opportunities.

It's really important, before we go and start talking about all the subsistence, is what does subsistence mean to Bristol Bay and to BBNA? And our board of directors has chosen to define subsistence as our customary and traditional ways of harvesting and sharing. It's really important to know that it's not just about the harvesting of the resource, but really about how we share that resource and how it's used throughout our communities and through our families.

We have three main purposes in our department, to protect the rights of our tribes as to how they want to choose to meet their subsistence, cultural and economic needs, we try to further the natural resource management goals of our tribes, consistent in these modern times with traditional stewardship, sustainability and self-reliance. And then this third purpose item comes directly from the Regional Visioning Project, and that's ensuring effective participation from the Bristol Bay region in all state and federal regulatory processes that affect subsistence resources. That was a really big theme in our culture and subsistence working group, was that we really felt that local people were disconnected in the process and we really need to find a way to be more engaged, and not just engaged,, but really effectively engaged. How can we as people make the difference at the regulatory level to see the changes that we want to make in the management of our resources.

We operate quite a few different programs and manage a staff of seven. We have an environmental program that's funded by the USEPA IGAP program. We work on building tribal capacity within the different tribes that run IGAP programs through our region. We also operate the Nushagak-Mulchatna Watershed council through our IGAP funding. Our Marine Mammal Program receives funding through NOAA, the Oak Foundation, and recently we just applied for a really big grant through Administration for Native Americans. And we operate the Qayassiq



Walrus Commission and the Bristol Bay Marine Mammal Council, which are co-management councils that work with NOAA, ADF&G, and IPCOMM, the Indigenous People's Council on Marine Mammals, to conduct tribal search and monitoring of subsistence harvests of marine mammals in our region. Woodsy is a hunt captain through the Qayassiq Walrus Commission and was complaining yesterday about missing his walrus hunt to be here.

Subsistence programs, that's what Woodsy works under, so we work on the co-management of these different councils, as well as working really closely with our local advisory councils and the regional advisory council through the Federal Subsistence Program. I'll talk about that more later. We work with ADF&G to implement their subsistence harvest surveys for fisheries, and then we also have migratory bird harvest surveys that we work on. We have worked on some habitat enhancement projects with some of the land managers, Rick Tennyson of Choggiung Limited, through our forestry program, which is now operated with Tom. I guess it's housed back in land management. And then we operate a Partners for Fisheries Monitoring Program, which is federal funding through the Office of Subsistence Management to engage in fisheries research in our federal land units. And then the Brownfields Program works to clean up environmental contaminated sites in our region. That's a bit of an issue also that we talked about yesterday. Not only -- an issue with the Brownfields Program, just really quickly, is that you have to redevelop the sites and reuse them in order to receive funding for that, and a lot of our tribes don't necessarily want to redevelop an old cannery, we just want it cleaned up, so we're having issues trying to find money to do that work.

So BBNA's role in co-management, again, we're trying to engage in effective participation, not just participation for the sake of checking the consultation box, per se. We're trying to help our tribes work more on the consultation with the federal government, BBNA itself, we're not a federally recognized tribe, so we're not able to participate in consultation, necessarily, but we really try to make sure that our tribes know about consultation opportunities when they arise, and make sure that they're educated on the issues enough to effectively engage in that consultation process.

So we work to build local capacity. We work with our local advisory committees and the regional advisory committee. We really try to get out and reach out to our tribes and make sure that they know that these meetings are happening, they know which issues are on the books, and they are able to bring their own issues to these meetings so that they can be worked through the regulatory process through the local advisory committees and up to the Board of Fish, Board of Game, Federal Subsistence Board. We just got off our Board of Fish cycle last December, it's almost been a year already. That was quite a busy time for us. BBNA, with funding from other members of the Bristol Bay Partnership groups - about 30 people you think, Woodsy - 30 or 40 people that we fly into the Board of Fish, who worked with Mr. Lean there also at the area meeting.

So we fly our constituents into the Board of Fish meetings and also Board of Game when we have relevant proposals, and the Federal Subsistence Board, and we set up a working room and we just really help them make sure that they're able to have the technology available to work through those processes. We get them their public testimony prepped and then they get on committees and they just really work the process. And I think this last outcome of the Board of Game, or Board of Fish in December, we had a really effective presentation there.

Education and outreach. We're really trying to build a generation of local natural resource

managers, and not just through our internship program where we fund students to get involved in fisheries research. And I was an intern before at BBNA. And so we try to get students in, educated, interested in the sciences, but we also want them to be involved in the public process, so now through the visioning statement we've gone through and we're trying to not just get people in these career fields, but also let our youth know, and not just the youth, but also the residents, let them know that they can be really involved in the process, just as subsistence harvesters and hunters in our communities, they can be just as involved and engaged in effecting change of their resource management at the board level, not necessarily through management in positions.

And then we really try to partner on projects and maximize research partnerships to address local concerns, working again with Fish and Game, Fish and Wildlife and universities that conduct research in our region. That's my little girl Haley at Culture Camp. She's building local capacity in subsistence management. She's only two in that picture, but she's six now and she still goes to Culture Camp. We'll talk -- there's a whole slide on that.

So I spoke a little bit about our internship program, mentoring and education projects. We've also -- we've had 61 interns to date since our program started in 2002. I think we have ten who have gone on and graduated with degrees in either fisheries, or anthropology, and work mostly in the state and federal systems now. Myself and Danielle Stickman, who is now the subsistence fisheries scientist, which was my previous position before this one, are the only ones that have returned to our region to work in either tribal natural resource management, or even for the state and federal agencies. That's one thing that's really difficult for us, is that we're able to recruit and retain these students into the field, but we really don't have positions for them to come home to. And until there is necessarily a turnover in a position at ADF&G or something, or at BBNA, I don't know, a lot of kids like to live on the road system these days, and so they get jobs out here or in Fairbanks.

We hire local research assistants. This really ensures tribal involvement in subsistence research projects, anything from our fisheries projects, to marine mammals, bird harvest projects. It's really important that we have locals, even though they're not necessarily educated in anthropological research methods, it's really important that they're involved in the research and are able to bring a local component to the researchers that maybe are from outside of our region, or don't really know much about who we are as a people.

And then I've already said that we work a lot in the RAC meetings and the local ACs, and different advisory groups to ensure public participation in the management processes. And the summits and working groups, when there's a specific issue that comes up that's not necessarily addressed through the local advisory commissions or something, we'll set up its own working group, and Frank is kind of our specialist on all of that.

Different fisheries research partnerships we've had in the past. We worked closely with our -- we still work closely with the Togiak refuge. The Alaska Peninsula and Becharof refuges don't have fishery staff on their task force anymore, so it's a little difficult to get any research done out there. We worked very well with Lake Clark National Park and Preserve and the ADF&G Division of Subsistence. We cannot give them enough credit. The Division of Subsistence is a great partner and we really like working with them, as well as commercial fisheries.

UW Alaska Salmon Program, they're most commonly known as the Fisheries Research Institute, they are the longest ongoing researcher of Bristol Bay salmon. And we have an intern that goes out there every year and it's a really effective program to get a local person in their camp, because all of these students are from Washington or somewhere down south, and they come up to Aleknagik every summer and they don't really get to meet and interact with the people, and so it's really nice that they have a local person that they can ask questions about Dillingham, or Bristol Bay, or other villages.

And then we really try to meet the research needs of our local people. We identify the needs through the public processes, the ACs through the state and the RAC through the feds, and then we try to go about conducting anthropological and biological resource to protect subsistence fisheries and other marine mammals or migratory birds.

And then a big thing that we definitely try to work on is incorporating local traditional knowledge and traditional ecological knowledge into management in our annual goals and outcomes. That's an over-arching goal for our entire department. No matter what project we do, we try to make sure that the LTK and TEK is not only documented, but used in management. And then local hire also brings generational knowledge to current research.

Here are some photos from the Curyung Culture Camp, so BBNA, our Natural Resource Departments, works with the tribe in Dillingham to conduct an annual culture camp every summer, where we work with students and interns that we hire to not only learn how to harvest and process the fish, but how to share the fish at the end of the year. Either we have an annual youth and elders potluck celebration, where we gather all of the fish that we processed throughout the summer and donate it to the elders. The youth are able to show the elders all their hard work and give presentations about the cultural values that they've learned throughout the summer, and then give fish back to the elders. And it's really nice to see the elders, they get really happy, and the students are really happy also that they're able to give back to their community.

Salmon Camp, BBEDG. So Culture Camp really focuses on the culture values of subsistence, but the BBEDC Salmon Camp, we do work with them at times, really focuses on the science of salmon and the salmon ecology in our region and teaches students at that. There are three different sessions every summer. Sixth graders through twelfth graders all have an age specific sessions that they attend. And ADF&G, Fish and Wildlife, UW, as well as BBNA go out and make presentations and do field projects with the students, and it's really good. A lot of students go from there up to the Bristol Bay River Academy after they're like, oh, we love fish at salmon camp, and then they start working at the Bristol Bay River Academy to learn sort of the sports fishing industry and trying to look at economic opportunities that way. And then some students go from Salmon Camp into our fisheries internship program and now graduated with degrees in biology.

So just looking at some of the successes that we've had in this co-management. And we talk so much about dual management, but really it's kind of triple management, I guess. If tribes and tribal organizations are involved, it's not just the dual management process of the Federal Subsistence Board and the Alaska Board of Game and Alaska Board of Fish, but really we all work together.

Some of our successes are the Iliamna Lake Seals Research Project. We just closed a four-year funded project through the North Pacific Research Board to document the subsistence harvest and TEK of seals within Lake Iliamna, as well as try to understand some of the population dynamics and the habitat ecology of the seals. This was done at the directive of the tribes through the Bristol Bay Marine Mammal Council and the BBNA Board. We worked specifically with the Newhalen Tribe, Kokhanok Tribe more in depth, as well as Iliamna, and then our project research team was BBNA staff. Newhalen has a tribal biologist, we worked with them closely. They also have their own pot of funding through the U.S. Fish and Wildlife Tribal Grant Program, Tribal Wildlife Grant Program. UAA, Dr. Jennifer Burns, the Department of Biological Sciences, was our principal investigator there. ADF&G Division of Subsistence staff, as well as NOAA's National Marine Mammals laboratory.

Woodsy knows so much more about the GMU 17A Moose Management Plan than I do. But basically that started back in the '90s and it took almost 20 years for all of the players, the tribe of Togiak, BBNA, our local advisory councils, our regional advisory council, ADF&G and Togiak National Wildlife Refuge to get on the same page. But just this past year the plan was adopted by both the Board of Game and now it's going to the Federal Subsistence Board. Our RAC has approved it to go forward to the Federal Subsistence Board, and so this year we're going to have a cow hunt for the first time, which is kind of interesting, and a two-moose bag limit in GMU 17A, so that's been a pretty successful program.

The Partners Program and Fisheries Research, that's funded through OSM, the Office of Subsistence Management. FRMP, it just stands for Fisheries Resource Monitoring Program, that's federally funded fisheries research directed project specific funds, and then that's also what has funded our internship program over the years. And then we just really work well together with all of the partners that we have to work with. Sure we all have issues at the end of the day that we have to work through, but we really try to sit down everybody at the same table. That was one thing Frank emphasized yesterday and I think our regional visioning project is a great foundation for how that works, is that we have to get everyone at the table. Sure, we might argue about things, but if we talk it through, usually we can find an outcome.

So some of the challenges that we've faced in this management regime. Through the National Wildlife Refuge System, I'm not naming names of refuges, but we do have a local perception of harassment during some specific hunts. Some local harvesters have come to BBNA and even go to the RAC meetings complaining about federal officers going and following them and checking permits way more than needs to be done and really following them around the valleys, watching them hunt caribou. And it's quite distracting, especially when our people are -- I mean, it's one thing if people are doing bad things that they need to be reprimanded for, but if people are following rules and orders and just getting harassed, that's not okay.

Managing for wilderness versus subsistence is an issue that I've dealt with in the Fisheries Resource Monitoring Program. We had a really difficult time. The Togiak River has a high subsistence harvest of Chinook, second only in Bristol Bay to the Nushagak River. And through the Federal Subsistence Program, our funding for that was cut at the very last minute over a wilderness issue. The refuge had stated that they were not able to sign off on the project and be a partner on the project, because it was going to -- the method of research was basically going to be distracting the recreational user of the refuge and take away from the wilderness component, which therefore is causing a hardship for the subsistence user. And that goes into ANILCA

issues and even kind of why the refuge was established in the first place.

So right now we don't have funding for that project, and through recent actions at the December Board of Fish meeting we don't even have an escapement level for the Togiak River for Chinook. And so right now we're trying to come up with different ways to go about monitoring the escapement of Chinook in the Togiak River. In past times there -- and there still is not a directed commercial opening, but with the new processor over there, they're paying \$3 a pound for Chinook. So although there are not targeted openings, there's definitely targeted harvest.

Turnover and hiring processes in OSM. There's been a lot of turnover and we're losing institutional knowledge of local issues, and even why some of the programs were established in the first place. The Partners Program was really established to build local capacity and natural resource management in subsistence fisheries, try to get students and people from our region educated all throughout rural Alaska, and hired back into these management positions, and that just really hasn't happened. And then also a big issue if hiring at the GS level versus relevant experience. I see all too often that people are hired because they have a Ph.D. and the work on fisheries issues in the Gulf of Mexico, perhaps, and that's completely irrelevant to subsistence management in Alaska. We need to make sure that people that are making these decisions, especially as we're facing federal spending cuts across the board, we need to make sure that the people that are managing these programs know what they're doing, not just necessarily have the biological field experience, or the research management experience, but really understand subsistence and the culture of the people that are using these resources.

And then again, decreased money to Federal Subsistence Program. It's jeopardizing local voices in research and management. We're seeing funding cuts and increased scrutiny of our funding proposals as they're going forward. If anything, our staff has become more educated and more experienced over time, and we're just getting really, really scrutinized. We have an issue right now through the Federal Subsistence Program where we had a proposal that was not passed by the Technical Review Committee and not recommended for funding, but we're going -- we're still able to receive funding if the Federal Subsistence Board approves it, but we have to go through our Regional Advisory Council and get their blessing, which we're confident that we'll have that if the feds open back up and we have a RAC meeting next -- in a couple weeks. But if that doesn't happen, we could be dead in the water in regards to that specific project proposal.

And then management implications. There is a lot of funding available for research on fish and game resources, but one thing that we see out in Bristol Bay is that we have so much resources that people don't necessarily want to give us money to work on our local issues. Just because something is an issue to us, if its not really got a management implication in terms of a commercial fisheries management issue, or even a federal subsistence management issue, our local concerns aren't going to be able to be addressed through those pots of money. So we either have to get creative and find different pots of money to fund these research projects, or we just go without and then again we're losing the local voice in the management process. And then when people are facing budget cuts, a lot of times management staff, if someone's retiring the position is moved to Anchorage. And so without management staff located in the region, it's really difficult for those managers to be effective and engaged with the public and really know the concerns that are happening at the local and regional level.

This is a slide I had at an American Fisheries Society Meeting in 2011 that talked about our co-

management conundrums, and I just feel like it's really applicable here also. So we're really good at identifying our research needs, but then again we're challenged by how do our specific research needs get implemented into the whole management system, and can we fund those research needs if they're not able to be managed. Maximizing partnerships, we're good at that, but then we also need to improve our technical expertise. My degree is in biology, not necessarily anthropology, so we get critiqued, but I'm not an anthropologist, but all of the research I've done is anthropological. And I also have credits of such, so it's really a really difficult thing to deal with at times.

And then we really get a lot of community buy-in, but then we don't have a lot of community follow-through. Yesterday Woodsy was talking about how in rural Alaska so many of us wear so many different hats, we're so busy, and we are so stretched thin at so many different levels that it's really hard for some of the leaders in the communities to make sure that everything is happening at the right time and the right place.

Creating economic opportunities, we're good at through our local research assistant programs and our internship programs. We're funding positions in tribes and rural communities and creating an economic source, but then we're not able to provide that opportunity if we can't secure steady funding for the programs. And I also kind of mentioned about recruiting students into the science fields, but then we don't have jobs for them to come home to. And at one point in time I kind of thought we were losing this talent, because they were all going into the state and federal offices here and in Fairbanks or in Juneau, but in a way it's actually necessarily a good thing, because those people that live out in urban Alaska then get a taste of rural Alaska from those individuals that are there.

And then day to day we operate our programs really well, but we need a little bit of help with strategic planning. And this slide was made before the Bristol Bay Regional Visioning Project, and I think that since then the vision itself has really helped us with that.

So the big one, the Watershed Assessment. We just wanted to clarify that the EPA did not go out to Bristol Bay because EPA wanted to go to Bristol Bay, they went to Bristol Bay because we asked them to go to Bristol Bay. A series of tribes throughout Bristol Bay, BBNA, BBNC and other organizations all passed resolutions and sent delegates to D.C. asking for EPA to invoke the 404(c) process. One thing that was really, really misrepresented at the CACFA Summit was that the EPA did not consult with the Iliamna Lake Tribes, and that's absolutely false. EPA did consult with tribes. Every tribe in Bristol Bay had an opportunity to consult, not only on the Watershed Assessment, but on 404(c), even though we're not there yet. Some tribes chose not to participate and that's their option, but that does not mean that everybody feels that way.

We feel like -- so we asked for 404(c), but we got the Bristol Bay Watershed Assessment in response to that, but we feel like the way that EPA handled the Bristol Bay Watershed Assessment was a really great classic example of how to engage local people in public process. We had a series of community meetings, not just in our regional hub communities, like Dillingham, or Naknek and King Salmon, but EPA went out to every one of the villages that wanted a public meeting and held public meetings there. And you guys might have all heard through the media that this was an unprecedented public comment period for EPA. It was the second largest amount of public comments that they've ever received in a public comment period

ever. And 98 percent of Bristol Bay comments, so the people that submitted comments from Bristol Bay said no to Pebble Mine and asked EPA to invoke 404(c).

One thing that I really feel strongly about is that the tribes in Bristol Bay and our organizations would not have had to ask EPA to come in if we were able to work well with DNR through the Bristol Bay Area Plan. If that was handled a little bit better back in 2005, the tribes -- I sit on the Curyung Tribal Council, we're one of the plaintiffs in a lawsuit against DNR that sued, which got us to where we are today with the final plan, but we went through the draft revision process in 2013, and throughout the spring, after just coming off the Watershed Assessment and our Board of Fish cycle, we felt that DNR did a really poor job in the public process in engaging communities and local people in their Land Use Management Plan. ADF&G does such a great job through the local advisory committees in our region, we felt like -- and I guess I'll get to that in another slide, but we really felt like if they were able to use that model in the Bristol Bay area plan, it would have helped a lot more. But I think now that September 25th, the -- I'm sorry, September 5th the final plan came out, the final revisions, and we just got out of our 20-day period for request for reconsideration.

I met with Bruce Phelps on -- when did I fly in, Tuesday, Wednesday. I met with Bruce and he said that only one request for reconsideration came in, which really means that this final plan is really well balanced. Although the public process was poor in the beginning, I think once they heard all the concerns from people in Bristol Bay, once they received all the comments, they really took that into consideration and were able to find a nice balance in the plan. And I'm really happy with the final plan that has come out.

Statewide issues. So I really tried to think about all these issues that we have in Bristol Bay and how we can look at them around the state, because it's not just Bristol Bay, although we might have our fancy visioning project to help us guide. I think that could be helpful for other regions. It's really, really useful to have a set of collective values for local people to help guide not only program objectives, but their economic development and how they manage their resources.

A really big federal issue coming up is the Rural Determination. The Federal Subsistence Board, on November 1st, public comments are due. If you haven't gotten your comments out, or your constituents haven't, you might want that to happen soon. They're due November 1st, and then the Federal Subsistence Board I believe will take that up in January or February, looking again at rural residency and who has rights to access subsistence resources on federal public lands.

Food security for rural and urban Alaska. How can we manage our fish and game populations to enhance food security for all Alaskans, not just rural residents and not just Native people? I think that's something that we could all work a little bit better on.

Documenting and understanding sharing networks, so again, subsistence. It's not just about how we harvest, but how we process and how we share our resources. In subsistence management, there's what we call the 70/30 rule; 70 percent of a community's resources are harvested by 30 percent of community members. So all those resources are shared across communities, and not only across communities, but from Dillingham to Anchorage. What kind of exchange is going on between rural and urban residents for subsistence resources? And we really need to document that and understand it in order to make sure that our subsistence resources are managed effectively.

And then statewide everyone needs to do a better job, not only understanding, but effectively navigating the public process for dual management. We don't need to be biologists trained in specific sciences, or anthropologists or anything to manage our own resources. We just need to know our own issues and know the right avenues to go about addressing them. I just mentioned that DNR could use ADF&G's advisory committee process as a model for their area plans, but not only that, if CACFA had a standing line item on all of the local AC meetings, ask your advisory committees in your regions, are there any issues going on in the dual management program? What issues are happening on federal lands regarding subsistence that we could try to address as a board, as a commission?

Federal budget cuts and the federal shutdown is affecting subsistence management already. On Wednesday we were supposed to have -- no, yesterday, Thursday the 3rd, we were supposed to have a meeting of the Lake Clark National Park Subsistence Resource Commission. That was canceled because of the shutdown. Our RAC meeting is coming up October 29th and 30th. Who knows if we're even going to have that, and so the date for that, 29th and 30th, our RAC needs to meet before November 1st to get their comments into the Federal Subsistence Board regarding the rural determination.

The State of Alaska needs to do a better job of providing funding to the Division of Subsistence to ensure sustainability of subsistence resources for all Alaskans, not just rural residents. I think all too often we don't hear of major management issues, either for a region or a species. It starts at the subsistence level. You hear -- at these little local meetings you hear X-hunter, Z-fisher coming and saying, we're not seeing this resource return as much as it should. We're seeing changes in the health of our resources. And we hear at these local levels, but it doesn't ever trickle up necessarily through management until it's a huge statewide media issue. And if we could focus a little bit more about on managing our subsistence resources, I think we could really try to avoid some of these major user conflicts.

Securing appropriations for Alaska only programs, such as the Office of Subsistence Management and the Federal Subsistence Board, congressionally and through the senate, all of congress, Alaska programs across the board are getting cut. Why do we need to spend so many millions of dollars on extra fish and wildlife management in Alaska, when their state already manages fish and wildlife? The congressional delegation in Alaska understands our dual management system, but not in other states. So how are we able to get our delegation and their staff to work best with the other members that have these heavy votes that are affecting our funding that affect everyday Alaskans?

And then ensuring that resource management is not adversely affected by the government shutdown and sequestration. We're already seeing those effects, not only in our region, but I'm sure other regions also. And then I really like what Commissioner Smith said yesterday about think outside the box. That's very necessary, but we need to think more about local stewardship and local management and not necessarily another layer of government. And then how do we all work together and engage each other effectively to make sure that all of our needs are being met, all of our issues are being heard, and we're able to address them effectively? That's all I have for you today. Thank you.

**Representative Keller** - Thank you, Courtenay. Is it okay if we ask you some questions?



**Courtenay Gomez** - I'll do my best to answer them.

**Representative Keller** - And I want to invite you to ask us questions about CACFA. Before we do that, I want to point out, Senator Coghill is leaving. He's not going away mad, he has a commitment that he had that he has to comply with.

**Courtenay Gomez** - Okay.

**Representative Keller** - So **Commissioner Arno** has a question for you.

**Commissioner Arno** - I really appreciate you coming and your presentation was excellent.

**Courtenay Gomez** - Thank you.

**Commissioner Arno** - There's a lot of good information. And I want to tell you that your employee over there, Commissioner Woods, is an excellent representative for Bristol Bay at the board's process. A lot of the concerns that we're having right now, as far as with the Division of Subsistence, is their data gathering to try to determine the poundage, the use of wild game and fish docks in nonsubsistence area. And in the report just put out by Dr. Phal (ph) and the department, it's RC-3 to the joint boards that will be coming up here in a couple days, there's no attempt or even recognition that there is wild food sources coming into the Anchorage nonsubsistence area, which according to the 2010 census there's over 50,000 Alaska Natives living in the Anchorage nonsubsistence area. So has BBNA, do they have any ability, or do they have any of that kind of data, or how would you start determining how much of that poundage is coming into Anchorage? Because by the criteria that we have of deciding who is subsistence area and who is nonsubsistence, it's on the poundage of use, not as our statute says, on mainstay of livelihood, and so that component would be very important I think for the state process, anyway.

**Courtenay Gomez** - Absolutely. The project proposal that I was talking about that's under such scrutiny with the OSM right now is a proposal that documents the subsistence sharing network of fisheries resources, specifically salmon resources and other non-salmon fish in the federal management units. And I think that's something that we could do a little bit better about necessarily -- like in Dillingham, a lot of people come in to get Kings from Anchorage that live in Anchorage year-round, and then they come home for a few weeks in the summer to harvest their Kings. And that's something that we're trying to address. We're just looking for the money to get it done.

**Commissioner Lean**- So BBNA and the NSEDC, Norton Sound Economic Development Corporation, that parallel programs, and I run the parallel program that Courtenay runs. And I think we share the vision that by providing data, owning the data, you are necessarily a participant in management, and that's been a real goal of the agency I work for, and that's why we're cooperating at the Board of Fish level and trying to be on the same page and provide a unified front. So I think this is the wave of the future and I think that not just Bristol Bay, but Norton Sound are doing very similar things.

**Leaphart** - Courtenay, you talked a little bit about the effects of the federal government

shutdown. Are you aware, has there been any notice issued by any of the federal agencies that park lands or refuge lands are closed to hunting or subsistence activities? Has that happened?

**Courtenay Gomez** - I've been without email since I left on Wednesday, so I'm not sure. I haven't received any of that. The notifications that I was getting in regards to federal shutdown was about our funding systems and how we go about accounting procedures and draw-down of our federal funds, and that type of a thing. And then Dan Young, our biologist at Lake Clark National Park, called to let me know that the SRC meeting was going to be canceled, so don't try to stress out about getting to Nondalton to attend this meeting, because we're not going to have it. So those are the only notifications that I've received, but I've not heard of anything about parks or refuges closing down.

**Leaphart** - The reason I ask, I was looking at the website before they closed down and there was an FAQ page for the Fish and Wildlife Service and they stated that all refuges would be closed to hunting and fishing activities. So it didn't specifically address any Alaskan refuges, but I was just wondering if any word had gotten out, or notified.....

**Courtenay Gomez** - That's something we'll have to look at when we get home, especially because we have a hunt open on the Nushagak Peninsula right now for caribou.....

**Commissioner Olsen** - Courtenay, we really appreciate your presentation. And I'm wondering, we just in July received a report from the National Park Service participants on a workshop that they had in Colorado at a think tank. It's not -- from what I got from the report, it's not officially accepted by the Park Service, but it is participants that work for the Park Service. Also, I think there were some advisement from former state employees and so forth on their policy of management in the preserve areas and the hard core park areas.

On reviewing this information, it's apparent to me, just my thoughts, my opinion only, we haven't really taken this up officially with CACFA, but it appears to me that some of the tools that we use, such as predator control, habitat manipulation, or transplant, or enhancement of prey species, that they're a nonparticipating party. Their policy on a large amount of land in Alaska, the preserves and the parks, are very significant in size, they're very significant in resource areas, I mean, you can, as you know, harvest a lot of areas in Alaska. If you're not in the right spot at the right time, it's just not going to happen.

I don't see how this is compatible with a good neighbor policy, or whatever you want to call it, with the National Park Service. And I'm pretty well up-front with the National Park Service. I don't think they're good neighbors with what I call the Alaska lifestyle. I can't think, in fact, I personally believe that the worst mistake ever made by our congressional people in our administration when ANILCA occurred was the mixing, or the bringing together the Park Service with the Alaska residents in their pursuit of bringing food to their table. Whether we live on Fireweed Lane, or whether we live in Bristol Bay, 30 percent pretty well holds across the urban area, as well as the rural area, on whose going to bring food to the table and all of us sharing with our neighbors, our relatives or our friends, and so forth.

So I find it really hard to recommend that we go forward with programs for the next 30 years on what we've survived in the past 30 years. And I personally have been kicked out of these areas legally and been told to stay home legally. And so I find it very difficult to believe that,

according to this piece of paper, they're not going to change their ways, they're going to handle their parks, their preserves as is handled across the entire United States. It's a strong statement. So I would really recommend that you get a copy of this and review this seriously with your neighbors.

**Courtenay Gomez** - Does Commissioner Woods have a copy of that report?

**Commissioner Woods** - Yeah.

**Courtenay Gomez** - Okay. Thank you.

**Representative Keller** - we've got plenty of time and we'll try to take a break before 10:30 so we can continue the dialog. And thank you for staying here for that. We have **Craig Fleener** back there, who probably has some information on the status of whether the refuges are open. I'm going to ask him to come up in a little bit and share with us your insights into that questions, answering that question. So anyway, Commissioner Somerville. And I want to acknowledge Senator Dyson in the audience. Thank you for stopping by. I know you're en route to a meeting. Commissioner, go ahead.

**Commissioner Somerville** - Thank you, Mr. Chairman. Yeah, Courtenay, it was an excellent presentation and it's kind of nice to see some of these things which you and your neighbors have been proposing for years, some of them coming into fruition. Having been in this region before in the wildlife division and serving on the Board of Game, for instance, the Game Management Unit 17 Moose Management Plan, which I'm happy to see finally coming into completion.

One of the problems, as expressed by the residents of Bristol Bay, was starting the need for looking at predator management. If you sat here, you've heard us discussing how on and off -- I won't belabor, but I just hope that you continue to put -- which we said at the time when we talked about moose management or caribou management in Bristol Bay, as far as predator management was concerned, was a key in some of those population dynamics. And even the federal people accepted that, like Bristol Bay -- excuse me, like the peninsula herd problems we have. But unless you people, which are having more success in communicating with the feds than we are in some cases, continue to put pressure on them that they need to incorporate some of these recommendations into their planning processes, we're not going to make much headway. I just want to congratulate you on elevating these things, because in some cases we've had very little success.

And one of the questions I have, which has been brought up before, which I think is a good one, and that is, the educational training that you're providing to people in the area, one of the complaints of course is newly trained people are leaving the villages and going into the metropolitan areas. Are you also looking at the types of training for things which -- when I talked to people in Dillingham and King Salmon before they said, well, the timing is just not right for this. The villages really aren't willing to accept it, and that's advocating the development of sport hunting, sport fishing activities, some of which could be sponsored by their regional corporations.

In fact -- and I'll use Native populations in other parts of the country, which ventured into this arena and had done exceptionally well, primarily in the Lower 48 on reservations, but the

concept is still basically the same. You have a lot of private land in Bristol Bay and you can develop these types of activities. They're not traditional, it's not commercial fishing, I understand that. Are you looking at these types of things as ways of expanding the economic opportunities for renewable resources?

**Courtenay Gomez** - I don't know necessarily -- our department doesn't have any programs that specifically do that, but we work really closely with our local residents who are big game hunters, our local sport fishing guides, through the Board of Fish and Board of Game process, to help them make sure that their concerns and their viewpoints and their wishes and issues are addressed at the board levels. So we work with them to make sure that they're educated on what they're trying to talk about, so they're effective players in the public participation process.

**Commissioner Somerville** - I can probably discuss this at greater length with Frank, but I'm just saying there's -- in my opinion, there's a tremendous opportunity here to emphasize exactly what you're saying. You're opposed to Pebble Mine. A huge benefit could be in terms of jobs, but you're looking at the cultural and the way of life issues. And I'm saying, if you emphasize renewable resources as a source of income, these are arenas promoting the development of lodges. Most of the lodges in Bristol Bay are owned and manipulated by people in Anchorage, or the Lower 48, so I'm just -- I look at it and say, geez, why aren't -- why can't we do that?

**Courtenay Gomez** - I love the sports industry. I started working in guide camps on the Nushagak when I was younger, working in the sports fishing industry. And we do have the Bristol Bay River Academy, which recruits students from around the villages, around the region, to go and learn how to tie flies and get engaged in the guiding industry, and some of them are becoming guides for Mission Lodge, which is now owned by our ANCSA Corporation, BBNC. And so I think it's starting, but it's definitely in its infancy.

**Commissioner Woods** - I just wanted to follow up that I think region wide we realize that sports and recreational use has a huge impact. We try to incorporate that in not only all our meetings, and that user group is real important to us, you're right. And I think the region, not only village corporations, but the regional corporations are looking at it as a form of economic gain. And then in our region basically it's not net loss, it's net gain, and we focus on fisheries so that we don't have to replace it with a potential mine that would impact them fisheries. So there's a balance here. And it's not a competition for resource, and a 70/30 split as we share, it's amazing that number is a direct correlation with the population indexes, how rural versus urban.

We've gone beyond that, and just about every meeting I attend, I think that we incorporate corporation and not -- and I could sit here and fight with Mr. Arno all day long, but it ain't going to -- at the end of the day we're still Alaskans and we still have to share the same resource. And maybe Courtenay, as you walk through this whole process, I'm proud that you're my boss, we have a huge challenge ahead of us. As someone -- this is one example. Bristol Bay is just one example of all the different Native corporations in Alaska, and they're faced with the same challenges, they're faced with the same vision problems, they're faced with the same having to share resources, because it is -- the competition for resources has tripled in the last 20 years, doubled in the last 10.

And if we continue down the same road, we're going to be -- if we're not part of the process, and I think we're -- the state as a whole, and maybe Fleener can address this after I get done, I don't

know. I'll wrap up. What would be your suggestion as the focus on -- there's so much here. Maybe we can sit down and talk about my position, but in general you're just -- your overview of what we think might be happening to help us on overreach. There's a balance, I guess, I'll let you address that, but I -- and we have a lot of work, I know.

**Courtenay Gomez** - Isn't that the million dollar question? I guess I really don't know, other than at the local level, trying to get our federal and state managers at least -- I work in subsistence management, and so at least at that very level there's -- I mean, at the Summit we were having people say, define federal overreach. What are we talking about? Are we talking about land management? You could go anywhere. I mean, I could get into the federal accounting system and talk about their overreach there. So I think at least -- absolutely, at least at the local planning level, the advisory committees at the state level, advisory councils at the federal level, and trying to get our federal and state managers to work well with their local people that are using these resources that they're managing, I think if we could start there and get a ground-up effect, that would be quite helpful.

**Commissioner Lean**- So I listened with interest on your comments about how you mentor people as young children through the student stage into the entry level positions, and I've had some experience with that myself. And one of my greatest frustrations, and I wondered if you had the same, was that interns working for the company I do, but on loan to Fish and Game, or to federal agencies are not given credit for the experience that they gain while being interns, and as a consequence lose out in competitive hiring practices. And it's particularly true with the federal agencies that place a high value, as you pointed out, on academic education and not practical education. And there have been quite a bit of lip service from the federal government to credit local experience and TEK and so forth, but in practice it doesn't seem to happen. Is that your experience?

**Courtenay Gomez** - Absolutely. And I guess in regards to credit, I don't know if you mean like necessarily recognition or academic credit for students.

**Commissioner Lean**- I meant getting hired.

**Courtenay Gomez** - Yeah, once they're an intern, how do they get hired?

**Commissioner Lean**- How do they move into the agency?

**Courtenay Gomez** - Absolutely. At least in my experience, I guess I kind of have a unique perspective, because I used to be an intern that got into the federal hiring system and now I work with the interns that are trying to do the same thing. I think, at least from my experience, it really came down to the field supervisor really being interested in trying to provide opportunities for that specific individual intern. I went from being an intern through BBEDC at the Togiak Refuge, to being a seasonal hire. And their student temporary employment program and their student career experience programs are really helpful ways for them to get started into the hiring system, at least through the federal government.

I've not worked for the state, but I was able to go and work for the refuge, and then when I was in school I worked at the genetics lab here at the Fish and Wildlife Service office while I was going to school. And so those are different ways, but really trying to tap those kids into those

already established career programs within the agencies. I know ADF&G has got a new really excellent internship program that helps provide for those step-up opportunities, but just getting them dialed into the right opportunity at the right time, it kind of seems to be that way.

**Representative Keller** - Thank you for your response. I'm going to -- if we do one more here, Commissioner Arno, I don't want to slight you, but I want to remind you that if you have a question for us you think of, I want to give you the opportunity, and then Commissioner Arno.

**Commissioner Arno** - I wanted to follow up on what Commissioner Somerville kind of touched on, but he didn't get -- he didn't ask you the specific question, and that's on the Alaska Peninsula, the northern caribou herd. And I spent 30 years of my life making a living off of guiding partially from that caribou herd, so I have quite a bit of experience on the ground in Bristol Bay. What has BBNA done, or what could you tell me -- I mean, the value of that herd, not just for its food source, its subsistence users, but also the economy of the area is huge. If the federal land managers weren't standing in the way and the state was able to have an active predator/prey management situation there that would be a renewable resource that would really be advantageous for Bristol Bay. So what has BBNA -- have you tried working through the federal agencies? We've had no luck at all through the board process, or my representation trying to get anything done there. Have you had any better success?

**Courtenay Gomez** - Woodsy works a lot with the RAC program, the Rural Advisory Council, the Bristol Bay RAC, and Mark Kasberg, the big game hunter from Port Heiden, that hunts that herd down there, and I think we've kind of come up with the same issues you have. It's kind of hitting a roadblock. I wish we knew how to work through that process a little bit better, because we haven't been very effective.

**Representative Keller** - Thank you for putting that on the record. Do you have a question for us? First Stan, yeah.

**Leaphart** - Courtenay, you mentioned the agencies show a preference for wilderness management versus subsistence activities. Did you have an example of that?

**Courtenay Gomez** - The specific example that I was trying to talk about was our Togiak River Chinook Escapement Project. It was funded for many, many years through Fish and Wildlife Office of Subsistence Management funding. And it wasn't until this past -- it was the 2012 RFP, so 2011 was our last year of actual funding and 2012 was our last year of field research. But in the 2012 RFP, as we were developing our proposal -- so you go through -- and this program has changed the way they do the request for proposals. But back in that RFP we were still in the time of the pre-proposals, so we do a quick three-page, this is the issue, this is how we want to address it, and then if it moves forward to the investigation plan development stage, then you develop the full investigation plan, how you're going to analyze and try to use the data to manage the resource.

When we were at that investigation plan stage for the specific escapement project, it was like weeks before the investigation plan was due, and I was calling the refuge saying, hello, we need - I need to see this IP, I need to review it, I need to revise it, where is the IP and where are we at in the process? And that was when they said, oh, well, we've already decided that we're not going to be able to move forward and advance the project, because of some of the issues that we

had in regards to -- one, it was really expensive, but that wasn't the main issue. It came down to aerial surveys and using helicopter versus fixed wing. We weren't getting the results with the fixed wing aircraft. We were going to be needing to use aerial surveys with helicopters, which was going to be incredibly expensive, but also very loud in the wilderness region. And where the Togiak River splits, the upper half of it is in the wilderness area of the Togiak Refuge, and so those spawning tributaries and head waters that we were trying to monitor escapement and habitat use in, we weren't able to move forward on the project, because the refuge was not able to sign off on it, because it was taking away from the wilderness aspect of the refuge. It was incredibly disappointing.

**Leaphart** - Thank you. I appreciate that clarification.

**Courtenay Gomez** - If I could just quickly follow up on what Commissioner Somerville was saying about the economics of the sports industry, and Pebble and all of that stuff, renewable resources. We don't just look at our commercial fishing industry and the economics of our commercial fishing industry. All the financial value of the sports industry, from big game guiding, to eco tourism and recreation, all of that has been accounted for in the statistics that we use to help weigh our decisions. Thank you.

**Representative Keller** - I'm really grateful that you came, but what do you have for us? Do you have any questions? Do you want to find out anything that you'd like to put on the record, put us on the spot or anything like that?

**Courtenay Gomez** - Not necessarily. I feel -- I'm really glad to be educated in the CACFA process. I just went to the Summit because I've been sending Woodsy to these meetings for a year now and I've been working with him for eight years and he's been going to all these meetings. And I didn't know anything about it, so I wanted to go to the Summit and just learn what CACFA was and what you guys are working on, and from there I opened my mouth in my sidebar conversation with Stan and that got me here today. So, no, I'm good, but thank you very much.

**Representative Keller** - Thank you. We look forward to continuing to work with you. We have a little bit of time, so Craig, if you'd come up. We're really honored that you're here. You were here all day yesterday, Deputy Commissioner of Alaska Fish and Game, and one of our leading pros. And I know you came -- we'd like to know what the status is of the refuge for hunting and the parks and that kind of thing, but please take the opportunity to give us any guidance that is pressing in your mind, including how to do our job better. Feel free.

### **Presentations and Discussions – Craig Fleener, Deputy Commissioner for Alaska Department of Fish and Game**

**Craig Fleener** - Well, thank you, Mr. Chair. First, I'm **Craig Fleener**, Deputy Commissioner for the Alaska Department of Fish and Game. And for those of you who don't know, I'm originally from Fort Yukon. I've been living in Anchorage now for about six years. I guess I'm not entirely prepared to give a whole bunch of remarks. I didn't expect to come up, but don't often turn down the opportunity to take a meeting over when it's given to me.

I slipped a note to Stan earlier to basically -- because there was a question asked about the

hunting, or basically the opened and closed status on parks and refuges. And as far as I know, the refuges are basically closed, all the facilities are closed, and all hunting and fishing is closed except to rurally qualified subsistence users. That's kind of a tough position, because I don't know how somebody that's going to be doing enforcement is going to tell the difference between a rurally qualified subsistence user and a general hunter, under state regs. Another odd part is that it's the federal government that's shut down, not the state government, so why is it the state side that's being excluded? But that's a sidebar conversation.

And on the parks, it's interesting because they are also closed down. Their facilities are shut down for operations, but they're remaining open for hunting, as long as the hunt doesn't require that you go pick up a permit, because the facilities are closed. So if you need to interact with facilities, then that part is shut down, but any back country stuff that folks want to do, that's still open. And I don't have any information on BLM or Forest Service lands. That's the update from -- as I know it.

**Representative Keller** - Another way to say that is maybe our parks are more open to us Alaskans than they ever have been.

**Craig Fleener** - Wide open, as long as you don't need a permit.

**Representative Keller** - Any questions for Craig?

**Leaphart** - I do have one. Did you see like a notice? I mean, there's a process for agencies like the Fish and Wildlife Service to close refuge lands or park lands to hunting or any other activity. It's a pretty Alaskan specific process. Did you -- are you aware of any notices that have been out, any notices have been published in the papers, or -- I mean, I've been kind of out of the loop out of the office, so what I normally would get I haven't seen. But have you seen anything like that, any official word?

**Craig Fleener** - I have not seen any official word. As a matter of fact, I don't know if any word has been sent out. Usually, something would be sent to Fish and Game. I haven't seen anything, so that's kind of a distressing way to go forward, is a shutdown with no real indication. And it's a question I think we are asking, what is the notice, can the public be made aware of exactly what's going on? And I don't know if anything has been sent out. I haven't seen anything. I don't know of anybody that's seen anything, but we have had a couple of conversations with -- I haven't, but other staff at Fish and Game have had conversations with the staff that's still on duty at the Park Service and Fish and Wildlife Service to find this information out at least. And I think we're trying to make some progress to find out more. So if they're not going to do the public notice, we at least want to be available to provide information. This is kind of the wrong time of year to be shutting down Alaska, and I guess we can be thankful that it wasn't three weeks ago. That would have been really bad.

**Commissioner Woods** - I appreciate your presence here. Like I said yesterday, it's good you're here. The issues we have, at least -- and I'll only speak for Bristol Bay, because I'm the token Native from Bristol Bay in that regard, but I am put on task to figure out, as you've seen, a whole list of issues that are addressed in our area. One of them is predator control, like Commissioner Somerville and Rod Arno are fully engaged in, and we actually have a participant -- in the predator control at the board level, Board of Game and Board of Fish, there's proposals next



week concerning the shutdown of that whole process. And I disagree, personally I disagree.

Professionally, I have to represent the AC process in that area. I see that under dual management, shutting down of that board a detriment to what we're trying to do here at CACFA. Because if you look at the Alaska Land Use Council and how that board operated and how it negotiated and operated, if we get refuges and the local land users and all the regionals and the Native corporations together, those issues can be addressed. You know how it works, is that we need to be at the table in order to resolve issues. And I see it -- and Courtenay put it perfectly, is that on the ground level we don't have very many issues. Are you going to be at -- maybe I guess we have a lot more to talk about, but are you going to be there next week? And I think it starts on the 12th.

**Craig Fleener** - Are you referring to the Joint Board?

**Commissioner Woods** - Joint Board, yeah.

**Craig Fleener** - Yes, I'll be there.

**Commissioner Woods** - Awesome. Okay. And I just want to publicly ask for your support on what we're doing here, because it's real -- if it's just the Land Use Council, that would be great, but I think multi layers and levels on the state side to help increase that communication and increase that participation is hugely appreciated, because it's being able to sit down and negotiate and actually be a part of the processes is invaluable. So thanks.

**Craig Fleener** - Yeah. And if it's okay, Mr. Chair, I just want to throw out some thanks and appreciation for the folks at BBNA, as well, and I think Courtenay's presentation was fantastic. And being just a little old village boy from Fort Yukon, you see folks that are taking a leadership role in rural communities. She, it sounds like, is in the exact same footsteps that I came up in, starting in Natural Resources. I ran the Natural Resources program for the Council of Athabascan Tribal Governments in the Yukon Flats and we went through a lot of the same things that they're going through, so our tracks were fairly parallel.

And it makes me feel real good on the inside to see that the future is bright when we have folks like Courtenay, and it's been a real pleasure for me to work with Commissioner Woods on a number of issues. And they've just been very responsive to anything that pops up in their region. And of course I also -- it's almost -- you would have thought I paid her good money, but she did a terrific job of the entire presentation, but I do want to also say thank you for the complements for the relationship that the Department of Fish and Game and the folks in that region have. And we want to continue to keep that relationship going and improve upon it. And we have a lot of work to make sure that we have a similar relationship with folks around the state.

It's one of the goals that I have, is to improve outreach and improve working with folks. It all is sort of associated with what CACFA wants to accomplish, and that is a better working relationship. I think we have a lot of holes in doing a great job together, and folks coming together at a -- in a group like this and bringing people around the state together so we can talk about our individual problems, or problems with each other, that's really the only way we're going to make progress. And it's really hard to fight the dragon if the soldiers in the room aren't standing together, and I think we need to stand up together. I don't think we can just put our

differences aside, I think we need to come together in this sort of capacity and duke it out together, resolve our issues together, and then go forward and I think we'll make tremendous progress. And if that is the direction of CACFA, and these are the issues on the work plan, I can't see any way that I can not possibly support what you're doing and how you're doing it and be available to participate as much as possible. So that's all for me.....

**Commissioner Arno** - As a hunter, I know that it's important to hunt funnel areas where game comes together. With you, I know that if it's a meeting and you get a chance to get up to the microphone, I've got a chance to ask you a question.

**Craig Fleener** - Indeed.

**Commissioner Arno** - You're consistent. It's back to the data gathering. The federal subsistence law does not have any provision to provide for rural residents who move to a nonsubsistence area. You've got the wrong zip code, you're out. Alaska's statute does; it says if that's your mainstay of livelihood, you can be -- that need can be fulfilled. So I see a lack of data coming from the Division of Subsistence, that you're the Deputy Commissioner of, and that's something that we've talked about before, but if we're going to move forward to go ahead and meet the needs of the 50,000 Alaska Natives who live in the subsistence -- in the Anchorage nonsubsistence area, as well as the non-Natives who have moved from rural Alaska into the urban areas, that data is going to be extremely important and it's clearly missing in that RC3 before the Joint Boards. So you don't have to answer me, but I don't know what it's going to take to get that data, but it's going to be extremely important to keep that subsistence lifestyle for those who do move to a nonsubsistence area.

**Craig Fleener** - Thank you, Commissioner Arno. And actually I would like to comment. And we have had a number of conversations on this very same subject and I'm a long-standing supporter of collecting as much data as possible. I mean, from my science background, just my inquisitive nature, I want to have as much information as possible when we go forward to make a decision. That's a logical course of action and we have a giant hole when it comes to providing information on subsistence uses, and that is the urban areas. And really the Division of Subsistence isn't authorized, doesn't have the funding, very difficult for them to go forward to conduct subsistence studies in a nonsubsistence area, so that's really where the blockage is.

I've long supported the concept of doing urban subsistence studies, not only for the reasons that we have a lot of Native folks living there, but an awful lot of folks go from Anchorage out to nonsubsistence areas, a lot of folks from Fairbanks go to nonsubsistence areas, to Juneau, it's just a short drive north and you're in a nonsubsistence area. We should collect that type of information, but it's -- as you know, with budget constraints, it would be very difficult for the Subsistence Division, with current funding, even I think you could quintuple the funding and there wouldn't be enough to conduct real good research in urban areas, just because of the volume of folks there. If there are 50,000 Alaska Natives living in Anchorage, and even if a fourth of them go home, or go somewhere else to subsistence hunt and fish, that would be a very expensive study. And then you throw on top of that all of the other hunters and fishers in the Anchorage or Fairbanks or Juneau or wherever areas, it would be very expensive.

So we would have to look at refining or recreating a type of survey that would allow us to do a good job in a big urban area. And the Division of Subsistence hasn't really -- I don't think has a

well drawn out plan for how to do that, although we have talked about it in the past, because I've been interested and I've asked the question, how we do it, if we could. I think it would be very expensive and we'd have to all put our heads together and determine that that was the direction we wanted to go and then the funds would have to be made available. But I don't think it's going to be cheap and the study would be -- studies would be long term and take quite awhile to get good information. I'm not saying that to deter anybody. I truly think that with so many people living in our urban areas that participate in hunting and fishing, it's valuable information.

**Representative Keller** - Thank you, Craig, and thank you again, Courtenay. And the Lt. Governor is here, but he'll get a lot better attention I think if we take five minutes. So we'll gavel back in here in five minutes at 25 to.

#### **10:20 a.m. 5-Minute Break**

#### **10:30 a.m. Presentations and Discussions – Lt. Governor Mead Treadwell**

**Representative Keller** - I want to say welcome to the Lt. Governor. As you know, he's been working on these issues, our issues for a long time. He's a supporter of CACFA. I've never -- I've always appreciated where he's coming from, and thank you for taking time out of your schedule to come talk to us.

**Lt. Governor Treadwell** - It's wonderful to be here and thank you all for serving on this board, and thank you CACFA for taking on the issue, in a more comprehensive manner, of federal overreach in Alaska. It's very important that we do this. I did have a chance to -- at the last meeting that you had on this I had a chance to come into the room after introductions were, and I had to leave for something else before the break, so I did get to hear our administration's panel, and thank you for the opportunity to be here today and thank you for the opportunity to send you a letter on those issues, which we did at that time.

My feeling as an Alaskan is that Alaska needs a constant assessment of our relationship with the federal government, and a team that is constantly prepared to do battle. Sometimes that's been a team that's been specialized on this in the attorney general's office. That happened in the Hickel administration. Sometimes it's a committee of the legislature that works on federal/state relations. Sometimes it's an active set of civic groups, and I'm looking at Rod as one example right now, where you keep the priesthood alive. And our direction as Alaskans I think has been clear for a long time. We want to develop the state and we want to protect the environment.

And the federal government -- it's very, very hard, and I've sat in dozens and dozens of interagency meetings in my career as either a state official or as chair of the U.S. Arctic Research Commission, it's very hard to see somebody in most of those meetings who has as an agency goal to develop the economy of Alaska. Each of them have some part of protecting the environment, but the idea that the federal government has a mission to help develop our economy is just completely lacking. And I also strongly believe that if you want your government to leave you alone, you have to -- you can't leave your government alone. And I think what CACFA is doing here is very, very important.

During my career I've had the chance to work with the Alaska Statehood Commission, which at the time of the 25th anniversary of statehood did a number of very important papers, which I

would urge you to look at again, on the promises of statehood and what has worked and what has not. At Commonwealth North, even going back to the 1980s, actually in the late '70s, we were part of a group that worked with some of the people here in this room to help carve out some of the exceptions for Alaska in ANILCA. And we did a book called Going up in Flames, the Promises and Potential of Alaska Statehood under Attack, that helped lead to the Hickel lawsuits in the early 1990s. And I was proud to be a co-author of that book.

At the Institute of the North I was a co-author of the book, the Curriculum on ANILCA, which helps remind Alaskans, helps remind federal agencies of the carve-outs that we have for Alaskans' rights. And that ANILCA course continues and I try to speak to it whenever I can, because it's important that Alaskans know where we worked very, very hard in that massive Alaska Lands Act to carve out exceptions for Alaska's lifestyle. Being a national park in Alaska is very different than being a national park, say, in Montana, and so forth, so that scholarship I believe is important.

At Yukon Pacific Corporation, which was the first major attempt to export our natural gas to Asia, we found ourselves being told by the Japanese again and again, you'll try to sell us gas, we're not even sure you're allowed to sell us gas, and by the way, you're not allowed to sell us oil. So we ended up being allied and worked very hard on getting the right to export our oil and gas. The export ban cost -- a prime example of federal overreach, cost the State of Alaska over \$15 billion, and think what that would mean today to the value of our Permanent Fund, or our Permanent Fund Dividend. And the fact is, is that's one place where we had to sue. I was proud to be part of the legislation to right it, to undo the export ban in the early '90s, and all of us worked together in the '80s to see that happen, as well as getting the first major permission to export North Slope natural gas.

In the Hickel administration, and Commissioner Somerville and I worked together on that, but we were all part of a team that helped put together the major lawsuits with the federal government. And whether these -- and these past battles have lots to do and lots of continuity with our current battles. But I just want to let you know that as you go through this effort, we've either got the benefit of some scholarship, or some past battles, and we've got future battles to fight and I'm very much with you. So that's message number one I'd like to leave with you today.

The second thing I just wanted to say is that in our scholarship in this area, and I think of five key laws, but really four that have been passed in our lifetimes that brought decision making home to Alaskans. And each of those laws are very important laws for us to understand in depth. One is the Statehood Act, 1959. And at the Institute of the North we ran an analysis of every draft of a statehood bill there had been since I believe Wickersham's first statehood bill sometime around 1914. And the biggest difference between the bill that almost passed in 1952 and was recommitted in the U.S. Senate by one vote, and the bill that passed in 1959, was we went from I believe 23 million acres to 103 million acres of land that we could select, and we had control of fish and game.

And the people who went back and fought for those two major changes in the Statehood Bill got a lot of hash around here, especially here on Fourth Avenue from Bob Atwood, who said, what's wrong with 23 million acres of land? Indiana does fine with 23 million acres of land. Well, as all of us know with Prudhoe Bay and so forth, the difference of actually owning and controlling

that land and being able to put it up for lease has made all the difference in the history of our state. And indeed, you just heard from our Deputy Commissioner of Fish and Game, the control of fish and game has made all the difference in the history of our state, and fighting to maintain that control is in my mind very, very important.

The Alaska Native Land Claims Settlement Act, the 44 million acres and the billion -- close to a billion dollars worth of venture capital, which the state was a participant in, is a very important fundamental law that helped bring decision making home and helped us recognize the autonomy and the self-determination that we were looking for at statehood. By putting that land back in the control of Alaskans, we've created an economic force in the state that has been incredible, and will continue to be incredible. And very, very important parts of that bill that CACFA needs to study, and I'm sure you have, but understand that it helps all Alaskans.

The Magnuson-Stevens Act, another fundamental bill that brought home, if we all remember what was happening, we didn't have a 200-mile limit, we had Russian and Polish and Czech and Korean and trawlers of many nations catching our groundfish. Sometimes we were hauling them in because they had not only violated the 12-mile limit of the federal waters, but the 3-mile limit of state waters. And I remember going to an International North Pacific Fisheries Management Commission, which was an international joint commission, to try to figure out how much fish should be caught. And it was scientists of many different nations disagreeing with each other, and we got the 200-mile limit.

We brought decision making home. And our position -- the state's position on that commission is very important, and what we've gotten with the CDQ groups and so forth. So remembering those fundamentals when it comes to federal overreach, when somebody with ocean policy wants to kind of take that away, is very, very important here. And that bill is up for reauthorization and we need to watch it very carefully.

And then of course there was ANILCA that passed in 1980 and I look at several veterans here of that fight. And I was just a kid, but I remember going back with a group from Commonwealth North and there weren't enough seats in Ted Stevens' office. And we went and begged the leadership of the Reagan campaign to see if we could postpone this bill until we had a president who was more with it when it came to the sagebrush rebellion happening at the time and so forth. And President Carter was here and said, no, the Reagan incoming crowd said, you can finish that bill before you leave office and we won't fight it.

So we got a bill that wasn't necessarily the best bill for Alaskans, but it's one that does have a number of carve-out and exceptions. It did profess to be something that said the federal government is for environment and development, and the development exceptions in that bill have gone by the wayside again and again and again. And I'm going to talk about a couple of those today. At any rate, as you do your work, look at those fundamental laws that help bring decision making home with statehood and we've got to continue to fight for those and look for other opportunities.

When we as Alaskans challenge the federal government, we've got lots of different kinds of arguments on our side. One of the most and best arguments is common sense. I'll talk about that, because we're facing some serious and actually seriously ridiculous overreach from the federal government today. We also have our statehood rights, which are yet to be defined as

well as they need to be defined. And when Mike Geraghty spoke to you at the conference last time he talked about the 90/10 lawsuit, for example. The result of that lawsuit was to leave undefined what is in the Statehood Compact, and I think we have to make sure that that is defined.

We have constitutional rights, and we'll talk about the 10th Amendment as an example as a state. We need to use those kind of arguments with the federal government. We have Alaska values, where our values as a state are sometimes different than say a group out of Philadelphia who doesn't want us to hunt or trap at all. And we have to stand up for our values and our rights as citizens in a republic to exercise our lifestyle and our values. And that argument is one that needs to win.

Alaska's uniqueness and Alaska's value, we're coming up on the 150th anniversary of Alaska Statehood. The book I think we need to write is called, Worth It, which is basically that we're still treated like Seward's Folly, to a great extent. And people don't know what we can do for America. And any state campaign that's pushing for ANWR, as we do with Arctic Power and that sort of thing, needs to talk about the value of what we've got.

Finally, there's the argument of competence and the argument of goals. And I come from a lot of experience in business, and you can't make a business work without hiring competent people. And if your job is to actually develop resources and make development projects happen and so forth, I think we have to look at the federal government's track record in Alaska, whether it's their absence of making anything major happen so far in the OCS, the absence of making anything happen seriously so far in the National Petroleum Reserve Alaska, the absence of picking up and dealing with that opportunity in ANWR in a fair way, the absence of dealing with the fact that what was the most expensive asset at the time it was built, the Alaska Pipeline, is now running less than one-third full, and seriously question the competence of the people who are charged with balancing environment and development, because we're not seeing any development coming out of it that's significant to keep that pipeline running. So whether it's Alaska's values, Alaska's value or uniqueness, common sense, or competence, I think those are a set of arguments that we have to use with the federal government.

And finally, I would just speak to our goals. We have appropriate goals as a state. The governor said he wants to get to a million barrels a day through the Alaska Pipeline. We have appropriate goals for the state and other parts of the state that we want to build transportation, that we want to give access to the state, that we want to have it with good science, that we want to protect our wildlife and our biodiversity. But somehow the federal government had not come together to even be accepting of those goals, or to answer the mail when the governor, I think appropriately as leader of our state, put that mail and those goals forward, and we have to keep pushing for those goals. I believe we can do a better job.

And just going back to common sense, a primary example of the seriously ridiculous was pointed out by Senator Murkowski recently when she saw an almost \$400 citation handed down by the U.S. Forest Service to some kiddos who had the gall to picnic in the Tongass without a permit, because they were there with a commercial daycare center. And I'm glad the chief of the Forest Service pulled that back and the senator got the citation dismissed. But seriously, really? I mean, this is the kind of situation that we've ended up with, and whether it's the state, and the situation with the Wayson case, or the Sturgeon case, or the questions that have come up with

this EPA enforcement team recently in the northeastern part of the state, it is a challenge that we have with the federal government to say, let's get with the program and figure out that Alaskans are here doing the right things and pursuing the appropriate lifestyle.

Another example that I would say comes down to common sense, as well as legal sense, is the state's effort to try to open ANWR, at least to understand and pinpoint what kind of resources are there. This is not your grandfather's ANWR. Okay? The kind of seismic capability that was available at the time that the ANILCA act was passed in the '80s, that we went and did as one pass, is not what you would do today to pinpoint, either as a government entity putting the land up for lease, or as a private entity deciding which land to lease and the capabilities available.

Here's Alaska offering -- putting \$50 million on the table, saying let's go back and get a better picture. The result for the environment is to pinpoint where you would do your exploration. And we've had other things happen in the generation since your grandfather's ANWR, so to speak. We've had infrastructure coming up to the western border. We've had state land leased along the top edge of ANWR. We've had advances in directional drilling. We've had advances in ice road and other kinds of transportation. And we have to push that, because ANILCA did not put ANWR into wilderness. ANILCA did not put ANWR off limits. And congress said, come back to us with a plan, and so it's very important that the state come back with a plan, and to be dismissed with the back of the hand, as we have by the federal government on this very serious proposal, is just nuts, and we've got to push forward.

Alaska always needs to push to take control of our destiny and our decision making. And I want to just close with three or four ideas that your committee might want to look at as you do your work. The first is a question, and as I said, my note to you, Representative Keller, is could we move more land into state hands? Now, around the Arctic even today we're seeing national governments devolve ownership and control over public lands to regional and local authorities. I usually carry an Arctic map with me, I didn't this time, but Iceland gained independence from Denmark during the Second World War. Greenland gained control of its Crown lands, virtually all the public lands in Greenland, from Denmark just recently, with the power to decide on mining, on drilling and other resource development on and offshore, even before they got independence as a country.

In fact, in Alaska -- and Mark Myers, who is now Vice Chancellor at the University of Alaska Fairbanks, was head of the U.S. Geological Survey, when the survey came out with a report on the oil and gas potential of the entire Arctic basin. And that map is at some places in Greenland seen as a freedom document, because it helped them convince the national government that they may have the opportunity to support themselves, the same argument we had with statehood. And they got the power to make their own decisions to go ahead and drill.

Canada devolved power over most of its public lands to the provinces in the 1930s, and it's doing so now with the territories. The Yukon, which gained its power in 2001, was the fastest growing jurisdiction in Canada last year, and the premier of the Northwest Territories that process in a PNWER briefing here this summer, and the Northwest Territories will soon have decision making authority onshore and offshore. Land use and mining decisions will be made by territorial officials, and the territorial government and the five aboriginal groups that signed the agreement will receive a share of natural resource revenues generated in the region.

Governor Wally Hickel, who pushed for our 103 million acre Statehood Land Grant, used to say we should have asked for more. He said when he asked for 100 million acres, he didn't know how many we had, that he had to call down to the Interior Department after he'd made the request, but now we are in the state. And efforts to transfer land into a state forest in Southeast Alaska are based on the conviction that the state can offer certainty and continuity to investors in our timber industry, that the federal government has failed to do. We have strong state laws to protect the environment. I was there when we began -- Ron and I were there and actually were in many meetings when we put together the implementation of the Forest Practices Act. But I'm convinced Alaskans can take care of the environment of the Tongass region, as well or better and more efficiently than the Forest Service has. And what we're asking for is 2 million acres to be able to have a timber industry that works.

These Federal Land Management policies, when I talk about what's happening with these other regions, it threatens our competitive edge in the Arctic environment. In the Arctic, we are trying to track tens, if not hundreds of billions of dollars of investment. And how do you think it looks when we've got this complicated land management process that provides no certainty to investors, against Russia that has provided very strong certainty to investors, against Canada and Greenland and even Norway who can provide greater certainty than we can. It's a tough, tough problem, and if we're going to fill that pipeline and achieve our destiny, we have to ask, we have to push for ways to get greater certainty.

I'd like you to take judicial notice, as it were, of what's happening in Idaho and Utah. Legislators and my colleagues, Lt. Governors from there, tell me about recently created commissions by legislation to study how to move more federal land into state control in their states. Early in April of this year Idaho state legislature approved two resolutions seeking to enable Idaho to take control of more than 60 percent of the land in the state currently under federal control. Now, some people may say that's a pipe dream, but I believe it's important to have the conversation, because in the end the conversation will probably be settled on competence, and the competence of actually making environment and development happen together, I believe will happen better at the local level.

President Obama put two-and-a-half million dollars into his budget for voter education in the first federally sanctioned vote in Puerto Rico, so that Puerto Rico would have an opportunity to determine their options, vis a vis, the federal government, on that island. And at the end of last month, the U.S. House passed a bill that puts 1.6 million acres of Oregon forest into a state managed trust. There's doubt the bill will make it through the senate, where Senator Wyden has said he'll be drafting his own legislation, but if the plan holds, Oregon timber harvests are expected to more than double. And the idea of these trusts at the state level to help advance development and protect the environment is a bandwagon we might want to consider getting on as Alaskans. Surely, I believe Alaskans can strike a better balance between jobs and the environment than the suits in Washington. And we've just seen the discontinuity and the difficulties of getting people to come here, invest and stay here.

The second point I wanted to suggest to your committee is to ask the question of how can the Statehood Compact protect us? Attorney General Geraghty spoke to this group about Alaska's early 1990s lawsuit and the Statehood Compact. And as one who worked on the so-called Hickel lawsuits, I can tell you we were disappointed in the result. The suit reaffirmed that our Statehood Compact does exist, and there was actually an interesting exchange between Judge



Burbank at the time and the federal side defending the suit, where the judge said, surely you're not saying this Compact doesn't exist. And the feds said, oh, no, no, we're not going to say that. But the question is, what does it mean, because we lost the lawsuit on the part in the law that said the 90/10 revenue split was part of the Compact. What it left totally unresolved is what's in the Compact and enforceable, and what's not in the Compact and enforceable. And that is -- and what's not enforceable obviously can be unilaterally changed by congress.

I don't think we should give up on enforcing our Statehood Compact with the congress. In the mid 1990s, Governor Hickel and I, among others, worked with then Senator Drue Pearce, then Senator Robin Taylor to amend the Alaska Constitution to ensure that the state maintains the position that any change to the Statehood Compact by congress has to be agreed to by both sides. Now, you go back and look at the Statehood Compact, first off we wrote our constitution before we knew that the Statehood Act would come in by a Compact. Second, if you go back and look at that legislative history, there were people on the floor of the United States Senate who said, you've got to understand, we're coming in by a Compact, we can't change the future without the consent of Alaskans. You had the Secretary of Interior running around this territory at the time, before our plebiscite in 1959, saying, this is a Compact. And the court basically said, well, one part of it wasn't a compact that was just an administrative change in the law, including something, so we don't know what's in and what's out. But we have a constitution now in the state that says you can't change the Compact, or we're not going to abide by a change in the Compact without a vote of Alaskans, or a vote of the legislature.

And this part of our constitution has not been used, to my knowledge, in the federal lawsuit, because it did not fully define what's enforceable in the Compact. It would be good for us to know. And as we see more encroachment on subjects that we agreed to at statehood, such as state control of fish and game, this new clause in our constitution might help protect us. And at the very least, I believe we should learn how other states that came into the union by compact have been treated since. We have allies in other states, and the 10th Amendment of the constitution gives us additional ammunition to rein in overreach by the congress.

A third idea that I want to just put before you is the question of, where revenue sharing does exist, and it exists with us and it exists with some other states, should we demand a development plan from the federal government? Now, those of you who serve in the Alaska Legislature know how important that annual or biannual estimate of oil revenues is to your budgetary planning process. But what are we to expect from federal land? The federal government doesn't seem to care what revenues they receive on lands in Alaska, nor do they seem to care about the timing of when we will receive it. And I believe that states that own public land ought to get together and demand that congress provide more meaningful revenue forecasts and a timetable for production on federal land. It's clearly as much the federal government's responsibility for the fate of the nation to help us fill the Alaska Pipeline, as it is the State of Alaska's responsibility. What's their plan?

At this point all I can discern, and this is from many conversations with federal officials, is whatever happens. Whatever happens in our process, there's no certainty. Whatever happens in our process that has no responsibility or timetable to get finished. And we ought to understand what revenue is coming from the federal government, because we need to plan on it. And they've got twice as much land as we do. You'd think they might get a little bit of revenue that they'd be sharing with the state, and I think we have to look at federal revenue policies on federal

land. We should seek this clarity and transparency in federal law, and it would sure help Alaska to know what oil is headed to the TAPS pipeline and when, and have us insist that the plan could be improved in almost all likelihood.

The fourth question that I would just put before you as you look at the federal/state relationship is, should we think about reinstituting some of the inter-agency groups to work on state land issues that happened in ANILCA and had expiration dates in ANILCA and went away? And those of you who remember the work that Vern Wiggins did in the state and his committee, is just one example. But at this point I think we're challenged -- I remember the time we were writing, *Going up in Flames*, Ric Davidge wrote a chapter where he said, Alaska has got many governors. We've got a governor of Alaska, but we also have a head of the Forest Service, and we have a head of BLM, and we have a head of U.S. Fish and Wildlife, and we've got all these different agencies that govern our resources that have a huge amount to do with our economy. And one thing that Governor Hammond had the idea within ANILCA, and I'll tell you, I wasn't crazy about it at the time, but I think it may have some long-term value, is the idea of getting federal and state agencies to the table and having a better idea of what's happening with our land and what's happening with transportation and so forth.

This after expired -- Governor Knowles and during the Clinton administration, there was a memorandum of understanding that created a Land Managers Forum, which was co-chaired by an Interior Secretary's representative and the Lt. Governor at the time, Fran Ulmer. And I can just tell you right now, as Lt. Governor I've had a chance to sit for the state on several inter-agency groups dealing with Alaska, and especially the Arctic. We have a group that's working on an Arctic strategy, enunciated by the president with implementation. We have an ocean policy group which the state has a person on. We have the integrated arctic management group, which the state has a person on. We've got their idea of a landscape cooperation cooperative, which appears to be directed toward their efforts already seen in the NPRA plan to reduce the amount of leasing land available in the National Petroleum Reserve. We have the NPRA plan itself. We have an ANWR plan review, which the state's not very much a part of. We have a place where statutorily the state and federal and local land managers are part of it with the North Slope Science Initiative, which the feds don't want to pay too much attention to sometimes. We have the relationship with the Arctic Research Commission, and we have challenges in the Tongass where we used to have much more cooperation setting up a Tongass Land Use Management Plan. And I don't see it much today, and our promise with the Roadless Rule are a very good example of that.

On all of these things, we've got this schmear of federal agencies coming together to work, without the state having a clear place at the table, in most cases. And the idea of someplace where if there is federal land ownership and the state's sitting down and coming up with a common plan, to me makes a lot of sense.

The idea, and maybe the most radical idea that I want to just put on the table today is this, is that each of these plans, as you take a look at these federal plans, they tend to be ratcheting back the possibilities for access for Alaskans and development for Alaskans. And I think we need to talk with other western land owning -- large public land states, and when the federal government makes a plan on large public land in their state, I don't think that plan should be approved or go forward without the approval of at least the Governor.

Now, when I say that's the most radical, it's not radical in many other parts of the world, that the national government and the local jurisdictions agree on a plan going forward. And when we've had laws like coastal zone management, our power has only been to make the restrictions tougher. It's never been to say to the federal government, don't do it this way. And so we're facing federal agencies that are trying by stealth to keep us out of ANWR forever, to cut NPRA in half without an act of congress, to kick the can on the options and the opportunities and the potential of Alaska. And I really believe that we might want to push and investigate how states can demand that federal government not have so much autonomy in their state, because it controls so much of the future of their economy.

So I'll just close by remembering that the 9th Amendment of the Constitution says: The enumeration in the constitution of certain rights shall not be construed to deny or disparage others retained by the people. Another part defined in the 10th Amendment says: The powers not delegated to this United States by the constitution, nor prohibited by it to the states, or reserved to the states respectively for the people. And long live the 10th Amendment and long live courts that are beginning to give it justice and attention.

I believe Washington has it completely backwards. They think power is theirs to grab at a whim, and some of our leaders would tell us just to make nice and join hands and sing Kumbaya, but you tell me, I don't think has worked very well. We've been conditioned to believe federal law trumps all, and I say it again, we're not powerless, we're a sovereign state of the union, we gained rights at statehood, and we have to stand up them. This is not federal bashing, this is just simply trying to get the rules straight so we can bring in the investment, because investment means jobs, and let Alaskans move forward with our future. Thanks very much.

**Representative Keller** - Thank you, Lt. Governor. Thank you for your well prepared, thought out comments. Someone with your experience, your background, your reputation, we're particularly honored. By doing that, what you've done is you've shown respect to my fellow commissioners and I appreciate that. The moving well prepared document that will be used and will be referenced and I want to give the commission an opportunity to ask you questions and make comments on it. But we're honored that you brought that to us. Your understanding, your background, corresponds with a lot of the background and experience on this commission, and these commissioners are not paid state employees, they're here on their own time and I really appreciate that. And you've honored the commission. Thank you. Comments and questions. Commissioner Lean.

**Commissioner Lean**- I liked a lot what you said about trying to get control back for the state and the statehood's commitments, or the statehood transfer. I'm thinking in terms of -- that was one of the tenets I believe of statehood, was to put management at the local level and to remove it from Washington, D.C., or Seattle, in the case of the Bureau of Fisheries. And I see the Arctic Ocean Development thing going on now, and one of my regrets and something I think is wrong there in the closure of commercial fisheries in the Arctic Ocean. And what that has done has -- it has removed the possibility of small local efforts in industry supporting themselves and has delayed the development of fisheries until some later date.

And what that will do is put fishing in industrial form up there, as in trawlers and large vessels offshore, as opposed to how most fisheries develop throughout the U.S. and in Alaska, where you kind of start at the subsistence level, move into the artisanal level, and gradually transition

into a true commercial fishery. And red king crab in Kotzebue Sound would be an excellent example of that, that they -- like closing federal waters, it closed that fishery. And there was an opportunity and now there's not. And so I think so often D.C. looks at Alaska and says, oh, here's the worst case scenario, this could be really bad, and they fail to realize that the populations levels and the -- are very small and the opportunities in Alaska are very few. And I think we could do a much better job managing for local opportunity. Thank you.

**Lt. Governor Treadwell** - Charlie, thanks for raising that, and let me say that I was chair of the Arctic Research Commission when the congress passed a resolution urging the council to look at closure. And I remember the process the council had. Here's what we need to remember. The council gets sued often where it does have openers and where it does have catch quotas on maybe not having good enough science. So here's something where everything was closed down, but the promise was to continue to do the science, and if there was a sustainable fishery to be had an opening is possible. If you're finding that the right amount of science is not being done for an opportunity that could perhaps start with, as you say, an artisanal fishery, let's push for the science. We can do it. The council made it very clear at the time of that moratorium that it was not a permanent moratorium. The U.S. has said that in international settings, one of which I attended here in Girdwood just a couple weeks ago. And I think that we've got to hold them to the same standard that they have in the other parts of fisheries management around the state, which is do good science, and if there's an opportunity for our fishermen to go to work, let's go to work.

**Commissioner Arno** - Thanks again for coming to speak to us. I always feel better after listening to you, that somebody in the administration's paying attention. At the Overreach Summit, the most disappointing thing I heard was from the attorney general and his comment that what we need to do is -- you need to come bring us specific examples of Alaskans being impeded in their desire to do renewable resource management, or participate in anything like that. And I mean, at what point, how many examples do we need to have to get the state administration to jump up and say, enough is enough. And the clear example of that is the Landscape Conservation Cooperatives. I mean, here we are battling for 30 years on these MOUs with the federal land managers about managing renewable resources, and we're going to have an umbrella come in over the top of that that goes past the federal lands, includes all of the private lands and state lands on that.

And are we to sit back now and let -- because there is finance for the federal government to move ahead in the Department of Interior to implement these LCCs. Are we to sit back and wait now till we can get an example of how it's impeded Alaskans from utilizing resource or managing them? I mean, it's just -- it seems like we've been pushed far enough, we've got enough examples that the idea of having the AG say, bring me little examples, was a real letdown to me.

**Lt. Governor Treadwell** - Well, let me just put it this way. I talk frequently with our attorney general and I hope that he finds examples and opportunities. You want us to win, and sometimes a collection of cases, we've had this certainly with the Wilde case, the Sturgeon case, where you're looking for a good set of facts where you can win on the principle and show the principle. So I think that's what he was referring to. When it comes to things like the landscape cooperative, or the ocean policy, or the Arctic strategy, or something, what worries me is this, is that there's no law that prevents a set of federal agencies to sit down and say, okay, our policy is

going to be X, Y, Z. All right? The problem is that when somebody points to that policy as X, Y, Z, as if it has the power of federal law, when federal law said not to shut down ANWR, where congress didn't say, cut NPRA in half, didn't say with the lands west of the pipeline that we want a landscape cooperative -- the Roadless Rule is another very good example, where a policy comes in and takes away what you had at least guaranteed to be considered open by law.

And in some cases where the law gave too much discretion and didn't just say, this is open, period, your chance to make a case is a little bit tougher. And that's why I've been kind of searching in this federal/state relationship, because you're going to have policies like that. I'm reading a book now on the history of the sagebrush rebellion in the Reagan administration on these lands, and Reagan had a good policy that undid Carter's policy at a particular time and so forth. And we had some challenges, but they were just beginning to implement ANILCA. But the point is, is that when these policies become hard rules, that the courts then genuflect to, and the Roadless Rule in my mind is a good destructive example that we need to be fighting.

So at any rate, let's make sure that we've -- there is a group in the AG's office and they tend to organize that office based on the way we organize our state agencies, but I think we have to constantly be pressing to stand up for our rights whenever we can, and that's one burr on the saddle that this commission could be and let's do it. And then second, let's -- I agree with the attorney general when he says find good facts, and I agree with Senator Murkowski when she says, let's defund some of these policy planning processes that are really meant to take away our freedom, and then let's look for legislative opportunity to say, you can't take away our freedom without the agreement of the state.

**Commissioner Somerville** - Thank you, Mr. Chairman, and I too want to thank you for coming. We have a long relationship back to the Hickel administration and some part of that. I would like to raise a couple of things and get your feedback, I guess. The issue of revenue sharing problems, which I don't think any of us saw the decline in terms of activity on federal lands, which has resulted in the loss of revenue. I remember talking to Senator Stevens at length about we need a fair policy here. If the eastern states are going to penalize the western states for having federal lands, or they got around the setting aside federal lands, withdrawing them, because there was lots of it in the western states, why don't they pay in lieu of taxes, then.

Think of the goodness that would happen to the villages and the regional centers of the rural areas if in fact the federal government paid in lieu of taxes for all those areas that they choose not to develop. I mean, that would be fair. I'm just expressing to you a frustration I see in this thing of trying to force people to come up with development ideas and things that are counter in this. And then I'll use Pebble Mine just as an example. Whether you agree or not with the position of Bristol Bay Native Association, or the groups there, they're concerned about their cultural identity and the impact on them. And in some cases they wouldn't have to pursue some of these conflicts if they had other alternative sources of revenue, that's what I'm saying. And we all recognize that that's been lost. I'm just making that statement.

But one of the other points I wanted to make was, frankly, a lot of our problems are in Washington, D.C., not just with the federal government, I want to make clear this is a personal opinion, it isn't CACFA, but we raised these issues. Senator Stevens isn't there anymore. Senator Stevens does not get us a lot of things after the federal government changes in policies, because he tells them they're going to lose \$50 million in their budget if they don't do something.

We don't get that anymore. We raise these issues and they die.

And we have some major problems on dual management of subsistence. Can we get any help out of Washington, D.C. and our delegation to solve them? No, we can't. Even though the governor has gone back and talked to the Secretary of Interior and our delegation saying, I'm not advocating getting rid of it, I'm just saying we need help in trying to resolve it, help provide the mechanism by which we can do what people are saying we need to do in these arenas.

I guess the last -- my last point, and you can just comment on what you want, and that is CACFA has jumped off into a large pool of water.....

**Representative Keller** - Right.

**Commissioner Somerville** - .....and we're treading water right now. And I'm proud of this group, personally. I'm really proud to sit on the stage with this group, because they have done this. There is no central place in government for this type of overview, it just isn't there. Fish and Game does it for fish and game, DEC does it for the environmental protection issues, DNR does it for oil and gas, but there is no central place where these things are pulled in. So we're trying to start that process.

I guess I'm looking for help and I'd like you to comment on that. CACFA is up for reauthorization and I'm not lobbying for CACFA to -- if it's the best policy of the government to not have CACFA, that's fine, but somebody has to continue this process. I think we will put together a report that goes to the legislature in January that will be earth shattering in a way, when you pull all this together. Somebody has to continue that. The state has to commit the resources to solve some of these problems, and I guess that's where I'm coming from. And the last one is by far the most important to me, because I hate to see us in this pool of water and not getting support from the legislature and the governor's office.

**Lt. Governor Treadwell** - Sure. Well, let me go back and say I believe the governor is with you in principle, and I believe that he has not shied away from taking on the federal government many different times and ways. And just on the issue of revenue sharing, when the Department of Agriculture, the secretary called him and said, I want some money back, we gave you some revenue sharing money that we don't have now under sequestration, can you send it back, he said, no, thank you, and if you want the money there's plenty of timber you can put up for sale, that makes some sense.

I had a couple of school kids on a school project from Wrangell come into my office and say, our school district has lost \$600,000 in payment in lieu of something-or-other, that was kind of part of the deal when they shut down the timber mills and the pulp mills in the '90s, and that money went away this year. And again, I have urged my friends in the legislature, why don't you ask for the land back, and trying to move forward and get the state forest idea in federal legislation. It wasn't added to the bill when Doc Hastings' bill passed the house, it hasn't been proposed by our delegation. I've heard that they want to make sure it doesn't confuse what they're trying to do with the Sealaska bill.

But one way or another, I think the federal government ought to look at its lands for production and there's an opportunity. We did ask for -- because we're a beneficiary on state -- on federal

lands, in one of the Hickel lawsuits we said that ANILCA shouldn't have happened without some payment of damages for us the beneficiary. And the court said, no, that was one where they had the right to put it on or off limits and not pay us if they take it off limits. But I think pushing for the federal government to be responsible with its assets, if you haven't noticed lately, they're in great debt. They don't have a path to get out of a deficit situation and they've got a lot of assets. I think we can help them.

On the issue of the state standing up for this, I made the point in a meeting of the Arctic Policy Commission recently that you guys were spending a lot more, taking a deeper shovel into the federal overreach issues. And I hope you spend some time with that commission to make sure that our looks and our arguments -- because you're both coming back to report to the legislature around the same time, or there -- we spent a little bit of time on that Arctic Policy Commission, were advised -- trying to break down the doors and saying, listen to Alaskans about Arctic policy. And they say they're listening, but in terms of turning a corner to see the resources on science for fisheries, or icebreakers to prevent oil spills, or rules to respond to oil spills from these new oil tankers going through the Bering Strait, we're not seeing the federal government make any -- we haven't seen them gone from the wonderful principles to the specifics there and we need to see that.

And likewise on this, in the relationship between federal and state governments, I noticed -- and when you and I served on a resource cabinet, where the resource cabinet came together and talked about these issues quite a bit, I think we need to have more inter-agency cooperation on it, but there's probably more than meets the eye at this point. But the idea of some sort of lever on the federal government so that they just can't pass these plans, or make these wholesale changes to the way land is managed in Alaska without our consent, is I think something we should ask for. And this new sagebrush rebellion, so to speak, that you're seeing happening in Utah and Idaho, we ought to help channel that energy to a good cause where we can actually get some changes.

**Commissioner Woods** - Thank you for your comments. I appreciated reenacting some of like the Land Use Commission. I would even say that some of the joint boards that we need to be a part of is that collaboration needs to happen. Maybe outlining how would that be at the administrative level worked out. Our recommendations are going to come forth soon?

**Representative Keller** - The deadline is, what, ten days after session starts, right, so it would be January 31st.

**Leaphart** - January 31st is the target date.

**Representative Keller** - This commission runs out in June of next year.

**Commissioner Woods** - And reauthorization comes up. But also the Land Use Commissions and the Board of Game, Board of Fish, joint boards are meeting next week on a bunch of issues I think are real important. And I appreciate your recognition that the Alaska Native community has grown up to where there are real -- it's a multi billion dollar force in the economy of Alaska.

**Lt. Governor Treadwell** - Not only that, it's a place where Native land managers and state land managers and federal land managers were supposed to get together and have a good science

program with the North Slope Science Initiative, and who kind of abandoned this process. And abandon is maybe not the right word, but who has given the last respect to this process has been the national government, and even though this is an entity created by congress, so we've got to continue to push for that.

On the federal/state land use commission that I mentioned, and I'm not sure I've got the right numbers, let me say two things. This is one where I'm putting this forward as an idea, rather than administration policy. I want to make that very clear. The second thing is that a close reading of ANILCA showed that there was a group where the federal government and the state got together, and then there was a place where the state land managers were supposed to make their decisions in public. And there's a legal question of whether that second group had the same expiration date as the first group, or had no expiration date at all. I can tell you that the second group does not get together and make land use planning decisions in public. And there may be an argument under ANILCA that that has not expired. And again, I say that, so this is the type of thing I know that you've -- Stan, I'm not trying to load more bowling balls on your flatbed truck, but just more things to look at as you do your report, and that's one where we may have some leverage to say, at least be much more transparent and consistent in the way you make your decisions.

**Representative Keller** - Just be aware that we're scheduled for public participation. There are some here to testify. And I hate to hurry us up, but that's what I do. But I want to dig just a little deeper in this, and that is, if you're going to be instrumental in making the recommendations on the Arctic Policy Commission, and as we consider doing our recommendations, and I think you suggested that we keep each other in mind in this process, we're particularly about this inter-agency management group. What exactly would the recommendation in your mind be? Would it be a recommendation for the administration to put together an MOU in the administrator branch, or legislation maybe, or I mean what are you thinking? What are you envisioning? And you probably.....

**Lt. Governor Treadwell** - Sure. I don't have the letter which the co-chairs of the Arctic policy group sent the national government, but it was Senator McGuire and Representative Herron sent a letter on behalf of the group. And part of it was to kind of knock down the door to say that as you do your Arctic strategy implementation, listen to Alaskans, as you do some of these other inter-agency groups. And the idea of having a dialog has gotten respect from some of the people in the administration in Washington, and the White House had somebody at the last commission meeting and so there's a dialog there.

But the concern is that as federal government makes these inter-agency plans that become policy, we want them in one sense to come up and do what we're actually asking you to do. Where are the icebreakers in the budget? Where is the respect to actually get an Arctic port so that we've got a port of refuge for all these new ships coming by? Where is the oil spill planning process, as crude oil tankers going through the Bering Strait right past seal hunters and walrus hunters and so forth? And we've been saying, well, gosh, get off the dime and figure out exactly how you're going to solve this problem, because one more nice set of principles published by the White House isn't going to help us there.

We've got to get something to happen. So that's something that I think you should be aware of, and having CACFA speak with that voice with that group is helpful. On the other hand, since



what you're also looking for is better ways to have state goals on public lands happen, you might inform the Arctic policy group that you're going to take a tough stand on maybe this idea of how planning works, on how planning groups come together, how there might be some need for a statutory sign-off one way or the other, if you like that radical idea I put up, that they might want to recommend also. That's all I have to say.

**Commissioner Liska** - Yes, thank you, Lt. Governor. And I just really appreciate the thoughtfulness of the five points that you put out there for us and that you've been working on this for so many years with some relatives of my own.

**Lt. Governor Treadwell** - I learned at the feet of your mom and others who were our pioneers, fought for statehood, and fought to take advantage of the autonomy and the self-determination we got, and I'm glad you're sitting on this commission.

**Commissioner Liska** - Yeah, I'm excited to be here. And that was one of the questions that I had, was you laid out five points here for CACFA. And I look at them and we're talking about how can we reinstitute, or have the Alaska Land Use Commission reinstituted from the ANILCA original documents here. But on some of these other issues, that was my question, is how do you see CACFA playing a part in these points that you've laid out for us? What are some recommendations? I mean, I love that they're pushing the governor to, if it's the governor, to sign off on these things, or.....

**Lt. Governor Treadwell** - Well, let's go back on a legislative agenda in Washington. We clearly in Washington have several things on our legislative agenda right now. One of them is revenue sharing in the offshore. Another is whatever happens on the far-off shore, we want to make sure that the state is respected. We've got the Sealaska bill, we've got the Alaska State Forest legislation that we'd like to see move forward. And you might end up having a shopping list in your report. To that shopping list there may be a few other provisions in federal law that would guarantee more of the self-determination we thought we were going to get at statehood, the idea of defining the statehood compact. And maybe before we enter that thicket, we've got to look and see how this has worked with other states.

The idea of a revenue sharing plan, where the federal government gives the state an estimate of what its revenue is going to be, and we try to get them to hold to it or make it better. The idea of signing off on federal land management plans, some of those ideas I discussed. And in my mind those are the kinds of things that can end up on the state's agenda in Washington, the same way that your support for more funds for Arctic power in the legislature has kind of helped us put ANWR back on the table. So that's where I would see your report coming out.

**Commissioner Olsen** - Yes. Thank you, Mead, for your time today, mutual situation here. Anyway, what does the administration see in regards to the sequester situation? I see a lot of clues across the country and a lot of very serious clues in certain regions throughout the United States that this is going to be a long-term situation. We have walked away from manufacturing in this country, we've walked away from basic economy in this country, and if it wasn't for oil shale and resource development down south, this country would be in a miserable situation. And I'm just wondering, I think ANILCA is still, to this day, remains a scheme, and by that I mean that that's the identification that Judge Holland, in Federal District Court, describes ANILCA. And the definition of a scheme, of course, is that that is either proved by time, or proved by law.

And ANILCA to this day, 30 years after the fact, remains a scheme, because it's under constant attack legally and it's a constant turmoil. We've had the Ninth Circuit Court tell us, this is going to be a, whatever you want to call it, is going to be the most turmoil situation in all kinds of aspects of ANILCA that we've ever created by this court. That's almost verbatim. So is the administration seeing the fact that these federal agencies are going to have to consolidate? There's no way that we can support 10 or 12, or I don't know how many federal organizations stacked and stacked and stacked. And now we're hearing from Mr. Arno and others, we're stacking it higher.

Evidently, we're part of this situation here. I think we're the example if -- I think if the South 48 really saw what had occurred in Alaska, as far as the per capita expenditure in Alaska, I think they would say, hey, we're not going to be suckered anymore, and we would feel the wrath of their input. But back to the question. Is the administration getting consequences on this? Do we have to economize? Do we have to get our money's worth?

**Lt. Governor Treadwell** - Well, I don't want to speak for the governor, per se, except I think his reaction, when they called and asked for their money back on the national forest, was why don't you put up some timber for sale. We're going to -- the hole that we're in as a country is one that we're only going to get out of with greater prosperity. You couldn't possibly tax the American people enough to deal with the debt, you couldn't possibly -- and changing the tax levels is an example. And we have a list in Alaska of direct federal policies that have diminished American prosperity.

I read in the Wall Street Journal yesterday, we're the number one energy producer in the world. How does that feel, that we Alaskans weren't allowed to make hay while the sun shines, that our oil production diminishes? It doesn't feel very good. And I think we have to constantly push forward, and I mentioned a number of different ways we can argue our agenda. One of them is that we're worth it, and the other is that we're more competent than the management scheme in place to make environmental protection and development happen. And if you look to that competence, there may be a way to streamline the federal agency approach. That's all I have to say.

**Commissioner Fish** - Throughout this process of this Federal Overreach Summit and the years I spent listening to testimony on this commission, it appears to me that there's just such a volume and monumental task of resolving these aggressions, that it's almost incomprehensible. But it also causes me to try to distill it down to what is the overriding issue. And I'm starting to see that there's a perception of authority that's been misguided in every level of society. We have the federal, the state, the local and the individual. And you correct me if I'm wrong, or my opinion isn't shared, but this country was started with the idea that the individual was at the height of control over their lives, the most power is shared in the individual, and each successive state of government had less. Well, that model, even though it's in our constitution and in our founding documents and we're supposed to be guided by it, has seemed to have been turned on its head, where the farthest away, the least accountable has the most authority and power over our lives.

And it seems to be shared by -- well, people in local offices believe that the next higher rung on the ladder is state government. People in state government believe the next higher rung on the ladder is federal government, and they all seem to see a certain amount of authority to that next level of government. And my question to you is, is this a false perception of mine, or is there a

way that we can somehow get people to understand that the most control and power in their lives belongs to them?

**Lt. Governor Treadwell** - Well, Mark, I just have to say this, Mr. Vice Chair. I appreciate your comments. I believe that the role of government is to protect our rights and not to take them away. I also believe that the strongest freedom happens when we all have good self discipline, and that begins with educating our children to deal with land appropriately and so forth. But the fact is that every time somebody comes up with a reason to take away our freedom, and whether it's BLM saying you can't use a four-wheeler where you did last year, or something else like that, their excuse is that individuals haven't been responsible enough. So I always try to teach my kids to be responsible, and sometimes when they're knocking golf balls off the roof into bird rookery, I'd say that's probably not a good idea.

But the point I'm getting at here is that we have to stand up for our rights as a state. We also have to stand up for our responsibilities as a state to think for the total, because Washington will not think for the total for us. They're not going to understand a lifestyle that's dependent on subsistence. They're not going to understand -- I have people today who ask me why in the world we even allow hunting. They've had to install fax machines in governors' offices when Ron and I were there, just simply because we had predator control, because we had to have predator control. And the fact is, is that we have to constantly make the case that we're doing it, but we're doing it responsibly to defend our freedom. And I don't see the levels of government as one having power over the other, I see -- sometimes to deal with a problem you need a bigger circle, but that doesn't mean you give up on individual rights at the smallest part of the circle and let's just keep fighting that way. So that's a philosophical exchange, Mr. Chairman, Mr. Vice Chair, but please keep at it and keep up what you're doing, and if we can help in any way, please let us know.

### 11:30 a.m. PUBLIC PARTICIPATION

**Representative Keller** - Thank you. We're deeply grateful you came. We're going to move into public testimony, and if you have time, Lt. Governor, the first testifier would like it, and I'd appreciate it, if you'd listen and put this on your radar screen. It has to do with railroad easements and how they're -- permits and all that, and how they're interacting. So I'm going to ask **John Fletcher** to come right up and give us the problem. He and I have talked about the issue and I understand a little bit, and he'll explain it to us. And while you're getting ready there, John, there's several others in the room to testify and thank you for agreeing to go a little later on this. And if anybody in the room wants to testify and you haven't talked to Karrie, make sure you do so that we have your name. So go ahead, John. Identify yourself for the record.

**John Fletcher** - My name's **John Fletcher** and I live at 13608 Jarvi Drive in Anchorage, 99515. I live right next to Ocean View Park and right next to the railroad track. I've lived there with my wife since 1980. And I want to just bring to your attention something that I think tangentially touches the issues that your organization is involved with and it touches a lot of other issues having to do with the relationship between the railroad and its neighbors.

And this came to a head I guess about a year-and-a-half ago in June of last year when the railroad summoned everybody in residences, not businesses, but residences alongside the railroad to discuss a new permit program under which the railroad sought to have adjacent

property owners apply for a permit to the railroad to use their easement for things like grass, gardens, a greenhouse, and to pay for it. And I was the lead-off speaker in that and the Lt. Governor was one of the speakers in that. And after he got done speaking I turned to my wife and I said, darn, I wish I'd said that, because he's really -- he really put the issue before them.

And I think the suggestion that he made to them in summary was that they take the permit program that they were proposing, think about it very carefully, and then not bring it to the attention of anybody in the future, but he didn't exactly say it that way. He sort of took it line by line and said, I think you should reconsider this and you should rethink this and you should -- back for a committee and then you should send it to a subcommittee and so on. But the gist of it was that it wasn't really a very good neighborly project to be doing. My own dissertation was more in line with -- I've lived next to railroads all my life, I got nothing against them. I chose to live next to a railroad. I want to be friends with you in the future, but what's happened in the last 18 months has convinced me that I'm going to have a real tough time with that as time goes on.

And I have created a website, as everybody does in this day and age, and at my age it's difficult to do that, to tell you the truth. And it's [www.alaskarailroadeasement.info](http://www.alaskarailroadeasement.info). This is a multi-faceted mess that has a long history, and actually the history of it goes back into the 1830s when states began to issue land grants to railroads for the creation of railroads, and the government was furnishing fee simple land in essence to railroads to help finance the creation of the railroad itself. And this went along for awhile, and in 1861 there was a guy named Abe Lincoln, and you may remember from high school that he created the Transcontinental Railroad by alternating section land and all that sort of stuff.

All of this is on the website so I'm not going to go into a lot of details, and I'm going to jump ahead to the 1914 Railroad Act. And I found out an amazing fact the other day that most railroad track that there was in the United States was in what year? 1915. And over the last few years railroads have actually declined and have given up tracks in the Lower 48. And so there's a transition from the ownership of railroads and land from virtual fee simple ownership into other kinds of rights.

Now, the Alaska Railroad, for example, was created in 1914 by the Act of March 12, 1914. And the government of course up here, the federal government owned everything in sight in Alaska in 1915, so what they said was, we're going to create an Alaska Railroad and we're going to designate a 200-foot wide swath across federal land for the track. And the purpose stated in the 1914 Act was for railroad, telephone and telegraph. That was the -- and so homesteaders came along, and in Anchorage, for example, you'll find homesteads being created in downtown in 1940. And I think that the Lt. Governor's house is probably sitting on one of those early homesteads that's been later subdivided and you have successors of the homesteaders down there. Out in our area it's 1948 and 1949.

A fellow named Hancock came along, and then a fellow named Jarvi, so we have Jarvi Drive. He's the next homesteader down south of us. And so they came in and they got a homestead under the 1862 Homestead Act. And the federal government, through the Department of Interior at that time, would issue a patent and the patent would say, you the homesteader have this property and it looks like this, and there's a reservation for this railroad track that goes across here and it's 200 feet wide. Well, by 1948 their track was already there. You could look out your window and see it, or you could walk up and touch it. And so it was well established that

there was this reservation and it was stated in everybody's patents. And so we along Jarvi Drive are the successors of the homesteaders in the land with that reservation for that railroad track across our property.

Now, if you jump ahead to 1982, in 1982 the federal government had a plan to shut the railroad down in 1983. And the governor at that time was Jay Hammond, and Jay Hammond and others said, well, if you're going to shut it down, we need it, so why don't you just transfer it to us? So that became the ARTA, which is the Alaska Railroad Transfer Act of 1982. And there's another act called ARCA, which is the Alaska Railroad Corporation Act, and so they're together in time. They were passed in approximately 1982. Now, to make a long story short, I think the vision of Don Young and Hammond was that the railroad easement would be by transfer, the same as it was in the 1914 designations of it for railroad, telephone and telegraph. However, there were a number of problems that were going on with the Alaska Railroad and its track, because the -- it gets really complicated, but for example, the 1906 Allotment Act allowed people to make claims for land against the federal government and there was conflicts in ownership in that with the Alaska Railroad.

There were also conflicts caused by the Alaska Native Land Claims Settlement Act in 1971, and people would come in and make claims and they were overlapping and conflicting with the Alaska Railroad. There were two main areas of conflict; one was Eklutna and the other one was Nenana, and there probably were others. And in ARTA in section 1205 the drafters of the legislation sought to provide for a mechanism for resolving the dispute between the Natives and the federal government, prior to transfer of the railroad assets to state ownership. So section 1205, if you read it carefully, you can see it on my website and read it, it was for the purpose of resolving those Native claims. In the process of that, the drafters of that, contrary to what I think Jay Hammond had in mind, created what's called an exclusive use easement. These easements are defined in section 1202, which is the definition section of ARTA. A 1202.10 definition is the rail properties definition, which covers the 1914 easement, railroad, telephone and telegraph. The 1202.6 definition is an exclusive use easement. Well, what is the difference between the two of them? Well, the world, that's what. First of all, an exclusive use easement sounds a lot different than railroad, telephone and telegraph, doesn't it? And what it means by exclusive is that under 1202.6 the railroad can use it to the exclusion of anybody else, and number two they can fence it off.

We jump ahead to BLM. They have now, I want to say piddled around for a number of years during this transfer, confusing the transfer of the 1914 easement, as contemplated I think by Jay Hammond, with the 1205 exclusive use easement. And they have come to the conclusion, unfortunately, that the railroad track in its entirety now, contrary to what I think Jay Hammond had in mind in 1982, it shall all be now exclusive use. And so they're in the process of converting it to exclusive use. And what have they done in that regard? Well, they've started issue -- BLM has started issuing patents.

Has anybody here ever heard of an easement being patented? The answer is -- has anybody ever heard of a piece of dirt being patented more than once? The answer is -- well, they've taken that piece of dirt underlying the 200-foot wide railroad track and they are repatenting it. Now, Mr. Hancock, in 1948, would have been surprised by that, because that's his dirt. It's subject to the reservation for the railroad easement, but it's still his dirt. And upon abandonment of the railroad track, it would have reverted to homesteader Hancock, or his successors, not under -- not

the way that the federal process is going now. There was -- to even make the situation even more complicated, the right of reversion is what we're talking about.

In about 1982 the congress was also dealing with the Lower 48 where these railroad tracks were being abandoned, and they passed what's called the Rails to Trails Act. For anybody familiar with the Rails to Trails Act, it's a program under which a railroad, upon abandonment -- remember the difference I told you about 1915 and the declining railroad tracks and their being abandoned -- let's stop with the right of reversion and ask if anybody has any questions for the Lt. Governor and the permit process that he saw going on, or would you like to hear more of this?

**Representative Keller** - We'd like to hear you out, but I just want to -- for those -- there's two out there, **Al Gloozmer** and William Sheldon, and I just wanted to say, the agenda was to go with public -- wait and let me finish -- till noon. We're going to -- with the permission of the commission, we're going to just press on here and hear everybody out. We're not going to shut anything down, but I just wanted you to know the restraints.

**John Fletcher** - Anyway, this whole transfer was excluded from the Rails to Trails Act and there was a provision for it going back to the adjacent property owner, which was common law. That's section 1209 of the Transfer Act. And that's the way things went along until 2003 when somebody and I'm not sure exactly who it was, but I think the railroad was involved in this, repealed section 1209. They didn't repeal the common law, but they did repeal the section that excludes it from the Rails to Trails Act. Two years ago in 2011 the Alaska Legislature returned the right of reversion to the adjacent property owner through a piece of legislation, but they only made it applicable to the Eielson Spur Line. Now, there was discussion in the legislature at the time as to whether this was a localized problem in the Eielson Spur Line, or whether it applied to the entire track. The answer is, it applies to the entire track. And so the legislature, and my proposed legislation would do that, should go back and amend that state statute that they passed two or three years ago to include the entire line and restore the right of reversion to the adjacent property owners and not let it fall back into public ownership.

Don Young and Jay Hammond, I think back in 1982, would have envisioned that we were supposed to get property out of the public domain and into the private ownership. And what BLM and congress has been doing in the last number of years has been the reverse of that. And of course what BLM and the railroad are doing together is the reverse of what Jay Hammond had in mind back in 1982, and it actually defies.....

**Representative Keller** - If I could interrupt, John. I really apologize.

**Representative Keller** - The Lt. Governor stayed, and if you have something you want in particular for him to hear....He has to leave in just a couple minutes, like one or two, so go ahead and you can direct it and then we'll.....

**John Fletcher** - I'd like to have the Lt. Governor make a few comments about what he thought of the permit process and how that (inaudible) with the railroad.....

**Lt. Governor Treadwell** - I have to be very careful about this, because I am an adjoining landowner and a leaseholder with the Alaska Railroad, and don't want to do anything with my

position that would be inappropriate. John has raised a very interesting question that I think affects him more than it would ever affect me, but it's very simply the question of, is there an easement, or is there a fee simple patent, or a patentable right. And he has raised a question that I believe, in your look at relations between the federal and state government, as that law happened, was something that may have fallen through the cracks and he's bringing up now as something that needs to be understood.

As far as the railroad's policy toward its neighbors, I've made my personal opinions known to the railroad as one of its neighbors and I'm not going to speak to that here. But as far as that particular legal issue, having been one who worked on that legislation at the time, wrote my master's thesis on it at the time, the question of what exactly kind of land did the railroad have with its right of way and its easements is one that obviously needs to be resolved, and John has raised some very important questions.

**Representative Keller** - Thank you for the endorsement. Appreciate it.

**John Fletcher** - Anyway, it's all on the website and you can read all about it. Let's jump forward to how this all involves you folks. Okay? Section 1208 of the Alaska Transfer Act. First of all, if we go back to all of this transfer that does not involve section 1208, it involves every foot of the Alaska Railroad track as it exists right now, because in converting this from a railroad, telephone and telegraph easement, in which other people have rights to cross it and not be barred by a fence, we have the prospect of 1208. And in 1208 the federal government stated in this legislation, 45 US code section 1208, that in the event that the Alaska Railroad required any further tracks, now we're talking into Canada, right, that's one of the places that this is important, that it would furnish property over which the track could run through federal lands. Of course, there could be some state land involved in it, too, just to get to where the federal land is.

And in the process of that, section 1208, like 1205, unfortunately, starts talking about exclusive use. And so the prospect is that the railroad is not required to comply with the Alaska Administrative Procedures Act, by statute, and the federal statute doesn't provide for any public input into where we're going to have exclusive use easements and where we're not. The way that it's going, based on what I see of the transfer of the 1914 easements alongside residential properties, is that they're going to make it all exclusive use, which turns Jay Hammond right on his head, because where Jay Hammond said, for consistency we should make it all 1914, he called it the standard railroad easement for Alaska, the standard. I added the word gold, the gold standard of railroad easements is the 1914 easement.

Unh-unh, that's not the way that -- right now the procedure is that the Alaska Railroad goes to the BLM, or they come the other direction, or something, they meet in an alley somewhere, and they say, what kind of rights should we confer on? Well, let's see, what -- well, are we going to listen to anybody else? No, we don't have to. Well, what would you like? How about an exclusive use easement? Let me get out my patent paper and we'll just fix you right up. Not only are we going to fix you up on your new dirt, but we're going to remediate the old dirt. We're going to go back to Hancock's patent and we're going to change it. It's only 1948, that's just yesterday, we can -- the ink ain't even dry on that one yet, we can change that. We'll fix Jarvi's, too. Matter of fact, they fixed Jarvi's patent down the street from me.

Down the street from me lives the president of Shell Oil Company for Alaska. And they have

issued a patent on the railroad track next to his house conferring exclusive use easement, and they have said, he's got until October 13 to file an appeal with the BLM maintaining that their procedure was wrong. Well, it's wrong minded. And every one of us alongside -- along the track is going to be faced with this, and the next neighborhood to get hit is my house, because that seems to be the place that the people are the loudest. And so -- but it's coming to your neighborhood. If you folks live up in the valley, this permit project that they started a year ago in June, they said on the record, it's starting here in Anchorage and it's moving outside of Anchorage as fast as we can make it go.

Now, this is a problem that was created by some unfortunate thinking back in 1982, and lack of clarity, and frankly lack of drafting skill on the part of some people that were involved in all of the drafting of this thing. But the problem is solvable at a state level. And I've proposed some legislation, first of all to amend what they did with the Eielson Spur two years ago and make that statewide on the right of reversion, and secondly, there's an interesting provision in the Alaska Railroad Corporation Act. In fact, there's a number of them. If anybody cares to read it, it's AS4240, chapter 40. And section 285 is germane to what we're discussing here, because in 285 it says -- I've got it memorized for some reason. It says, the Alaska Railroad may not apply for, nor may it accept the grant of any federal land within a metropolitan area, except 5(c). 5(c) says it may accept an easement under the definition of ARTA, section 1202.10.

Remember the one that I told you about that was for railroad, telephone and telegraph? And you know what, BLM is issuing, and what they are now -- that the railroad is now accepting, 1202.6. I don't find 1202 as being an exception to that statute, and it isn't. They have to have an act with the legislature in a metropolitan area to receive an exclusive use easement. My thinking is that they ought to have -- they ought to accept what God gave them, which was the 1914 railroad, telephone and telegraph easement. I don't know why that statute is limited to metropolitan areas, except that if you happen to be on one of the staff's of say one of your transportation people in a municipality and you're dealing with the railroad on a railroad crossing, does it make a difference whether they have an easement for railroad, telephone and telegraph, as compared to an exclusive use easement? You betcha. The bargaining position just changed dramatically. This hasn't come to the -- it's something that the legislature can deal with and they can correct, that's all I'm saying.

So anyway, I've talked to our congressional staff and I brought it to the attention of the senators and Don Young's office. They feel it's a state problem, because although they acknowledge that maybe some bad language was used back in 1982, there's nothing we can do about it now. And I think that the problem is largely solvable at a state level by controlling the amount of property rights that the railroad is accepting from BLM. In other words, the state has the right I think to refuse being granted what they don't -- what the federal government didn't own. When you're changing the easement from railroad, telephone and telegraph to exclusive use, you're affecting the property rights of everybody that's adjoining the railroad track, and I don't think that the railroad should be involved in accepting the grant of something that the federal government didn't own. So anyway, I'll let it go at that and I appreciate your time and listening to all this.

**Commissioner Olsen** - Yes. Mr. Fletcher, just the fundamentals, one question. Is it legal to walk on this easement as a person across the back of your property, or on that easement from one point to another....for the public?



**John Fletcher** - Well, the railroad police will tell you no. They -- actually, there was a.....

**Commissioner Olsen** - So it's not legal.....

**John Fletcher** - Well.....

**Commissioner Olsen** - .....according to them?

**John Fletcher** - According to them it's not.

**Commissioner Olsen** - Okay.

**John Fletcher** - Actually, the way easements work is that an easement is not a grant of a right in land, it's more like a license. You're allowed to use the property for whatever purpose is stated in the easement. They actually charged a fellow a number of years ago, you may remember the guy named Craig Medred.....

**Commissioner Olsen** - Yes.

**John Fletcher** - .....and he was charged with trespass. And my understanding was that the judge threw it out. Now, I don't know -- I don't have direct knowledge of that.

**Commissioner Olsen** - Mr. Chairman? One additional comment. In order to get support, I would think that in your proposed legislation to the legislators it would be worthwhile, since we have such a limited amount of access and modes of transportation, walking or whatever, that within that proposed legislation we should straighten that issue out of foot traffic, or something along that utility.

**John Fletcher** - And I thought to that extent -- the legislator I've been working with is Craig Johnson, was my -- and Lesil McGuire. They decided that Craig should carry the ball on this and he's been out of town, but I proposed legislation to him last session to make the law state that those that were using the railroad track would not have a claim against the railroad for the liability of the railroad, except for intentional conduct and something like that. And so I already -- I sent that in. I didn't put that in here, because I didn't think it was directly germane. But my children, for better or for worse, grew up on the railroad track, and we walked down the railroad track. Frankly, I think I'm intelligent enough not to be hit by a train.

I've lived -- as I said, I was born next to a railroad track, and they make a lot of noise. That's the thing that I've noticed about them, and they're big, and you can step aside and not be hit by them. If we carried -- and I understand the railroad's position on this, too. They say, well, we don't want the psychological effect of our railroad engineers being involved in a fatal accident, to which I asked, how many have we had alongside Jarvi Drive in the last 40 years? I don't remember any. And so if you use that logic and extend it all the way, then you'd say the same thing about a highway where there are trucks on the highway and people cross those roads to get to the other side. And they do so at some risk to themselves and the driver of the truck, they -- you don't want to have them involved in an accident. Nobody wants to have an accident. But if people use common sense, we're not going to have a problem like that.

I think it's an insult to our intelligence to think that we can't operate with multiple use. Down in the Lower 48 we have situations, and I put them on my website and links to them, where the railroad track is going along, the railroad train is moving, and people are hiking and biking next to it. That's part of the thing that we have. We have multiple uses around here.

But I really see a problem coming up in section 1208, especially. It actually just divides the state. You run a railroad line from here to Canada, it's going to go basically along the road. Now, are they going to fence the whole track off? No, they can't afford it. They can't even afford rail ties. Are they going to top it, put a top on every foot of it? No. But what they are going to do is places like Twentymile, and you folks from Anchorage know where Twentymile is. A lot of people congregate there for a lot of different activities, for example. And there's a hiking patch alongside the railroad track down there at Bird, and that's all been fenced off. And do I advise people to stand on the middle of the track just to see if the train will hit them? No. But I think people of common intelligence can cross a track.

Now, where they are going to start putting up fences in the future is where people use it most, and that has the most effect. So I'm just saying that this is a problem. There isn't any mechanism for resolving this exclusive use easement. My recommendation to everybody involved in this thing is to do -- I only found this thing that Governor Hammond did, it's in U.S. Code Congressional Administrative News, in 1982 at the time that they were passing this, he wrote a letter of May 20 -- I think it was May 28 of '82 to Representative Stanton, who was the chairman of the committee. And you all can go over and pull out the U.S. Code and Administrative News, it's in the dungeon at the law library, and read it. But it makes really interesting reading, because what is being done here has absolutely turned on the head what Jay Hammond had in mind when he's talking about making it consistent and that the 1914 easement is the standard here in Alaska. No, no, no, BLM ain't going for that, no. They have to read restrictions on Natives, which is really what 1205 is. It's resolving the Native disputes that are going on in Eklutna and Nenana and then separating them with a fence. Right? That might have been okay thinking in 1982, but I hope we've progressed a little bit beyond that by this time. And my suggestion is that it isn't even appropriate in those areas and it ought to be rethunk [sic].

**Representative Keller** - Which is a good final word.

**John Fletcher** - And there you have it, it ought to be rethunk [sic], so that the Alaska legislature, if we can get their attention, can rethunk [sic] it and we can make the whole vision as Jay Hammond thought it could be, which is the multiple use, nonexclusive railroad, telephone and telegraph, everybody lives happily ever after, and I can go do something besides study the history of Alaska railroads and other railroads going back to 1830. It's been very interesting. I appreciate your time, but I would like to be off-duty.

**Representative Keller** - Thank you, John, for bringing this to our attention here. You did a thorough job. We're going to go **to Al Gloozmer**. And thank you for your patience, Al, and we will want to hear what you have to say. And before you start, did you want to testify? Did I see you raise your hand?

**Al Gloozmer** - My name is Al Gloozmer. I'm the president, chief executive officer of the Native Village of Tyonek. And thank you, Chairman Keller, Exec Leaphart and Commissioners. It's a pleasure to come and address you on the issues of concern. I've heard a lot of issues today that

expresses our sentiment as well on the West Cook Inlet, and specifically Tyonek. The issues that I would like to address are, first of all, our salmon. I've sat on -- let me give you a brief history of Tyonek first. Tyonek is a village located approximately 50 miles south, southwest of Anchorage on West Cook Inlet. According to my studies, I studied archaeology, cultural anthropology and business, but according to archaeologists, we first settled on the West Cook Inlet approximately 7,500 years ago.

Recent archaeological work that was done, specifically in the past couple of years, we found house bits, and one of the house bits was carbon dated back to the 1400s. Another carbon dated house bit was dated back to the 1700s, and we found one cremation site recently that was dated back to the early 1800s, so we have a large segment of West Cook Inlet that we populated.

According to Osgood, Miller, Trudeau and others that studied Alaska Natives, and according to the stories that were passed on from generation to generation to us, there were approximately -- I have heard the stories and it was confirmed by archaeologists that there was approximately 20,000 of us on West Cook Inlet, and not only in one area, but we have five different groups of people that were settled out on West Cook Inlet, the Olchena (ph), Nolchena (ph), Takuchena (ph), and us, the Olchena. Those are the mountain dwellers, the hill dwellers, the river dwellers, the flatland dwellers, and the Olchena, us, the beach dwellers. So we have a long history of West Cook Inlet, and all the resources that were over there are still being used today, and to the very much, to the larger extent, the very same way that we have done throughout history.

Our subsistence way of life, if I can just distribute this letter to you on our subsistence lifestyle, is that it is part of who we are and what we are, and the letter by Mills of the Kenaitze expresses our sentiment exactly. Studies done by Ron Stanek and others that was published by the Alaska State Department of Fish and Game indicate that the salmon that we get not only are consumed locally, but in the past they were part of our commerce material that we used for trading and bartering for other things, such as our sister village up in Minto, we would get their caribou and moose, and therefore they would get our fish, as well as Nondalton, Lime Village, Stony River and places like that. So that there is -- we have a long -- as I stated, a long history of that.

And our present day, I've sat on the Fish and Game Advisory Committee for the past seven years and I was the one that was the initial -- initiators of the Fish and Game Advisory Committee back in the early '80s. And the very beginning of our subsistence activity began in the early '80s after Tyonek voluntarily gave up subsistence fishing because of the low count of King Salmon, and which was reinitiated back in the early '80s. When it was initiated, it was regulated by the state and we were given the regulation we can use a net only four inches, four-and-a-half inches, mesh and only 60 feet long. Those were detrimental. Those nets were not only stifling us from receiving the winter supply we needed to survive, but also were detrimental to the King Salmon as well, because as you know when a large King Salmon hit it, it's going to bring that salmon to a stop and it wouldn't go anyplace, and therefore it wouldn't function it's gills into providing the oxygen that it needs to -- and when it's fighting it will stay one place, and then after it's exhausted it'll just back off and it'll drift away. And so it was detrimental not only to us, but to the salmon as well. There has been another improvement on it for an inch-and-a-half, but then it's still -- the mesh is still too small. So we are still in the process of litigating our access to the subsistence of King Salmon in the springtime.

Not only that, we are regulated by time and not tides as we traditionally fished. When you say,

we're going to go fishing at 4:00 o'clock in the morning and the high water is not until 1:00 o'clock in the afternoon, then you don't have really much time to get the fish that you need. So traditionally we fished the tides, not time. And the gear that we had has really stifled us from accumulating the winter supply that we had.

We were allocated by the State Department of Fish and Game 70 per permit holders, and I can personally verify to you today that as a permit holder from that time, I have never fulfilled that 70 Kings that I needed, because of the gear that's involved and because of the time allocated for me to do that fishing. I fished down in Trading Bay, and those of you who are familiar with the West Cook Inlet knows that the tide goes out about a mile-and-a-half, or in some places two miles at minus tide, and it takes a good three or four hours for that tide to reach the beach, and that's where our nets are on the beach. And once it reached the beach, you only have -- we can only fish the flood tide, so once it reached the beach, you only have approximately three hours to fish before the tide goes out and the fish are gone. So we are still in the process of allocating changes that's needed for us to sustain our harvest throughout the winter and that has not taken place. But we are still working on it and we hope that you guys will support us in our effort.

The commercial fishing, again, we -- oh, by the way, the studies are widely available, they're in the Fish and Game Department, for those subsistence activities and the allocation of what was done with them. So that information is widely available to each and every one of you, as well as any citizen in the state. The commercial fishing, again, you have the study of the harvest of the commercial salmon in the Cook Inlet. And the one that I received dated back to 1980, and 1980 in the northern district there were over 100 permit -- limited entry permits, and today there are less than 80. Right now the Native Village of Tyonek tribal members have 18, 18 limited entry permits that were -- that is still within the tribe, and within those 18 limited entry permits only about 4, maybe 5 at the most, are active, because -- one, because of marketing. We don't have the marketing available that is readily available to the drift net fleets. And the drift net fleets is one of the prime factors that we try to curb, or make the allocation of the central district of salmon to the northern district.

The study will indicate, as you read it, the central district harvest, 4 million fish per year, and this is dating back to the 1980s. And the northern district specifically, and our subdistrict 497, the total allocation per year is 20,000. And back in the early '60s, 20,000 was the catch for one boat, one permit, and now that is the total harvest for everybody on the West Cook Inlet. And so there is definitely something wrong with the system.

And the State of Alaska Constitution say that the resources of Alaska will be used for the maximum benefit of all, not just some. Commercial fishermen in the northern district are restricted to one gill net at 35 fathoms, and maybe once or twice a week. The King Salmon -- the harvest of King Salmon for commercial purposes is severely limited. There is no fishing whatsoever above the dock on West Foreland, and that there eliminates half the permits in the village, and for those that are fishing south of the dock are severely restricted as well. So we are limited on what we can catch and therefore the finances, the money that's received from the commercial fishing industry in Tyonek is severely hampered because of the rules and regulations set forth by the Alaska State Department of Fish and Game.

Tyonek is traditionally a fishing village where we go fishing and we get all our whole winter supply of dried goods and canned goods that will last us the whole winter. Now the commercial fishing industry over there, the money that they make can barely pay for the gas and the gear,

and to sustain them for even half the winter. Even under the commercial -- I mean subsistence fishing for the past few years, my subsistence fish was gone before Christmas, and that is the norm in Cook Inlet. And so that is a synopsis of the commercial and subsistence fishing in the village.

One other area that we noticed in the past few years is the Northern Pike. The Northern Pike, which I studied and look at what the Alaska State Department of Fish and Game, is a book about 300 pages, and that's again available to you for just by a phone call and get that request. And for the past -- at the time when I received those reports on the Northern Pike, the Northern Pike is a predator and it eats everything in sight. If there's water -- if there's water fowl in the lakes, they'll eat them. If there's frogs or anything else in the lake, they'll eat them, and if they're in an enclosed area where the pikes stay, then they will eat each other, and then metamorphosize to a smaller thing. So the Northern Pike is an imminent threat to the salmon on West Cook Inlet. And when it was first introduced to West Cook Inlet it was stated that, hey, you can put these pike right here and they'll stay right there, because they can't go out in the salt water. But right now, as you see these reports, every stream in the northern district of Cook Inlet is infested with this predator and it is an imminent threat to the salmon.

As stated, the threat to the salmon, and the studies that I've looked at, the State of Alaska did a study on the pike for 25 years. You don't study a problem for 25 years, you look at it and you kill it. Nobody has to say anything, that's common logic. You find a problem, you nip it in the bud, kill it right there. So the Northern Pike right now is an imminent threat to our salmon in Cook Inlet, in the northern district, as well as possibly within the next ten years of every single stream in Cook Inlet, because the northern district has a lot of tributaries of fresh water, and for diluting the salt water, and therefore making it able for those Northern Pikes to get out into the Cook Inlet without any detrimental effect to themselves. So that's another problem that we face.

The hooligan, this year has become a major cash crop in the Cook Inlet. You look at prior to 2005 there were no industry for hooligan within the Cook Inlet. And from 2007 to 2010 or '11, you look at the reports of the harvest of the hooligan, it averages -- on the annual average of 110,000 tons, 110,000 tons. This building here is not even big enough to hold all of that. And you look at the other factors of just what those hooligans are. Those hooligans are the prime food for the salmon and the seals and the belugas that comes up into Northern Cook Inlet. You look at the bottom fish in the Northern Pacific, the studies that was done there. The studies in the Northern Pacific, because of the harvest of the pollack and fish like that, you look at that -- the studies are saying, the Stellar seals are no longer in the Northern Pacific. Would you go back to an empty cupboard? This is the same process that's going on here in the Northern Cook Inlet. You take away their food, those animals are not going to come back. And that's all I'll have to say on this, but that is the issue with them right there.

The beluga, the town people, we're the prime people in the harvesting of the beluga, and as anyplace else in the United States, the North American Native, the Canadians, or Alaska Natives only take what they can use. And yet the State of Alaska opened up the beluga hunt to everybody, and not as a subsistence food, but and NOAA, all the studies that was done by them proved that the beluga were found in New Segaya and all of these stores here in Anchorage. So again, it was used as a cash crop, and right now it's on the endangered species list. So again, we look at that as a total mismanagement of the resources in the State of Alaska. The beluga, we have ancient stories of our harvest for them, specifically on the beluga.

I just want to back -- I forgot one thing. Just let me back up just one. On the salmon, the salmon that's harvested on the West Cook Inlet, those salmon are destined for rivers on the West Cook Inlet. The salmon that are destined for the Susitna River, all these other rivers up north here, they travel pretty much in the middle of Cook Inlet, not on the beach system of where we are. And this was proven by sonar studies that was done there, and all of those salmon that were destined to larger rivers like the Susitna, all these rivers up here were found in 40 or more fathoms of water. And so those salmon that we have over there are destined for the streams on West Cook Inlet.

The beluga, we don't -- we have no idea when that there will be available for us again, if ever. Maybe the herd -- and the beluga in Cook Inlet are indigenous to Cook Inlet. They don't come from the North Pacific or the Bering Sea or Southeast Alaska or anyplace, they're indigenous to Cook Inlet. And right now they are an endangered species, so as to when they will be brought back to the availability for us to use as our -- as we always have, is totally unknown.

The clams that we harvest on the West Cook Inlet, primarily from Polly Creek at the foothills on the beach by Augustine or Redoubt, that's how far we have to travel for our clams. And in recent past, a beach that was designated as Tyonek subsistence area was eliminated by the State of Alaska Department of Fish and Game, and therefore was open to everybody. And the dredging that took place for commercial use of those clams disseminated that beach, and for the past few years we've been going down there and harvesting clams, and we just get little tiny ones. So there are no more larger razor clams that we can use, and as to when that population of clams will be again sustainable for harvest at this time, I haven't done that study, so I don't know how long it would take to put them to return to mature harvest stage. But again, I understood that dredging for clams was eliminated, and I praise the Lord for that, because that shouldn't have never taken place in the first place. And I would like to see the Alaska State Department of Fish and Game reinstate that designated Tyonek subsistence area for our clams.

The hunting, I'm just going to bring you a short synopsis of what's going on here. Our hunting is totally regulated again by the State of Alaska Department of Fish and Game. In the past few years the hunting season was open before school, so those hunters can take their kids out hunting. And again, we have to abide by those rules and regulations, and therefore those moose that are available out there, they don't move into our area until the rutting season begins, which starts primarily around or after September 20th, and therefore they don't move into our area until then. And in recent years, as you know, that there was predator control on Unit 16 on West Cook Inlet. And if you've done any studying whatsoever on predator control in Wyoming, Montana and places like that, of eliminating the wolves and bears, you know the detrimental effect it had, not only on the wildlife population there, but the whole ecosystem of where they are. The idea of predator control is obnoxious. The only thing that predator control, as far as the goal, you study every species of animal, you'll see that every species of animal has a life cycle. They have a cycle of when they're abundant and they have a cycle when they're not so abundant. It doesn't matter what animal there is, they do have that life cycle.

And so that scenario in place, it is our assumption that the only way you can protect the animals that are there is to protect their habitat. So we don't want that predator control there, because on the average -- we had a program of the Wounded Warriors come over there and they love us over there. And on the average, the bear that they got was on the average of 550 to 600 bears per

season. They could not get the brown bear, because they were too elusive, so they opened up traps, snaring of bear. And this worked, but we noticed that when they trapped that bear, we went down to our land, and normally where we go, and we found bear carcasses all over the place, and the want and waste regulations that are in place were never enforced. I personally advised the brown shirts of this incident, and it took them a month to get over there, and by the time they got over there, we went down there and the only thing that we found was one bear paw, and so they couldn't -- they didn't have evidence of the want and waste of that brown bear. They just took the hide and threw the rest of it right on the side of the road there without any concept of those.

So on all of these here, the salmon, on the salmon, you know the litigation that's going on with the Northern District right now. So what we are doing right now is holding our Culture Camp for our young people, and are going to reeducate them into our process of harvesting the resources that we have over there. The Culture Camp, we're teaching them how to smoke fish, how to preserve fish, and how to -- about our traditional and cultural ways of harvesting our fish. And the letter that you have is our -- is the sentiment of all our people, not just this individual Kenaitze Tribe, but the Kenaitze Tribe is part of us. They were one of the -- part of our tribes.

One other thing that we are working on is the educational process of our people, not only into the management of our resources, but the management of just exactly who we are, and to the integration into the western culture way of life, because -- and I've been -- I went to high school in a boarding school, Indian boarding school, and educated outside of the State of Alaska in college at the university. And this is another thing that we are stressing there for our people to be educated, because knowledge is power and education is the key to your future, as is what you well know.

Our 14(c) process in the State of Alaska is slow, but it's taking place again. Right now the Native Village of Tyonek, which I lead the Native government, we are a floating government. And a floating government is a government without a land base and that's who we are and that is pretty much a prominent position of the tribal leaders throughout the State of Alaska here.

**Representative Keller** - If I could interrupt just for a minute. If you could, tie it into -- this commission deals with the federal management and how we as Alaskans all together interact with the feds on management like this. If you've got that, please bring it in. And your testimony is really interesting and helpful, and if you have it in written form I'd like to have a copy so I can give it to the state legislature, the various resource committees, and encourage you to consider that testimony.

**Al Gloozmer** - We are finalizing right -- and you will get it, we are finalizing our OEDP of this whole scenario, but what I'm doing right now, just giving you a synopsis of what we're doing, and you will be receiving a copy of this.

**Commissioner Woods** - We have this afternoon, too, if we need -- he needs to finish up, don't we?

**Representative Keller** - We do, but now that I've interrupted you, Al, let me ask William Sheldon, who is waiting to testify, would you have any problem with coming back at 2:30 and we can pick this up? Okay. And that will give us all a chance when Al is done, then, to go to

lunch and we'll start again at 2:30. Okay.

**Al Gloozmer** - Thank you. And in conclusion, the Native allotments, we are working to establish this in its final form, because it's been 40 years now since this one take place and no reconveyance has taken place, so what we are trying to establish is a priority or a working resolution for state, tribal and federal governments on all of these issues. One other thing that the coal development, you all are aware of, on the West Cook Inlet, we are totally against it. And it's not that we are anti-development, but what we are looking at is responsible development. And we don't look at the present situation of that kind of development on West Cook Inlet as responsible right now, as far as it pertains to the salmon and other resources on the West Cook Inlet. So what we are trying to do right now, as we've done with D.C., is have a working relationship and an MOU with the State of Alaska, state, federal and tribal governments so we can work together on these issues, not as a passive or a dormant entity, but an active player in who we are and what we are.

It was mentioned here awhile ago, and again that we need that state, federal, and every one of us need to be involved if we are to be successful in what we're going to do. Right now the state has a position of not recognizing tribal governments and it's been that way for the past four or five governors. But tell me this, how can a government not recognize another government, but then they say, when it comes to dealing with you say, you're going to have to waive your sovereignty? When the State of Alaska asks us to waive our sovereignty for a project or for funding and stuff like that, isn't that a form of recognition of who we are? And this is documented on issue time and time again, on all of these here, so what I would really like to see from the State of Alaska is a working relationship with tribal governments.

I've developed a socioeconomic development plan in the early '80s that would employ 350 to 400 of our tribal members, and that would bring everybody back home. And that is something we are working again on today. On the fishing industry, we are working -- we have a joint effort right now with the corporation, the Native corporation and the village to develop a fish processing plant. And the marketing studies on this here, because as stated earlier, the reason why all of those permits are still on the beach and not in the water is because we don't have that marketing available to us. And that's what -- something we would like to work with the state on in the marketing of our resources, specifically the salmon, as well as other things.

So this is something we are taking on ourselves and to develop the fish processing plant over there to get the logistical support as to what we're going to -- we're working with the University of Alaska, the corporations and the tribal government, so we do have that working relationship already. And what we would like to see is a genuine working relationship and recognition of a government to government relationship. If that there is instated, I can almost guarantee you that that cooperative -- see, it'll not only be political, but it'll be mental. If we had the state recognize, you know, hey, we're a people again, we can be happy. So it's not only political and business, but it's emotional and it deals with the whole psyche of who you are, your body, your soul and your spirit.

So this is something that we would like to see established for us, not only for us, but for all of us. We're people, we're all shareholders and stakeholders in the resources in the State of Alaska. Let's get together and start working on this. Let's not ignore each other. This was stated time and time again in this session, and I've learned a lot in this session alone. I'm pretty sure I'll be



learning more. We're talking about ANILCA. I've still got a lot to learn about ANILCA, because it's a baby in infancy and still growing, and so therefore we've got to work together on that too. So I would really appreciate the state legislature, as you provide these documents, I will provide these documents to you. And I appreciate it and I thank you very much, commissioner, chairman, executive, and for your time, and I know that we're running overtime, but I thank you very much. Is there any questions?

**Representative Keller** - No question, and we'll see you here in a bit, but thank you for coming and being willing -- and at some point as we continue the dialog and the discussion, we'll continue it, because there's a lot of work that has to be done. You raise many, many issues that I know we could spend all day on each issue individually, and we're just not responding because we realize that that's ahead of us, so we have -- as we work together. So thank you for coming.

**Al Gloozmer** - Thank you very much. Yeah.

**Representative Keller** - William, I hope you don't feel put off here. It's been -- you sure that 2:30 is okay? Is that okay? Yeah. And then we can all go and have lunch. The goal this afternoon is as soon as we get back at 2:30 for lunch, we'll have William come up and give us his testimony. And then after that, if it's okay with the commission, this -- I'm supposed to keep this on the agenda, right? But the agenda, you've got to admit, it's been pretty loosey-goosey this time here. So what I'm suggesting and I want you to talk to me during lunch if you think this is the wrong way to go, but I'd like to ask Tina to come back up and be here as we continue the discussion on specifically what on the proposals might have been left out. But we all just got this transcript, right, so we aren't going to be able to answer that completely, but I would like -- I really appreciate Tina's document, and most of you have told me the same thing. And maybe just continue the work session on that venue, and if you want to alter that please talk to me. I'm just trying to accommodate what we had promised. So with that, lunch, 2:30.

## **LUNCH**

### **2:30 p.m. Presetations and Discussions – Perspectives from Alaska's Native Community**

**Representative Keller** - 2:30 on the nose. We left off in the middle of public participation, or not in the middle of. We left off with William Sheldon, who very patiently agreed to wait till 2:30 while we all had a lunch. So if you would come up and state your name and your affiliation and give us your testimony, please.

**William Sheldon** - Thank you, Mr. Chairman, commissioners. My name is William Sheldon. I just started working for Maniilaq recently, and unfortunately the -- I was -- we were invited to this meeting and there was no other I think representative, so I was thrown into the lions, or the bears den, so to speak. And anyway, you all know that ANCSA was detrimental to everybody in the state, I guess not only the non-Natives, as well as the Natives. And we are surrounded by these conservation units, our villages are. And this would be a good place for us to have a representative, too, I think, to -- and I work for a realty department in Maniilaq. And a lot of our Native allotments, too, are within these game units, I mean these conservational units, and access plays a big part in them right now.

And you heard the other day about the trails that are -- northwest I think is in the process, or they

are in the process of excluding trails that are on their lands. So I think we would -- it would be good for us to have a representative. And as well you see Maniilaq is the same as BBNA. We represent 12 villages in our area. And what you see, the presentation that the lady gave is similar to ours, but not as extensive. We don't have programs that deals with moose studies or co-management, and although we have some services that -- but again, not as extensive as BBNA. And so that's just my comment.

I was -- I had no intentions of coming up here and saying my two cents worth, but again representation would be real good on this. We know we have problems that are coming, but -- and this would be -- I think is a step -- in the past they started earlier, I heard, but again, I'm from Noorvik, and originally from Noorvik. And growing up ANCSA -- when I was 11 years old, it passed the December 18, 1971, and as to what it did. But anyway, that's -- I think it would be good for us to be represented, too, with all the associations, 12 regional corporations, and I think we have 12 service representations, too, I think in each area.

And I would -- I raised my hand for us to have the lady there for a good representative she would be. And I was applauding quietly, yay, yay. Anyway, that's where we're at. Again, this is a start in the right direction and if we could all come to the table and solve things, instead of fighting against each other, and to help -- and the reason why is subsistence too plays a big part in our region. There's people that are, I don't know what you could call them, but they're on the lower scale of -- unemployment is real high in our area, in our region, and although we have elders that depend on -- and the regulations are a little bit out of whack. I mean, not out of whack, but in place where they could be -- like duck season starts the middle -- a later date when those -- we start hunting ducks earlier, and there was one elderly man that was cited for hunting ducks out of season. And those things could be worked out so that we could all have access for our food that we depend on to -- I don't know if I would want to call it subsistence, but it's just our way of life and how we depend on the fish and game too. It plays a big part in our lives. Well, that's sort of my comments, I guess, and thank you for your time. Thank you very much. Again, I applaud you guys and.....

**Representative Keller** - Well, William, we really appreciate the fact that you have come and invite you to watch what we're doing and feel free to criticize if you see us going the wrong direction, give us input and guidance when you see areas we have blind spots. And, yeah, thanks, and we'll look forward to a long working relationship with you.

**William Sheldon** - Great.

**Representative Keller** - We have **Commissioner Fish**, Commissioner Arno, you have a comment, question?

**Commissioner Fish** - Yeah, I would just like to point out on your request for representation on the commission here, too, is these are in most part appointed positions, and they have terms and are term limited, so there is a rotation in and out of the commission. And I've been on it for quite some time, I don't expect that to continue forever. And I would encourage you to keep an eye on when these terms are up, and of any vacancies that come up and help fill these seats by forwarding names to the governor and the legislature for consideration.

**William Sheldon** - I will be.....

**Representative Keller** - If I could, before Rod has a chance, to chase that with a little different words is, we didn't pick each other. We're kind of like family, we got stuck with each other. The governor appoints some, the house leadership appoints some and the senate leadership appoints some. And of course you can influence the governor and the house leadership, so that's what Mark is saying, is keep an eye on the openings. Commissioner Arno.

**Commissioner Arno** - Yeah, again, William, thank you so much for coming. I appreciate that. On the trail markings, I mean, that's getting to be something that -- I know this commission that we heard from some of the federal land managers on the transportation, long-term transportation plan for federal lands, and I know that's a pretty big issue out in your area.

**William Sheldon** - Right.

**Commissioner Arno** - So anytime something comes up like that, you've got the number or the email address for the executive director there, Stan. So any inkling or anytime you hear that there's a meeting or any decisions on that, please share that with us so that we could kind of stay abreast of that. Thanks again.

**Representative Keller** - Commissioner -- well, that's all right, it doesn't matter on the sequence. **Commissioner Woods** had his hand up for next, and then we'll go to **Commissioner Somerville** and Stan.

**Commissioner Woods** - I appreciate you showing up. It's good to see a familiar face. And the gentleman before you talked about how rural Alaskans live, I mean other than just say it's -- we have elders and Native people that depend on subsistence as a resource. This meeting, this charge for this board is to address ANILCA and the issues and how the state manages and how the state handles that document. It's real important that we hear, and we need to hear from the users, and that includes you, all Alaskans. And the biggest part in this is there's a clash of -- let's put it this way, a clash of values I think. And when people are rural and dependent on subsistence and aren't accustomed to a cash economy which we are stuck in, we all share that same cultural denominator now. You have to get gas to go out and harvest, you have to buy shells, you have to -- so on and so forth. You said you were 11 years old when ANILCA was passed.

**William Sheldon** - Right.

**Commissioner Woods** - Or ANCSA, or was that ANILCA?

**William Sheldon** - ANCSA, excuse me. ANCSA, yeah, Alaska Native Claim Settlement Act, 1971, I think it was passed.

**Commissioner Woods** - Thank you for sharing that, because there's gaps in generations. There's the initial forefathers, and Tina has partly covered it in her summary. The Alaska Native Brotherhood was a real big part in that ANCSA documents. And then there's our generation I think that really didn't understand and grasp everything that happened. And then the next generation coming up it's even more important. That's where my boss comes in. That's why I said, number one, we've generated a highly educated, highly motivated group of individuals now from that generation, of Courtenay's generation, that are really -- I want ten replacements by the time I retire sitting in my shoes doing the things that I do, because I'm not only doing this for

existing real time right now what's happening, it's for that generation and my grandkids that I'm doing it for. So I really appreciate your input and process, because number one, you mentioned Native allotments, and you're part of the land and realty department.

**William Sheldon** - Right, right.

**Commissioner Woods** - We haven't even touched on the issue of how that incorporates anything. So I'm going to leave it simple. I appreciate -- we have like Commissioner Fish said, keep coming here. And I have a real -- I have a passion for people that depend on the resources, because I myself did for a long time. And I'm more westernized now, and my grandmother told me never to play with your food, so in that process here we are, we're talking about resource, and it's basically it's about people from in our region and where we come from, it's people feeding themselves. And I really appreciate your input, because that's real important. And good to see you. Thanks.

**William Sheldon** - Thank you. And one other thing, too, growing up the regulations, it seems like we are never -- it was never -- well, I heard the 12 -- the regional corporation then was the vehicle that this information, or when this first started, I guess, in the '80s, or the commission started that one time I believe.

**Representative Keller** - '82.

**William Sheldon** - And they -- it was no longer in 1990, I think. But during that time there was no information given to the villages, and it seems like we're always left out in the cold in that part of the region. And if we would again have a representation is real important I guess that deals with subsistence and things that we are part of, too, and.....

**Commissioner Woods** - I'd like to comment on that information. There's a -- we listened to Senator Murkowski and Young and Begich talk about the communication gap from Washington level. And that's where I think there's three different layers, and when we come to this portion, I have to sit there and keep educating on real time, real things that are happening in rural Alaska, so it's multi layered. And this is a perfect example of what we -- the Native community needs -- you mentioned there's 12 regionals.

**William Sheldon** - Right, 12, yeah.

**Commissioner Woods** - And I will reference that we need at least some sort of maybe a committee that would address ANCSA and how it relates to Native lands and Native issues. And if it be tasked to this group to either add more or form a committee that would address and could bring forward some of that, because it's a huge task. As you've seen what we're faced with back home with our presentation to BBNA, that's just one fact. There's still a full-blown Native corporation, there's still a full-blown hospital, there's still a full-blown housing, and this is just one entity. And it's just like that in every region. Your region has the same, so thank you. And then we need to keep -- you need to keep attending, is what I'm saying. Thanks.

**Commissioner Somerville** - Thank you, Mr. Chairman. Yeah, I too want to thank you, William, for representing Maniilaq here, and also the Native community in general. I think most of your people are pretty good at that. One of the things I wanted I guess to bring up, and you kind of

mentioned the issue of access. I served on the task force that dealt with the Kobuk and Noatak caribou subsistence issue, problems, conflicts, if you will. And it became clear in that that there's some cases where the feds and the Native community have major conflicts over access to those -- particularly those two. That's not the only ones, but -- and I think of places like Anaktuvuk where when ANILCA passed, the basic concept, as Bill Horn said at the Summit, was that things are open unless the feds close them. But immediately the Park Service tried to reduce the access by Anaktuvuk residents to use of snowmachines and four-wheelers, or things other than dogsleds, which they obviously had become accustomed to.

And I'm just raising this because when you have these types of conflicts, I think it's to your advantage and ours for you to bring it to the attention of the commission, because that's the charge of the commission, is to represent the people in its dealing with the federal government. And I saw in some cases when I was working on that committee that that hadn't been done. In other words, you kind of felt by yourself and you just had to hack it out with the federal agencies. And I'd just encourage you to consider that.

**William Sheldon** - Thank you.

**Representative Keller** - Stan.

**Leaphart** - William, thanks for coming, again. One of the things we want to try to do over the next couple three months before we finalize our report that we're working on is have some regional meetings, so if it's okay with you, in the next couple of weeks I could give you a call and you can -- we can see if we can discuss maybe a good location in your region to have a public meeting to maybe go out and talk to more people out in that area. And I'd kind of like to tap your expertise on how to get the word out and maybe the best way to do that. So if that's all right with you, I'll give you a call in a couple weeks.....

**William Sheldon** - Right.

**Leaphart** - .....to try to do that.

**William Sheldon** - And I could -- since I'm an employee of Maniilaq, and I could put this to the board or do a report and that would be great. That would be -- to keep us in -- and by this they'll be aware of what's really going on and what this commission is about. And I think they will take it into -- if not, we could find ways to maybe jam it down their throat. Oh, I'm sorry. But again, and I thank you guys for -- I had no intentions of coming up here, but I just couldn't go without saying again my two cents worth.

**Representative Keller** - It was more than two cents worth and I appreciate it.

**William Sheldon** - Thank you again for your time.

**Representative Keller** - Thank you. I don't think there's anybody else in the room that has asked to speak. Did you sign up? Oh, I'm sorry, I don't have your name. Come up, identify yourself.

**Tina Cuning** - On the 3:30 -- would you like to just go right into the afternoon public

comments?

**Representative Keller** - Oh, I see. Yeah, let's do that, and then we'll -- then as long as we're in that mode, and then if nobody shows up at 3:30, we'll continue with the work session. Okay.

**Tom Harris** - With your permission, I'll hand these out. We have a rule in our organization, nobody passes out -- it has helped to carry them out.

**Representative Keller** - Go ahead, identify yourself on the record so we know, and then go ahead.

**Tom Harris** - My name is Tom Harris. I'm a citizen of Anchorage, but also a past president of Alaska Village Initiatives, the Community Enterprise Development Corporation for Alaska. I'm also involved in serving as management for the past 30 years with ANCSA corporations, also a shareholder with the Cape Fox Corporation out of the Community of Saxman, so (speaks in Native language). Basically, I said I'm a southern Tlingit. That's, if you've got your map of Alaska with you, we're so far south we have the right to say ya'll. And I remember that I was -- when I worked in Texas in college I worked on some of the hay farms and I was often stopped by the border patrol asking me if I was from south of the border. And they asked me if I was a wetback, the phrase that got Congressman Young in trouble. I said, no, sir, I'm an iceback. We also recognize our long trade relations with our tribes south of the border, all the way down to South America.

The issue I have to share with you has to do with the creation of ANCSA, and in particular the relationship that is there. Many of the challenges that we are facing as a young state are addressed here. Our elders have taught us to be very careful with our words. And if I say anything to offend, please accept my apology. It's not my intention to offend. But I also recognize that these languages are very difficult. Even though I'm using English, I'm using it in a different way than you may be used to. We were taught early on the two most dangerous letters in the English alphabet are O and K. And in Tlingit we say, ah-ah (ph), in Yupik it's ye-ye (ph), but it means respectfully, I heard what you said. It didn't necessarily mean I agree or I consent. And if you're in law enforcement it sure didn't mean I confessed. So as we go through this, if we can get into that much trouble with two letters, you can understand the confusion as we get to a full alphabet and all the nuances of the English language.

Our elders taught us that you are distant relations from the European tribes. How many members of the Tribe of Ish? No Ish, no Irish, no English? Is anybody here from my favorite European tribe, the Tribe of Ish? The breakfast tribe, you know the breakfast tribe - the Danish.

And our elders noted that, because you call your father's tribe the Irish or Danish or whatever it might be. In Tlingit, Ish (ph) is our father's tribe. So our elders started seeing these connections and said we had to be careful how we speak to each other, because we don't know how we're related. With that, I've got some conflicts issues to discuss with you, and I'll be as brief as I can. I have a booklet for you that is there and there'll be many opportunities for miscommunication. I want to make note that I'm not looking for this discussion to be on Native rights. I'm looking for this discussion to be on U.S. citizen rights.

What you have in front of you is a chart that shows the wildlife harvested throughout our nation

on land mass equivalents to Alaska. And you have six groups there and you see that the wildlife harvest in many areas of the nation is dramatically higher than Alaska. And this has not always been the case. This has occurred in our lifetime and the lifetime of our parents. Vance Martin, the president of the Wildlife Society, mentioned that when he was growing up in New Jersey there weren't any deer there. Now the place is overrun with deer. And certain things have occurred that caused that to happen, just as certain things have occurred here to see the withdrawal of wildlife from many of our communities.

I make note of Alaska down here, and you see the red line is the equivalent land mass and it has the acreage that Alaska has, about 365 million, and we've grouped a number of states together to show that. The last time this was done is in 2008, so that's where the numbers stop. But from 2001 we had 57,000 hoofed wildlife, and I'm speaking only of hoofed wildlife here, the deer family, or the -- and there are sheep and so forth that are also included. And by the time 2008 rose along, that number has dropped to 43,000, so that's a 23 percent drop within that decade. It's important for us to note that these numbers have consequences, because during this same decade the incarceration rate for Alaska Natives grew 15 percent. We went from 32 percent to 37 percent. That increase was the highest in the nation. We're only 13 percent of the prison-age population. The current trend will put us at 42 percent by the end of this decade, the highest incarceration rate in the nation for any Native groups, and bypassing the Hawaiian community in about two or three years.

The issue that we want to address here, and you'll see a letter from Knikatnu -- so that you know that I am the CEO for Knikatnu, the Village Corporation for the Wasilla area. It is a small group, roughly about 40 members, but it is the fastest growing tribal group in the state. It now has been estimated that we have 9,000 Alaska Natives living in the area of influence of the Knik Tribe, many of them moving in from rural communities because it's no longer cost-effective to move out there. This letter is to FERC. FERC is approving or reviewing the permit, getting ready to review the permit for a project important to a small village we know as Las Anchorage.

That permit for Las Anchorage is to provide power to this community and it's a 600 megawatt-plus project, \$5.6 billion. But the entire project is involving ANCSA land. Part of the land is owned by the Village of Knik. Sometimes part of it will flow over to Tyonek's property, Seldovia, others. Even though they're far afield from this area, this is where ANCSA placed them for property ownership. This project will submerge 50,000 acres of land that is currently moose habitat. Typically, under federal law, when you take that much acreage out, you'd better replace it with other habitat. That other habitat can't be habitat that's already in public hands, it has to be replaced with habitat that's private. Well, there is no other private land available for this purpose, except ANCSA lands, so we are talking about a relationship and negotiation that has to occur here.

What we're sharing with you in this chart is that as a very young state we are running 25 to 30 years behind the rest of the Lower 48 in developing a partnership between the private landowner and the state. In every U.S. state, there is a three-legged stool; it's the feds, the state and the private landowner. And that three-legged stool has resulted in a partnership in the Lower 48 that has yet to be created here. That partnership is able to tap \$4 billion annually in USDA Natural Resource Conservation funds for the purpose of restoring and rehabilitating wildlife habitat. In 2001 the ANCSA community received zero.

It wasn't until Senator Stevens addressed this issue that funds started to come in. But the number one barrier that USDA said why they said they didn't fund us and why they had trouble funding us is that we were not recognized by the State of Alaska as a partner in the management of wildlife on private lands. There's been quite a bit of discussion over the last decade and they have proceeded, but so that you understand your relationship with our counterparts in Lower 49 states, these funds come in under the management of Fish and Game, under the guidance of the local Fish and Game Departments, so that partnership actually works. What should have been coming into Alaska is north of \$150 million a year. In 2001 that number was \$523,000 and not a cent of that hit ANCSA lands. Today we believe it's around \$12 million, but it needs to climb in order for us to be able to make the inroads that need to occur. But there needs to be the development of partnerships, as it existed in other states, and we're now the last state to do this.

Think about this for a moment. Based on what we have in front of you, no Americans, absolutely no Americans have access to more wildlife habitat than you do, yet no habitat in America is so depleted of resource as this. So whatever we're doing, we need to reexamine and look at that and say, how do we work with each other to make this happen? As we look at this, you'll notice I've not said that we're looking for new Native rights, that's not the issue, so our private citizen rights. These are funds made available to U.S. citizens throughout the nation. As you see -- go through this, you'll see a couple of things, and we won't go through all of this together at this point, but we have asked the State of Alaska in this March 2012 letter to FERC, cc'd to the governor, that we begin this discussion, that we start talking about how to bring these resources to the table on terms and conditions acceptable to the state, the federal government and the ANCSA community as private landowners. And I believe that there is an opportunity for us to do that, but we need guidance to do that. We need assistance. It can't be done unilaterally.

On this chart you will see some examples of that disparity that I was speaking of. And right away some folks will say, well, you can't measure us to death, they've got other advantages. Well, please keep in mind that these communities 30 years ago, 35 years ago, had very depleted resource like we did and they've managed to make some changes. But deer in Pennsylvania, that's 486,000 animals, West Virginia 214, Virginia 217, Maryland -- within the dark blue you'll see within 100 miles of D.C., within 50 miles of D.C. you see that there's 62,000 animals, and on and on. And so that you know, this was a county by county search, county by county survey to reach these numbers. These numbers come from the Departments of Fish and Game from their states, as we did from our state. Keep in mind that after this, Alaska's resource dropped to 43,000.

We now have five U.S. states whose harvest rate per acre is 100 times more than Alaska's. We're not suggesting that we get there, but we're suggesting incremental improvement here will mean an incremental improvement in reducing prison populations, reducing recidivism, reducing domestic abuse. And we are looking for that opportunity for guidance with you.

You'll see on this page, and this is page 8, the harvest rate as reported. And we may disagree on the numbers, but certainly you see the trends. There are such that there are things that we can do. You will also find a letter back on -- dated December 21st, 2012 from the Alaska Energy Authority, and keep in mind this is the state agency who's looking to take possession of ANCSA land, who has that obligation to replace that 50,000 acres. And their response is, quote/unquote on page 11: New state and federal programs should be established on the basis of their overall public policy merits, after consideration of all the relevant factors, not on the basis of potential



government use of private land.

That flies in the face of the fact that they're taking 50,000 acres of moose habitat and they're going to replace it with we don't know what. That's still an ongoing discussion. As such, the Alaska Energy Authority believes it would be inappropriate to condition the use of private property as part of the project on state or federal governments establishing new private land wildlife management programs. Keep in mind, we are the only state in the nation, we have the only governor, the only Fish and Game Department that does not recognize a formalized program of partnership with the private landowner. We believe it's time for us to have this discussion so we can open the doors. We are looking at this issue, and as we go through this we understand that -- and as the past president of Alaska Village Initiatives, it is an NGO, we were created by congress in 1968, and President Johnson's War on Poverty, with the mission to work into the communities to restore rural economies. This was almost four years before ANCSA.

What you also need to know is the CDCs were used as a template to create ANCSA. That template was created in the boardroom of what we now know as Alaska Village Initiatives. And each community was a mini CDC, and it has a social mission and a profit mission. We're at the point now that we said we can't complete that mission without having this agreement in place, and we're looking for ways and means to do that.

On page 13 you have a policy statement by the Wildlife Society Alaska Chapter that opposes game ranching or private land wildlife management in the state. This is an NGO very similar to AVI, but it's made up of the wildlife biologists. And the Wildlife Society exists in every -- they have members in every state in the nation. And on page 15 you will see their opposition to this. I want to be very clear. In these other states the private landowner doesn't own the wildlife. We're not proposing that ANCSA corporations own the wildlife. That's a state resource. But we do -- on the habitat that wildlife can access.

And under the USDA NRCS program, there is funding waiting to help that private landowner under guidance from the State Fish and Game, how to grow more for everybody. And these are partnerships in which the federal and state agree that here's the resource, if the landowner agrees, we're going to make some of this available to the public. But just like farmer John, he's got to feed his family before he can feed the nation. And we're anxious, and we know that we can grow more wildlife. We were -- as a disclosure, I'm the past executive officer for Tyonek Native Corporation. We worked with the Department of Fish and Game to increase the moose population in West Cook Inlet. And in the five-year period, the harvest rate for the community was increased five-fold. At the beginning of that period folks were complaining about the bears coming through the community and scaring tribal members. At the end of it they were complaining about the moose, so we have real life examples here in the state where this can happen, but it needs to happen on the more formalized basis.

We have open dialog with the Alaska chapter of the Wildlife Society asking to come visit with us, how we do this. We recognize that this is a challenge. The Wildlife Society, remember, is in every U.S. state. And only in Alaska is this position of which -- and we're trying to understand why, how do we get beyond that. We also recognize the Wildlife Society has most of its members as federal employees, but many of their members as state employed Fish and Game. So our concern is this NGO being implemented has undocumented federal or undocumented state policy. We're not going to know unless we have some discussion.

How do we come out of the closet, folks? How do we join the rest of the nation and participate in this in a way that keeps all of our citizen's home? Remember, no Americans have access to more wildlife habitat than we do. We should not be fighting over food security. Based on what we know, what we've seen, this should not be an issue, and we're leaving a critical resource off the table by not talking about it. So my effort here, and I apologize if I offended, I'm not wishing to, but I do want to have this discussion, and if need be, that we need to talk about how the Tribe of Ish participates in this. And at a moment's notice we'll give 186,000 acres of land to a foreign country, and we've done that here in Cook Inlet in the past decade in the form of Linc Energy. Most people don't know they are Chinese owned, yet like that, that land is out there for them to use. Well, how about that surface estate being made available, and if that surface estate is developed separately, it too has access to that \$4 billion that congress has. But we need some guidance and rules on how to access this together. So with that I look forward to any questions you might have.

**Commissioner Arno** - Yeah, Tom, thanks for coming to CACFA, and I think two things. One, you finally are at the right forum for this, and two, the time is right.

**Tom Harris** - Thank you.

**Commissioner Arno** - So I appreciate your gumption and you dogged this for at least I know of one to two decades. So I think that this is something that's going to perk all of our interest now. And if you could explain to me a little more about the Susitna Dam project. Is the lands that are going to be flooded by the dam, those are 100 percent ANCSA lands?

**Tom Harris** - Right. The subsurface belongs to CIRI, the surface estate belongs to a group of CIRI villages. Because of the oddities of ANCSA, the rule of selecting compact and contiguous was impossible to achieve in the Wasilla area, so Knik was forced to select their lands from Iniskin Bay to the headwaters of the Susitna. Tyonek was in the same position, Seldovia, Salamatoff, Ninilchik, so forth.

**Commissioner Arno** - To follow up, so before -- the project now is just in gathering the data and the preliminary -- second time around preliminary of gathering the data on this?

**Tom Harris** - Yes.

**Commissioner Arno** - So at some point then there will have to be negotiations then with the private landowners on whether these lands, they'll be compensated for, or they'll allow to have them submerged? I don't understand how that process works.

**Tom Harris** - The community in general is in support. We all benefit from having less expensive power. And as overall, the rural communities would look at -- we're anxious for this, because the community of Las Anchorage does not get cheap power, and the cost of haul goods and services going to rural Alaska go up. So we have a vested interest in having low-cost power here. So with that said, we have a working group with CIRI that we're working together to try to work with the energy authority to develop a relationship that will allow this project to occur. And we are also mindful that the State of Alaska does not have endless coffers. It's going to take financing to make this happen, and it'll take participation.

Currently, if you read the top 49, the ANCSA corporations, thanks to the success of Bristol Bay and many of the others like Arctic Slope and so forth, ANCSA corporations represent 73 percent of the revenue generated by the top 49, and over 60 percent of the jobs created come from that group. So we're fully invested in this community to try to make this happen, so we're very anxious that it is successful. But it needs to be successful on terms and conditions that -- and you know from your own experience that there are many groups out there who would choose to recruit us as poster children to stop whatever project is out there. Your elders didn't raise you to be a poster child, our elders didn't raise us to be a poster child. I think we have responsibilities to lead and to find the best way to make certain that that happens in a way that benefits the resource, including salmon and the deer family, so that's our goal.

**Commissioner Arno** - One more follow up on that, is so then try to explain to -- or try to get me to understand that, do you have a plan that you have put forward, as far as habitat, manipulation on ANCSA lands, that this commission could look at and then use our influence, or at least try to gather more data and see what ADF&G, if they'd consider that? Have you put something out that ADF&G could look at and say, well, this seems like a reasonable project and we're going to work with you on it?

**Tom Harris** - This is not one where -- an issue where one corporation or one individual can rush ahead of the entire state. This is a community discussion that has to occur. There are 49 examples in the Lower 48, okay, and many throughout the world. Those of you who've driven the Alaska Highway know that as soon as you hit the Canadian border the wildlife count goes up. There is an issue of predation. We fully understand that. And there are a number of ways of handling this. One of those is heavy predator patrol. Another is heavy calf protection. And remember, this moose has the biggest nose on the continent. If there's food out there, they're going to find it.

And we know that we can harvest the nutrients off the property and have that new growth come up and we'll attract cows from all over the country. They'll beat the door down to get to that resource. And if we, in that area, can set up a protection for those calves for the first six weeks of their lives, we're there. And we've seen that occur and that's what we propose. We don't necessarily want or need to shoot every bear, but we can't let bears harvest calves within minutes of them being born. And we've seen -- what triggered this over in West Cook Inlet, we were seeing 95 percent calf mortality. That's extinction level at that rate. And with one bear per square mile -- I mean, one moose per square mile and eight bears, your odds are not good. So what we're talking about is creating a safe area on our property where those calves can at least make it to six weeks and then they're off and running.

**Commissioner Woods** - In the beginning of your presentation you talked about the state, the feds, and the private landowners getting together and capitalizing on the USDA's \$4 billion budget, you said?

**Tom Harris** - Yes.

**Commissioner Woods** - And then right now existing we only have \$12 million, or did you say 100-and -- oh, that was 120 was their estimated share?

**Tom Harris** - And on page 9 you will see a chart that was developed by Alaska Village Initiatives in 2001. The budget was \$3 billion 35 million, and the -- we now know several years ago, I think in 2010, it passed the \$4 billion mark. Texas, as an example, received \$235 million of that funding. Now, any new dollars coming in that's focused on this resource I think benefits us all.

**Commissioner Woods** - This would be a good example, just for discussion and recommendation purposes, that we do form some sort of land resource council. This is one good example of what I was talking about having all the players at the table. The second one, I'm real interested in the harvest rates per state.

**Tom Harris** - Yes.

**Commissioner Woods** - We have, at least in Bristol Bay and I speak for Bristol Bay, the population now has only increased like 30 percent in the last 20 years, but our harvest rates are even -- are staying the same, or almost declining. With the increase of population, the more use of the area, our harvest rates are going down. The competition for resource is getting bigger. How do we fix that? Right now -- let me explain. I was the first cooperator on the USDA Moose Habitat Enhancement Project, and our representative -- land representatives was a co-signer on that first USDA Moose Habitat, you're right.

As soon as we start increasing habitat, we've also got to stop, like you said, the predator control. And I guess it's, like you said, calf control or mortality rates is -- the state's really good at -- we have a really good ADF&G biologist team that sits there and talks about -- they can sit there, on caribou, moose populations, look at the calf mortality rates, calf survival rates and existing management tools to help curb that activity, but right now on the federal side that was I think where we need to keep in mind -- so I'll let you finish.

**Tom Harris** - What you're referring to is the right of access on private property. If the private property owner improves habitat to the point where the game will want to be there, then they will generate more per acre than where it hasn't been typically on public lands. This is where that relationship with the Department of Fish and Game comes in. You have a vested interest in making sure that that herd survives. And the state has a right to access. That's a negotiation that occurs in every Lower 48 state, that negotiation with Fish and Game and their private landowner occurs. We would propose that something similar occur here. And we don't want to see the resource destroyed, so there's -- the private landowner has a wildlife management program, the state has a management program, they have to match.

**Commissioner Woods** - And I see that happening really well. That's pretty good, where say like the private landowner would enhance our -- just like you said, enhance the habitat to increase moose populations. The state would come in and agree to help the calf mortality rates.

**Tom Harris** - Right.

**Commissioner Woods** - USDA would help fund -- and that's where the working relationships come in.

**Tom Harris**. Right. What we did is we partnered with Wounded Warriors, and Wounded

Warriors did a fabulous job. It was great for them. We invited them to come over and said, you've got another assignment, you've got to protect these calves, and that worked out. Now, there are a number of ways to do that and we'll be happy to explore those, but we've got -- you've heard 12 regions. That's the equivalent of 12 states. You're 19 percent of the land mass of the nation. There's going to be a lot of variety. But we do know from our own history that this has been a land of abundance, and with a little bit of work together we can return it to that. Yakutat, in the 1960s, harvested between 5 and 600 moose a year; last year, 30 moose. And that community now has a replacement protein cost for that meat of \$16.99 a pound, so that moose is worth \$8,500 to a family. So they're either -- that's nine Permanent Funds. So we see many communities where it's food or fuel, food or fuel, food or fuel or take it out of town.

And so we don't think that we need to get there. We can work together, and I'd like to see us increase the numbers where we could feel comfortable about welcoming outside hunters again. In the same decade that we just talked about, Alaska lost 50 percent of its outside hunters. They're no longer here. Our guides are starving artists and we shouldn't be that way with as much resource as we have. So we need a plan, we need guidance; we need a group that will help scope what the future looks like for our children. Did I answer your question?

**Commissioner Woods** - Yeah, there's a lot to talk about. Do you know about the joint boards next week? And one of the proposals I'll just stick out there is that the elimination of that working group that would include -- and it came from ADF&G and it's a management issue and I'm not going to bring it here. But I'd like to get your idea that we need working relationships to manage the resource. And I think in the beginning of this whole mess, the Alaska Native Claims Settlement Act, there was a provision there for that. The joint boards actually met and did what we're supposed to be doing, now there's a separation, so we've got to at least curb that separation and increase cooperative management of all that's going on. And I'm just trying to -- thinking how we can help. Your presentation really was well done, thank you and I appreciate it, and I've got a lot to think about. Thanks.

**Representative Keller** - That summed it up well.

**Tom Harris** - I'd encourage that you invite USDA, Natural Resource Conservation Service, state conservationists, Bob Jones. I credit Bob Jones with opening the door. It was a difficult task and there is a -- he and I fought long and hard and intense to get this open and we -- it is now open. The party still missing from the table is the state. And those resources are there, the agency is there, the landowner is there, we now need the state to come to the table. And we've had -- let me share with you, we've had conversations with Commissioner Campbell and Deputy Commissioner Fleener, and those issues are there. The political will and political leadership now needs to understand what this is about and say, okay, take us to the next step. Don't take us over the edge, but take us to the next step. I appreciate the time you've allowed me to speak.

**Representative Keller** - Thank you. We're going to go to Wayne now, you signed up. The second bite of the apple, we're in trouble.

**Wayne Heimer** - Well, I hope not. I am grateful for the second bite of the apple. Thank you very much for that opportunity. One of my roles in life seems to be to think the unthinkable, and then I say it out loud and often I write it down so people have to deal with it one way or another. And when -- I've sense a fair amount of discussion and some it seems to me longing for

reestablishment of something called Land Use Planning Commission, or Alaska Public Lands Land Use, whatever that was. When that was doing whatever it was doing, which didn't keep us from being where we are today, I was a happy sheep biologist trying to figure out how many sheep we could harvest if they drew the line here or there. I was not fully engaged in the ANILCA process.

But things have continued the way they are anyhow, and I don't know whether that's because that land use planning group stopped being active, or whether it was something that was inevitable. But I noticed that there is a -- it comes up frequently that maybe this is something that we kind of wish were the way it was back in those days. And my short thought is to urge you to be careful in your analysis of longing for that. And the reason I urge you to be careful in your analysis, if you're looking toward making that sort of recommendation, is that, as inspired by Commissioner Fish, I started thinking about -- a little on the philosophical realm, the basic assumption that would have to drive that as a success is that we could deal as successfully as apparently we did in the past, or maybe more successfully, in that venue than we can at present.

And I'd ask you to think carefully about whether you think that's a good assumption or not. Having seen and interacted since I've become more engaged with many of the federal agencies and the federal apparatus and all those things that have come and gone, I'm not certain that you're dealing with persons of goodwill any longer, if there ever were. Commissioner Olsen says that this is defined by the courts as a scheme, and he had an elaborate definition of what a scheme is. If so, I think -- I'd encourage you to be careful. I think you're the appropriate outfit to deal with state/federal interactions. Why you would have more feds and fewer state people escapes me, if you want to succeed, and I'd leave you with the suggestion from -- I think Thomas Wolfe says you can't go home again. Thank you.

**Representative Keller** - Thank you for the caution. I believe that brings us to the end of the public participation, unless somebody calls in, because it was scheduled for 3:30 and we're just now at 3:30, but there's nobody on line now.

**Commissioner Somerville** - Yes, Mr. Chairman. Would this be the appropriate time to, since we're getting towards the end of the day, make a tentative or whatever decision relative to tomorrow?

**Representative Keller** - Okay. Before we do that, let's have a little bit of discussion when the next meeting is, because I see this is pertinent on to making that decision. So Stan, you and I were talking a little bit about the week before session, and I don't know if you all have your calendars with you. I don't think we have a next year calendar there, but that's -- okay.

**Commissioner Woods** - It was handed out in our packet.

**Representative Keller** - And that's significant, and then we also have, as points of consideration, is that if we go out and do some regional hearings, we probably won't be able to nail down when those will be, but that's going to involve some of us, anyway, and travel between now and then. So is that -- that's 2013, right? 2014? It says, okay. So the -- Senator Dyson, the session starts the 21st, right, of January, I think this year? I think that's what it is. So the week before, if we did it the weekend, as usual, would be 15, 16, 17 of January is what -- and Stan, if you've got a suggestion or alteration to that....

**Leaphart** - Thank you, Mr. Chairman. Actually, Commissioner Somerville and I were talking about this a little bit at lunch, and I'm actually wondering if -- one of the purposes for a meeting at that point would be to finalize our report. I mean, staff will draft it, we'll circulate it for comments and try to incorporate all those, but the final seal of approval -- probably be much more comfortable if that took place at a meeting with everybody at the table with a chance to discuss concerns, corrections that needed to be made, additions, deletions, any of those kind of things on a group basis, as opposed to doing what we usually do, which is circulate stuff via email or via the regular mail. So that was my thinking.

I want to try to have a meeting at that time. Our annual report is due to the governor and the legislature by the tenth day of the legislative session, so that conveniently this coming year falls on the 31st of January. So also, in talking to Commissioner Somerville, would be I think great benefit of having the commission present at maybe a committee hearing, or in front of the legislature to present that report with all the recommendations. I think to have the full body there to interact with the legislature, discuss it with the legislature, if that's appropriate, those kind of things, I think would be a big benefit as well. So I'm thinking if we get everything drafted and to everyone by let's say 1 January, so everyone would have a chance to look at it on their own time, get back to us, make preliminary changes, and then meet sometime that third -- either the week of the 20th or the 27th in Juneau, and then see if we can schedule the whole group to meet with the legislature or one of the committees, whatever the appropriate committee would be, I think that would be a good strategy of presenting this report.

Our annual report is something that, quite frankly, is pretty much just a listing of the things that we do. Commissioner Somerville and others have talked about including recommendations. This is the first time that we're actually going to have, as part of that, some -- in this case it's going to be some very -- I think some very strong and important recommendations beyond what we normally have just as our general kind of statements. So that being said, and I'd just throw that out as an idea, do you think that's workable. If that's a good approach, that will give us the remainder of October, November, and I'm estimating no later than mid December for any kind of public meetings. You don't want to go too much into the holiday season. I mean, that usually doesn't yield much in the way of benefits in terms of attendance at meetings. People have other things that they want to do at that time besides come to a public meeting to talk about federal overreach. So it's probably realistic to have eight weeks to have -- probably I'm thinking somewhere around eight meetings throughout the state, eight to ten meetings. So I'd just throw that out there for your input or feedback and see if you think that's a good idea or a good approach.

**Representative Keller** - Forgive me for beating a dead horse, but I confused it, therefore I'm trying -- maybe over-trying to unconfuse it. But the reason this is important is that in the work session that we're talking about for the rest of the day and tomorrow, has to do with getting a final draft of the proposals that were presented at the Summit. And like today's -- Lt. Governor Treadwell's, because he missed the Summit thanks to my deal, and whatever, getting all that list together, and the work that you've done, Ron, to make sure that your ideas were carried forward in the proposal box. From that box of proposals that we're going to summarize, we're going to pull out these recommendations that Stan is referring to and for the next meeting. So that's why it all has significance on what happens the rest of the day and tomorrow. Commissioner Somerville, did you have something to add?

**Commissioner Somerville** - Well, thank you, Mr. Chairman. I think to help clarify, my intent was to essentially make the suggestion, if you need it as the form of a motion to modify the agenda that you continue on at least through noon tomorrow, so we could have the option, if we choose, to allow people to participate and to make the announcement here, if there are people that can only -- as Commissioner Arno pointed out, I think that was a good one, that it's too bad that we had advertised a public participation tomorrow and we won't be able -- wouldn't be able to do that. So that's why I'm willing to make it as a motion, if you.....

**Representative Keller** - Well, I will admit that I was tired last night, but did we not do that? Didn't we -- you moved that we were going to continue. So are you saying to alter that to.....

**Commissioner Somerville** - No, I said tentatively.

**Representative Keller** - Tentatively.....

**Commissioner Somerville** - Yeah.

**Representative Keller** - .....if needed. Okay. That's right, that's right, if needed, so a little bit of discussion first from the commission. Do you think it's needed? Do you want us to go tomorrow? Does anyone have any thoughts, besides Ron and I? And I'm completely ambivalent and I think it would be valuable for us again as a commission, as long as we're accomplishing something. If we end up walking away confused, then it won't be good, but anyway -- so I don't know, anyone else have a comment, or -- go ahead.

**Commissioner Arno** - Well, I know Commissioner Woods and I are going to be pretty busy here soon with the Board of Game joint board and Board of Fisheries, so as long as we've talked about this and it's at the top of my mind right now, I would prefer to keep, as disjointed as it may appear or may be, to keep hammering away at these points, so that when we leave here that we have something from the presenters at the Overreach Summit, and then the only things empty on the slate would be the things to try to do more outreach to some of the rural areas, or to the Native Corporations or villages, if we could be accepted, so that there's not a big rush. Because if we still have to go through all this, then take in some new information, then it's -- by January that's going to be pretty tight to have a final product, I believe.

**Representative Keller** - So let's go ahead. And if there's any objection to this motion, make sure you discuss it after you make the motion. Go ahead.

**Commissioner Somerville** - Thank you, Mr. Chairman. Yeah, I move that the commission continue this session, I guess we'd call it, this meeting through at least noon tomorrow, and if the Chairman agrees, have the option for public participation session sometime in the morning, and then continue the discussion we've had.

**Representative Keller** - I don't see any objection or discussion. I will throw on the table before we go -- oh, Commissioner Lean, go ahead. I didn't mean to cut you off.

**Commissioner Lean** - Well, I didn't know where to jump in, but the North Pacific Council is meeting on the chum and salmon, Chinook Salmon bycatch tomorrow, probably starting at noon,



and so that issue should start about noon. They're meeting today. And I'd like to attend that as well, so I'm having conflicts about the afternoon tomorrow. I would like to see this thing wrap up about noon.

**Representative Keller** - Yeah, okay, that sounds good. And I just want to point out, just so everybody knows, the other commissioners, Senator Coghill, Commissioner Coghill really wanted to be here, he was torn, but he's leaving tonight or whatever, and Chad I think is leaving tonight, but Rynneiva will be here to fill in for John. We won't put her up here, but we'll give her access to any of us so she can ask questions and be part of the discussion and she's up on it. So all in favor say aye. Opposed? Okay, we're on the schedule till at least noon, and realizing Charlie has to get out at noon, we'll shoot for noon, so.....

**Commissioner Somerville** - Do you want to set a possible time for possible public participation?

**Representative Keller** - Oh, I was thinking we'd do it by the same schedule published, is 11:30, if that's okay. In other words, looking at Saturday's agenda, just draw a line at noon and we're covering everything up to that. So 11:30 public participation tomorrow, so thank you. Okay. So now what I'd like to do again, if this is clear, and ask questions if it's not, but Commissioner Somerville spent a lot of time last night thinking this over, as far as what -- and I mentioned this earlier, what was maybe left out of Tina's summary that you may want -- and so I'd like to invite Tina up here to the mike and then have Commissioner Somerville explain the work that he has given to us, and then if you have a proposed motion or whatever for that, that would be great. So Tina, if you don't mind -- do you mind? No? Maybe? And in case there's questions, we're not asking you to report or say anything, but we really appreciate the work that you've done. I didn't mean to throw this at you.

**Commissioner Somerville** - Thank you, Mr. Chairman. What I passed out here is -- and I wanted to say, which I did the other day, as much as anybody, having been the person who talked Tina into taking the position she did, she probably has condemned me ever since, did an excellent job in preparing the initial summary. I do think there were some things that were left out that she may not even have had access to it, and there's some rewording that I would suggest to improve this. So what I did here to speed up the process is that if you look at the last page -- if you take the first two, they're printed on both sides, those are additions, inserts and additions, and what I have on the back page is a copy of the pages of Tina's summary which I modified with my suggestions. And then again the first two page -- it probably should have been the other way around, but anyway, the first two pages primarily are, as you see at the bottom of the first page there, recommendations or additions to her pages 18, 19 and 20, which was the recommended summary.

So again, to speed up the process, all I'm suggesting is, my motion is that this be accepted as amendments for the purpose of creating a CACFA summary of the Summit, as a draft, as part of the draft. It is not -- and I just want it that way only because it was recognized, it was put into the record, that this was submitted, and that's the only reason for doing it that way. If the commission chooses to reword, separate, whatever they decide to do, I just felt this would speed up the process to get -- I went through as many documents as I could, for instance, to put in the additions, items that were -- I suggested were missed, and not that I agree with them or anything else, they were just items that people had suggested, and I tried to consolidate where I could, but

primarily listed them, and that's all this is.

**Representative Keller** - Okay. I have a question. As I understand it, and this is going to drag Stan into the explanation, but as I understand it, Stan and Karrie are going to come up with a draft of the list. And what you're saying, then, is you just want to make sure this gets considered in what they pull from. And I think that, as far as I'm concerned, they have complete freedom in making this draft to draw from not only this, but like I say, from Mead's presentation today and from the -- obviously, the transcript now that we have. And as Stan had suggested, listing it according to the presenters and maybe some that -- some catch-all type thing. But I have no problem with that at all, but I just wanted to say, is that the context that you're thinking of?

**Commissioner Somerville** - Yeah, I said draft, and that's what a draft is.

**Representative Keller** - Okay, okay.

**Commissioner Somerville** - And I'd like a second, I guess, to my motion that these at least be considered as part of the draft, that's all.

**Unidentified:** I'll second it.

**Representative Keller** - All in favor, say aye. That was easy.

**Commissioner Somerville** - I think Commissioner Arno started to say.....

**Representative Keller** - Go ahead. If you've got a comment, we can do that.

**Commissioner Arno** - I guess I'm still just a little confused, that what I see that Tina Cunning put together, was asked to do a summary of the presentations at the Overreach Summit. And now we've been handed out -- and the staff has put together the verbatim comments from the presenters, and in addition now we have some draft comments by Commissioner Somerville to add or to make changes to the summary that was submitted by Tina Cunning. All right? And we also have a list that we worked on here for a couple days where we picked some points that -- what I want to see this as, or what I perceive it to be is that the commissioners are looking at the information to go ahead and put together some key points to present from CACFA to the legislature. And with that then I think that what we're putting together now is kind of what all the commission has chosen as the important things that were derived from the Overreach Summit, and then Stan and staff will pretty much adhere to those points that we're discussing now and putting in draft. Is that correct, or am I missing something?

**Representative Keller** - I'm going to need help on this, if anybody sees it any differently, but I see it a little different, and that is that the first roll is for us to report what happened, the results, the produce, the fruit of the Summit. And I don't think that we should leave anything out. I think that that ought to be a list that is not prioritized, and it's categorized by presenter, and given to the world. Okay?

Then the second part of that is the recommendations, and this we're doing here doesn't mean that MOU review is priority number one. What it means is, it's something that the commission has put a flag on and check on and said, this is important, and then at some point no later than our

January meeting, then we may choose to say, okay, these are the top ten priority recommendations that we're making based -- drawing from all this fruit that was produced by the Summit. That's the way I see it. Is that okay?

**Commissioner Arno** - That answers my question. We're talking about two different documents. One is the summary of the information that was ascertained from the Overreach Summit, and then the second document that we'll do will be our recommendations to the legislature. All right, I'm clear now, finally.

**Representative Keller** - And, no, your confusion can be blamed directly right here, because I was confused when I started yesterday and I led us down a trail there that got us confused. I'm sorry.

**Commissioner Olsen** - Yeah, Mr. Chairman, am I correct, the first part is done? This is the transcript from the presentation, or Summit meeting? So that's over.

**Commissioner Woods** - With corrections. We need to approve it.

**Representative Keller** - Again, I'm not going to answer for our director, but my thought is he probably wants to do some work on the formatting of that, probably wants to do some work that includes what Mead Treadwell meant for us and we meant for him to have in the Summit, and then if Commissioner Somerville has introduced some new ideas, we can consider that as part of the suggestions that came out of the Summit. In other words, his -- what we just agreed to is that this be part of the draft list of things to be included in the report for what happened at the Summit, the fruit of the Summit. And so I don't think it's just a matter of just simply posting that online, but that's my.....

**Commissioner Somerville** - Mr. Chairman, I think we just went back into the slight confusion here.

**Representative Keller** - Okay.

**Commissioner Somerville** - I'm having difficulty with this. I've got great faith in our executive director that this is what happened, so the first part in my mind, with the addition of the Lt. Governor today, and you're putting that down including with this, it's a done deal. So it's done.

**Leaphart** - That is simply.....

**Commissioner Somerville** - And I have good faith in you that you can take care of that job.

**Leaphart** - Right, the transcript was done by two separate court reporting firms. No single firm had the time to do it and get it to us before the end of this meeting, so they were done by two separate firms, one in Anchorage and one in Fairbanks, from the video and the recording of the Summit. Karrie reformatted it, because as court reporters they tend to be done in court format, which is a little -- which would have been 300 pages instead of the 200 that it is now. But that is a verbatim transcript. I've looked at it, there's a couple of gaps where they couldn't make out a word, or someone spoke off camera and didn't identify themselves, but it is a verbatim transcript.

And the purpose for providing that is, there's two days, my notes were incomplete, I'm sure

everyone's notes were incomplete. This way we have a written document. In addition, we're going to have copies of the video, the two days of the Summit will be on video, it will be available once we get those reproduced on DVDs. You'll have that as a permanent record as well. So that way there's no question about who said what at the Summit. And then the reason I wanted that, obviously, is so that we don't have gaps in the recommendations, or the issues that were raised and that sort of thing, so that is the record.

**Representative Keller** - Okay. I would like to add one more thing to that, is that I think you ought to be free to write an executive summary and this whole -- this more complete document is there as backup or footnote or whatever, but I think that Tina has provided us with a really good start on an executive summary type thing that we can post and be easily read and quickly referenced.

**Representative Keller** - The work project that we're doing, we have a wealth of good proposed ideas, and some of them were new to me in the Summit. I was really impressed with the quality and the level of response we got. And our goal was met. Our goal was to document as best we could the grievances that were -- the conditions and the cases that our state employees were dealing with as far as federal overreach is concerned. And then if you remember, Stan asked every presenter to come back with proposals and suggestions for where we wanted to go. And that list of proposed suggestions, they're fantastic, and we're not trying to screen anything out of that, we're trying to make sure that they're all there. And the last point is, I'm hoping that we can add to that as we go and not just us. We're looking at all of them, we're going to have a little different perspective than one of the presenters that maybe comes with a more particular point of view. But as we go here more and more, there should be good suggestions that come up on how to deal with the federal overreach that is being felt and causes pain in so many different arenas in the State of Alaska.

**Commissioner Somerville** - Yeah, thank you, Mr. Chairman. Two things; one, what I produced here, other than I have some suggested changes to the wording, some of them, the vast majority of what I've got here is just taken from what people -- with the documents I could get off the website and the stuff that I had and from my notes, so there's nothing new in here. I've tried to just speed up the process, help Stan get as many of the things that were said at the Summit included in the recommendations, and that's why the length of this thing. The other thing I want to point out is, you can't just use this here as the total document, because what people submitted - - I submitted four appendices to my presentation. Many of the things that I referenced, or some of the things I referenced related back to those appendices, and that's -- there are other people that did the same thing. So Stan is stuck with bouncing back and forth between what the presenters said here and what they presented in terms of documentation. I point that out.

**Commissioner Somerville** - Mr. Chairman, I think -- I'm going to have to look in here and see. The most important thing happened the second day, is when I asked how many people felt that we had a problem, and everybody but one person raised their hand.

**Commissioner Fish** - Okay. As I see it and understand it now, and you can feel free to correct me if I'm wrong, is we have the record here. This is the record of the Summit, plus any ancillary DVDs, audio, videos that we've compiled, plus any record that should have been added at the time that for whatever reason was unavailable. So we have a total record of the Summit. And then what Tina has provided us is the basis of -- a summary of that record, and what

Commissioner Somerville has included in that is his observations, based on that record, of recommended changes to that summary we've all agreed on. Now, that summary is still a draft.

**Representative Keller** - Exactly.

**Commissioner Fish** - Right? And it's going to be in our -- the judicious hands of our executive director to hash out to a final product for the approval of the commission.

**Representative Keller** - To support the executive director that also includes you, because the draft has to be approved by the commission, so it's going to come back to all of us here. Oh, our senator came back.

**Senator Coghill** - My apologies, Mr. Chair.

**Representative Keller** - Go ahead.

**Commissioner Fish** - Well, that being the case, I say we've got a working draft of the summary of the Summit in the tank ready to go, and the next successive thing that we should be concentrating on is the points that we want to prioritize.

**Representative Keller** - Everybody happy? I think maybe the confusion I caused has been cleared up, so we're in good shape. We're in good shape.

**Commissioner Woods** - Point of order, Mr. Chair. Mr. Somerville presented amendments, clarifications on the summary and that's what we're discussing now, and the bullet points that we're presenting in the next hour today and up to noon tomorrow would be the issues that were off the hit list that we want to summarize, or comment on and prioritize, right?

**Representative Keller** - Right. The list that we began working on was more focused toward us as a commission picking out things that we're going to highlight as recommendations, based on all this information we've gotten from the Summit and our experience as we've worked with these issues. So, yeah, does that help?

**Commissioner Woods** - Yeah.

**Representative Keller** - Tina, again, I just want to say again for the second time or third time or fourth time, whatever it is, thanks for your help on this thing. And if you have a comment, feel free. And the reason I asked you to come up was partly for that reason, so that -- to give you that opportunity if you wanted it, because you made a really good summary. And obviously it was intended as a draft and that's where it is, so.....

**Tina Cunning** - Yeah, thank you, Mr. Chairman. It was intended as a draft, that's what I was asked to do. I'm a volunteer, I did the best I could given the circumstances I was dealing with. And in fact I spent an incredible amount of time reviewing all the presentations and all the materials, and I didn't feel like it was my place to, in the recommendations section, to lay out a position of the commission, because you guys hadn't discussed it or voted on it. So when a person said, we want to sue on this, or we want to do -- don't want to do that, I just included it in the range of options for dealing with an issue.....

**Representative Keller** - Good.

**Tina Cunning** - .....because that's just a starting point for your work. Yeah.

**Representative Keller** - Yeah, that's exactly the way -- and we're all on the same page, I believe. Thank you. Okay. So with that, in the last hour that we have today, is there other housekeeping items that have come to your mind that we need to deal with, Stan or Karrie? Other housekeeping items that we have to deal with? Otherwise, we're going to go back into what.....

**Leaphart** - The only other thing I would maybe ask, Mr. Chairman, with these regional meetings, or whatever we want to call them, be thinking about good places to have those, realizing that we have limited time and staff to cover those. My initial thought is probably a couple in Southeast. We meet regularly in Juneau. I would think it would be appropriate to maybe have a meeting in Sitka and Ketchikan. I know in our deliberations on the Sealaska bill we had some requests from Prince of Wales Island to meet with folks down there. And I think two meetings in Southeast would be about as much as we can have. I think we need to go to Woody's region, the Dillingham area, and maybe a second meeting location in that region, Southwest Alaska. Certainly, the Glennallen area. That has sort of a long history of federal, state, local problems. I know the governor's office has asked us to do one in Mat-Su, in the Mat-Su area, and certainly I think the Nome, Kotzebue area region should be definitely on the list.

So I don't know how many that is, but I'm thinking realistically probably eight, ten meetings at the most, and it would be one day, probably evening meeting so the people could come. I wouldn't anticipate more than maybe one staff and one or two commission members, particularly if it was within their area where they live. But just give some thought about where best to have those and how to provide the best coverage that we can to get a range of views and input. Obviously, in Southeast we're going to hear about possible problems with issues related to the Forest Service and National Forest management. Glennallen, we're going to hear primarily about Park Service type issues. Northwestern Alaska, you have quite an array of parks and refuges, and of course BLM lands are everywhere. So please if you would, give some thought to the best way to try to cover the state, realize that we have fairly limited time and resources to do that. So we're not going to have to decide right now. I'll come up with a draft list and run that by everybody beginning next week, because we're going to need to start scheduling these and getting the word out about these for folks like William back there to get the word out about these meetings and what the purposes of them are. So that's the only other thing I had, offhand.

**Representative Keller** - Thank you, Stan. Commissioner Arno.

**Commissioner Arno** - Thank you, Mr. Chairman. I guess there's a couple things that unfortunately, because of timing of events, the regulatory process on both the state and the federal side is coming up in the fall here, we're going to be -- a number of us will be participating in those, but more importantly, a number of individuals that would comment in the communities that we want to go out to will also be participating in those regulatory process. The other thing is, is the federal shutdown, because that's really putting the pressure again on the regulatory process for the individuals that are prepared for the Federal Subsistence Board meetings in rural areas.

So I think that it's imperative that we do make this outreach quickly, in order to give time enough

for the people, particularly away from the road system. I mean, those are the ones with the tremendous cost of coming to meetings, and they're going to have enough of them anyway. Another example is the AFN Convention just coming up in Fairbanks. So I think the timing is critical and those locations are important, and we judiciously have to make sure that we cover the larger section of those who aren't on the road system to be able to participate.

**Leaphart** - Mr. Chairman?

**Keller** - Stan.

**Leaphart** - I assume, certainly since -- until the federal shutdown, that they normally have RAC meetings in the fall, don't they, in some of the regions? I assume those won't happen until the shutdown ends. But those might be a good place to go, to just talk with people, listen to what the concerns are and incorporate those issues there, because you're going to be dealing primarily, obviously, with hunting and fishing regs, but other issues always come up, as you know. So that would give us some additional insight. I haven't been to a RAC meeting in quite some time.

I have plans to attend AFN conferences in Fairbanks this year, so I'm planning to be there, and then hopefully I can then talk to folks there about some of the issues. But the point is well taken. It is a busy time of year. One of the reasons we didn't have the regional corporations here, most of them are either currently in their -- some of their annual meetings, or getting ready for their annual meeting, so it is a busy time. So we'll try to work out a good schedule and get coverage on that.

**Representative Keller** - For what it's worth, I think we've got a real good start. I mean, I really enjoyed the presentation by the Bristol Bay Native Association and the input we got there, and today from Tyonek and Maniilaq. And I think that we have started on that process, and even though we have a long ways to go, it's really positive. Commissioner Lean.

**Commissioner Lean**- The point of the interference of the entire fall meeting schedule, this is the season of meetings, by the way. So I intended to be at this meeting for the three-day duration, and then move on to the North Pacific Council meeting, but of course they're a federal agency. And their meeting has actually accelerated a great deal because of the shortage of federal employees. And so that's kind of thrown a wrench in my plans. And I guess I think we're going to have to have some flexibility, if you can't meet with the RAC at the given location, maybe we should consider the State Advisory Committee as another venue. I think there's benefit to be gained in either of those forums.

**Representative Keller** - I want to repeat again how much I appreciate this commission. I fully understand that you're here on volunteer time, and I mean your travel is paid and you have a per diem for meals, but it's a lot of hours and it's really a critical issue to be dealing with. And you've all demonstrated enthusiasm and participation that is really, really neat. With that, I'm going to ask -- say that we take a five-minute break and then come back and continue on with our work session.

## **5-Minute BREAK**

**Representative Keller** - So we're back on the record. Commissioner Liska.

**Commissioner Liska** - Yes, I would like to suggest that we formulate a letter in support of the governor's action here, and possibly a letter to Secretary Jewell to back up what the governor has stated and drawn the line.

**Representative Keller** - I think everybody has seen the press release. I think it's very appropriate. Is that a motion?

**Commissioner Liska** - I make that a motion.

**Representative Keller** - Discussion. Second?

**Commissioner Somerville** - No, he seconded it.

Unidentified - Second.

**Representative Keller** - Discussion. We just expand Stan's work as if it was nothing. All in favor, say aye. Opposed?

**Leaphart** - Mr. Chairman, there's not a lot to say. It should be a one-page letter, so.....

**Representative Keller** - Last thing here before we use up our last half hour, hopefully efficiently, is we want to settle on January 16th and 17th, 2014 as the next CACFA meeting in Juneau. Is that -- I'm not getting ahead of you, am I, Stan?

**Leaphart** - No, that's fine. I think that's.....

**Representative Keller** - That's Thursday and Friday, is what that is.

Unidentified - Which days?

**Representative Keller** - 16 and 17. Commissioner Arno.

**Commissioner Arno** - Well, just if we're in discussion of that, I'd make a suggestion. I would much prefer to wait till the legislature is in session the week after, so that we've got a plane ride down there and there's a lot of us that know a number of the legislators that we could personally chat with them. So even though it's the first week, sometimes the first week is the best time.

**Representative Keller** - You're right. Okay. So you're saying maybe the 23rd and 24th. Senator Coghill, what do you think? I think that everything -- the offices are usually not really put together, everybody's head is spinning and everything like that, so it might be a good time for you and I to get away to go to the CACFA meeting. And all the legislators will be there, so they'll be accessible to the group. It is a pretty confusing time for us, because we're getting our ducks in a row, but what do you think?

**Senator Coghill** - Probably just as good as the week before for us, because I will be just as busy the week before as I am going to be the week after so -- and for a guy that's been absent all day,



outside of the legislative session, it's hard to tell what my schedule is going to look like. But I think that's a totally valid point. And there are other reasons for having this many people down to visit the legislators as well, so, yeah.

**Representative Keller** - Another good question on this is, I was thinking Thursday or Friday, but maybe Friday, Saturday is a better choice, as we've done in the past.

Unidentified voices - Yes.

**Representative Keller** - Okay. So it's January 24th and 25th, then, if that's -- Commissioner Somerville.

**Commissioner Somerville** - The only question, and it's not confusing part of it, and that is if we could schedule the presentation like the 28th or 29th, some commission members could be there, which Stan indicated before that it would be beneficial on that presentation to have the commission available for questions, or to contact other legislators.

**Representative Keller** - Well, the schedules will be locked in and we can go -- the advantage of picking a day like now is that we can -- in that next week then, hold over for -- if some of us can stay over and.....

**Commissioner Somerville** - Yeah, that's what I was getting at.

**Representative Keller** - Yeah, yeah.

**Commissioner Somerville** - One advantage of that later.....

**Representative Keller** - I see, you were saying it was a good thing, yeah, yeah. Okay.

**Leaphart** - So the 24th and 25th, Mr. Chairman?

**Representative Keller** - That's what I think the consensus is. We didn't take a -- we haven't taken action on that, but I think I don't see any opposition. Okay.

**Leaphart** - So, Mr. Chairman, maybe one more thing. I will commit to having a draft and a report with recommendations to everyone by January 10th.

**Representative Keller** - That sounds good.

**Leaphart** - That will give us two weeks for everybody to look it over. Of course, like any high school student, I'll probably call you on the 9th and beg for an extra week, but right now I'm going to commit to the 10th.

**Commissioner Liska** - Based on recommendations, are we still going to plan a time for -- to hear from the federal agencies? I know we're not gathering again, but how do we take testimony or give them a time of response?

**Representative Keller** - My knee-jerk reaction, I have thought about that, in fact, I was worried that our recent visitors were going to ask. But they have access to us all the time, and it's a

standing invitation to all of them all the time. And this was -- this would have been nice in light of what happened at the Summit, but I think that the window of opportunity has passed, and the open door policy on the federal agencies has been there and will continue to be there. What do you think? You need to speak.....

**Leaphart** - I agree, Mr. Chairman. I don't see how we could incorporate them into the next meeting, and then assuming we needed to incorporate any of their input into our report, that we could do that in the time allotted. What I will try to do is, I've had conversations with each of the agency heads that we had invited, provided them with Tina's summary. Probably if they're interested, I'll provide them with the transcript. And then I'll make an effort to maybe meet with them individually, maybe if a couple commission members would be able to do that, we could do that in the intervening time, assuming they are back on the job. But I think we can get input from them, at least maybe on a one-to-one basis and share that. I'll share that with everybody.

**Commissioner Arno** - Yeah, just to say I agree. I think that they were invited, they certainly could have come on their own time if they chose to, and that if you keep the door open and say that you're in your office and if they want to talk to you they can try to make an appointment with you, although you'll have a pretty busy schedule, and then you just let the commissioners know that one of the heads of one of the Federal Land Management areas wants to talk to some CACFA members and you and make an invitation that we're in the area, or they can come up.

**Leaphart** - And one other thing real quick, just to say each of the offices that I talked to expressed their -- they apologized for not being able to make it and expressed their desire to meet with us in the future, if the opportunity was there. So I think they want to hear from us.

**Representative Keller - Commissioner Somerville.**

**Commissioner Somerville** - Just one comment, and that is obviously I think we should contact them and tell them we'd accept stuff in writing.

**Representative Keller** - Yeah, it doesn't hurt to repeat. Commissioner Liska.

**Commissioner Liska** - I was just going to suggest that also, that they can make comments on anything that they wanted to respond to with what's already -- especially if you're going to provide the transcripts for them, and that their comments could even be posted up on the website in response so that it could be open to everybody.

**Leaphart** - Just as an observation, based on my experience I would doubt that we would get much in writing in the way of response.

**Commissioner Somerville** - But it's nice to offer that.

**Leaphart** - But it's nice to offer, yes.

**Commissioner Somerville** - The Board of Game and Board of Fisheries does it all the time, they get lots of things in writing.

**Representative Keller** - Yeah, that's a good place to leave it. I think we've got most of the

housekeeping items done. And we have a little bit of time left, and I don't know if you're -- switching gears here, I don't know if any of you has a potential recommendation or a ramification that we're going to deal with in our recommendations and my -- but Senator Coghill suggested something and he won't be here, and I think it might be a really good time to talk about the funding issues related both to our recommendations that are pending that we can just guess at, and for the extension of CACFA and all these things.

**Representative Keller** - That would free up a lot of money. Let's talk that over between us, because -- and I certainly will put out a house version, if that's what we want, but we also should at least consider the possibility of another sponsor, like maybe get a house resource chair or something that's enthusiastic and knows what we're doing, and it's a possibility. It might be beneficial, just something that you and I can talk about. But anyway, so who wants to -- go ahead, Commissioner Somerville.

**Commissioner Somerville** - Just before you leave that subject, no disrespect to the two legislators, is there any advantage for us to try to contact other senators and a representative to get them -- in other words, if we make this compelling presentation in January, is there any advantage to other people stepping up and say, hey, we really want to help? Just from your standpoint, is there an advantage in doing that?

**Senator Coghill** - Mr. Chairman, yes, there is. There's a couple ways we could look at it and you might want to just ponder this. But the first committee of referral is a place you want to have that discussion probably, and it would be State Affairs, would be my guess. So there's identifying the chairman and the members of the State Affairs Committee, most likely. And then any encouragement to co-sponsor certainly is helpful. But then we talk about some modification of the scope and duty, but before you start talking to people about that, it probably wouldn't be a bad idea to really ponder that. So that's one of the reasons why I wanted to be one of the prime movers.

**Representative Keller** - That's a very significant thought and it's one that Susan, Commissioner Smith brought up during the last break, is that we need to consider whether we want to change, or propose a change of the role of CACFA. Yeah, that's a good point and well taken. What did you have in mind, Commissioner Coghill, on the funding source? You and I -- for some of these recommendations there will be some cost. Like say we get into the education aspect of it, just that one thing I can see where -- I know curriculum development is not cheap. I know consultants that can give us a kid-friendly, technology-friendly curriculum isn't cheap. There's going to be dollars connected with our recommendations and I know you had some thoughts on that.

**Senator Coghill** - I do have some thoughts, but I never have liked eating cake that was half baked, so I'm going to be careful what I say. It's just an idea that is in the oven yet, so.....

**Representative Keller** - Okay.

**Commissioner Woods** - Can I ask one question? The review -- or based on sunset, while you're reviewing the existing contract that we have, or legislative direction and the funding source that we're having, because if you're developing that -- like I've got a suggestion from my seat, I guess it would be. Is that what you're doing now?

**Senator Coghill** - No, I'm open to suggestions, Mr. Chairman.

**Representative Keller** - Yeah, it's just up for suggestions.

**Commissioner Woods** - Okay. And maybe figure out a formalized process for actively engaging the Native community, not only on the corporate -- Native Corporation side, but as you've seen the nonprofits, the Native organizations that are out there have a huge infrastructure in place that we're not capitalizing on either. There's a huge resource, and like in our department, I'll bring every issue forward that comes before our desk, and each region has about the same format.

And if we could either form a subcommittee, or a subcommittee of this, that there be an actual formalized way they can either -- I know that the governor's office has say a rural advisor, and in that process I think is pretty effective, but I don't think he has the same charge that we do. And I think in the federal and ANILCA side, it needs to be -- there's got to be a key person. I think it's all about relationship. If each region had like a key person that they can account for to help bring issues forward that they have, and then summarize it, right now I'm the only person -- and I don't think -- I can only speak for -- that's why I think there's a lot of -- our region came in Maniilaq and Tyonek was here, but I think that if we could figure out a -- capture some of the -- I think they've got their own processes out there, just that we're not capitalizing on them. Thanks.

**Representative Keller** - On that topic, did you have something, Stan?

**Leaphart** - Mr. Chairman, I do. I wrote this down and I've taken this to heart, I think. The commission under its enabling legislation can establish advisory groups. Now, the only one we've ever had, I think I mentioned this before, is what we call the Southeast Advisory Group that dealt with Tongass National Forest issues, because they were so -- it was in the '80s and there was a lot of controversy down there. It was post ANILCA, pre Tongass Timber Reform Act, so we thought the best way to deal with that would be to have a group of people from the environmental community, and of course the fishing industry, from the timber industry, advise the commission on a whole range of issues.

What I wrote down here when I was listening to William talk was that we should think about establishing an advisory group to deal with Native issues, I guess for the lack of a better term, that would include maybe membership from the nonprofits and the regional corporations and the village corporations and some of the tribal entities. So that's one of those things that, every time you have a group and you have to have a meeting, you've got to have travel money and all that, so that would obviously strain existing budgets, so that's a consideration. But I think your point's well taken, Frank, that we need to do a better job of reaching out to a big part of Alaska that we're not reaching out enough to.

**Commissioner Somerville** - Yeah, and this is certainly no disrespect to the Native group, is what -- it might be better to make it more of the private landowner. The Natives are the largest private landowner in the state. And it doesn't show -- like you just -- you're just singling out one segment of the population, yet in fact you would be, because they are the -- I'm just -- is there some benefit in wording something like that, in terms of assignment? And it's more -- it's our role, which is we're not responsible for all state, federal and Native relationships. That would be

way outside of our.....

**Commissioner Lean** - Yes. The association -- Bristol Bay Native Association and Maniilaq are the nonprofit regional corporations, but the for-profit regional corporations are landowners. But there are a number of us that aren't Native that are landowners as well in the bush. So I do like that idea. I think there's -- I think somehow we need to capitalize on as much as we can. I think in the short-term the idea of using advisory committees or the RACs, either one or both, is a good quick and dirty way to do something. But I agree, outreach is a good thing, and the village corporations and the regional corporations are the significant landowners out in rural Alaska.

**Commissioner Arno** - Just looking at the financial restraints, I think that what we really need to do is to do a little better job of networking, and a better job of getting a list of contacts, who each time before we're having a scheduled CACFA meeting, that we can get out a draft agenda to each of the nonprofits, as well as the for-profit corporations. And that's just -- you're not going to just go to a phone directory and get that, because as you well know, anybody that's tried to get ahold of them regularly, you've got to have a contact person. And once you have a contact person and have that list, and then they start -- you get them on the idea that CACFA is meeting three times a year, and you're meeting in the Interior, or the Southcentral area, or in Southeast, that I think that over time then all of those landowners would -- once they were on that list and contacted, it would behoove them to go ahead and see what the agenda is. And that would save the cost of having to transport everybody to a central location each time.

**Commissioner Hanson** - I think that in the wording of reaching out to the rural population it would be important to put the word allotment in there, because there are tribes and village corporations that have lands that aren't under a conservation unit, but some of their members do have their own personal individual allotments inside of conservation unit boundaries. And I think that that would trigger more response of maybe the tribe or the village corporation doesn't have the lands, but they do know of members that do, and so therefore you might get a greater response.

**Leaphart** - Mr. Chairman, maybe I'll read the section of the statute that discusses advisory groups. It says, Advisory groups of the commission: The commission may establish advisory groups in the state. The commission shall invite nominations for the membership on the advisory groups and shall consider the nominations in making its appointments to the groups. The membership of each advisory group shall be broadly representative of individuals involved in activities affected by the establishment or management of units, or federal land within the state.

So that would include all inholders, allotment holders. And we talked about yesterday, you have corporation land that's subject to 22(g), and you have other corporation land that's not, so there's a wide array of people that.....

**Commissioner Woods** - Private landowners are word -- incorporated in that, without having to.....

**Leaphart** - Yeah.

**Commissioner Fish** - I'm wondering if the best way of approaching it maybe is -- since Alaska

is so large, is doing it by region, and a regional advisor that is part of a regional advisory group that covers the entire state. There were -- my thinking is, having a point of contact, let's say in a regional hub like Bethel, where the federal issues that come up in the region, they can collect, they can serve as the collection point of the issues in their local area, somebody that you can actually walk up to, or get in the door and talk face to face to, and they can collect all these issues that are out there and then bring them to the group that can summarize and report to the commission.

As a way of establishing the network as suggested, is simply having a point of contact in every one of the five regions of the state that actually consult with each other, so they recognize when there's similar incidents or policies that are popping up. A lot of times people only think that it's on them, it's affecting them, and they don't realize somebody a thousand miles away in another part of the state is suffering under the same regulatory change. So if we have a regional advisor and four or five regions of the state consisting of that advisory board, I think a representative of that board can give us a quarterly report, or at every one of our meetings call in, or summarize the issues that are happening in their local regions, I think maybe could be a useful mechanism to do that. Just a suggestion.

**Representative Keller - Commissioner Olsen** and then Commissioner Lean.

**Commissioner Olsen** - Yeah. What's the availability of the LIO network in conjunction with this statewide contact and assistance? Is that up for use, or is that strictly dedicated to specific users?

**Representative Keller** - It's not a given that it's available to us. We requested and there's a cost associated of course, so we can request. Do you know anything different than what I just said there, Senator?

**Senator Coghill** - Yeah. Certainly, as a request, but within certain areas of Alaska you're not going to have LIOs, so you'd want to take a pretty good inventory. Like in Glennallen you have one probably underutilized, but it is there. You've got one in Valdez, you've got one in Kotzebue, so, yeah, I think they would be glad to be a participant, but you have to get in a queue.

**Representative Keller** - Exactly. And they have to give priority to the legislative use of it, but at this point, speaking in very general terms, the support of CACFA by the house and the senate is at a very high level and they're very supportive of the concerns that we have and they've been very cooperative, leadership both sides.

**Senator Coghill** - Mr. Chairman, my chief of staff just reminded me, I'd better bring this up. Quite often during the summertime, during off-legislative season, they're not open. And during the season you're going to compete with committees, so just -- that's just going to be the queue problem.

**Representative Keller** - Exactly, yeah. Commissioner Lean.

**Commissioner Lean**- As I remember, Mr. Tom Okleasik from Kotzebue and Maniilaq did participate via the MIO system for several meetings a couple years ago. But also I wanted to point out that the commission has a fairly broad representation of people around the state, and

I'm sure that that's part of the reason that some of us are -- it's a broad mix of residents, not that we're covering all the bases, but that was the intent.

**Commissioner Somerville** - Thank you, Mr. Chairman. And speaking of budgets, I'm just -- if we were to go full sloop into a large subcommittee system, it's going to cost a lot of money. I think Commissioner Arno was kind of bringing that out. And as we work towards maybe a larger system, that's one thing, but right now for us to consider going into the legislature and proposing a large budget to cover this, not utilizing these other mechanisms that we have available, starting small, a small committee and trying to reach out I think -- and I support the concept, but I think we have to be real careful. And you guys from the legislature can probably speak to this better than I can, but my experience in dealing with the legislature is going that fast would raise some hackles.

**Commissioner Woods** - I agree. I think we have a....

**Commissioner Woods** - I think Mr. Lean's suggestion, along with Arno's, that we have our existing format that we can capitalize on regional advisory chairs, or regional councils, and we can maybe either submit a letter and agenda to those meetings so that we can actually, in the short term, at least get the message out. And I think we can do that as regional reps at this time, and then focusing on private landowners with broader individual allotments. So I think in the short term I think we just need to focus on keeping it as simple as possible. Thanks. But since you're writing it, we can -- no, I'm just....

**Representative Keller** - Well, at this point we're 10 minutes to 5:00, and rather than pick up a new vein of thought, let's wait till tomorrow morning at 9:00 o'clock when we come in. But as your homework, be thinking about this big bucket of suggestions and great proposals on how to proceed. And if you would, pick one or two that you want -- if you would, articulate your advocacy for, because it'll help us discuss it tomorrow and it'll help us in the end here when we get into the recommendation stage. And don't be worried that if we miss something it will be left out. That isn't the point at all. The point is to give opportunity for us as commissioners to say, this one is important to me. Like I'm just going to -- Commissioner Hanson, you've done that already on the education. I think that's a huge one and it has a lot of ramifications, educating more Alaskans on what the rights that we have under ANILCA that assured us, and the promises that were made under the Statehood Act, and making new awareness increased throughout the state is really huge. So overnight think about which one you want to tackle in the morning. The way we'll start out, 9:00 o'clock, gavel in, and I'll say, okay, which one of our proposals would you like to make a case for, and we can start the discussion, and we'll just leave it wide open. And then at 11:30 tomorrow we have public participation time.

**Commissioner Somerville** - Thank you, Mr. Chairman. I just -- in light of yesterday and today, I wanted to thank you for your patience, because we were singing from a different book and I really appreciate your helping us through this land mine. And I just wanted to express that.

**Representative Keller – Adjourn for the day**

**Saturday, October 5, 2013**

**9:00 a.m. CALL TO ORDER**

**Representative Keller** - Well, we'll call CACFA together, to order. And today what we've got is we're going to continue our discussion and we have public participation at 11:30. We're scheduled to be out of here at noon. And what that does is right at the end we're kind of stacking to get the final closing comments by the commissioners and members. I'm guessing that we're going to have plenty of time, that there won't be that many participants, and so no later than 11:40 my guess is we'll be on that.

Before we get started on discussion, though, there is one thing that I was thinking about. I was actually chatting with Ron a little bit this morning about it and it got me thinking, is these meetings that are coming up in the regional -- none of us really know what we're doing here, right? We're kind of groping along and we have -- we're relying on our executive director. I wanted Stan, tell us if you would, give us an idea -- and if two or three of us can join you, what happens? Do we just go advertise, or you and Karrie advertise and then we go into this building and then what happens? I mean, what kind of priorities, what are we doing?

**Leaphart** - Well, I have been kind of wrestling with that. I mean, we just said at the Summit very briefly, the idea of having additional meetings around the state, and I think that's a really good idea. What my thinking is, is that once we work our way through this list of issues and possible recommendations, that might provide sort of a starting point, a reference point, if you will, for a public meeting.

And one of the things that Courtenay mentioned yesterday in her presentation was the concerns about harassment of hunters out in the field. I mean, that's not the first time we've heard about something like that happening. I know the issue of remote cabins came up. We've worked with the trappers in the Fairbanks area on BLM land to get a workable cabin policy, which has similar concerns, and over at Yukon Charlie about subsistence and cabins. So those are the kind of issues, if we list those that we've identified, maybe use that as a starting point, do you have concerns about this issue in your region, or you have problems about harassment or those kind of things. That's just kind of thinking off the top of my head. I've been to a lot of agency scoping meetings and they say, hey, we're going to write a management plan for this refuge or this park, what do you think? People have a little difficulty if they don't have something to kind of focus on, and that's why I'm thinking that maybe utilizing the issues and possible recommendations as a starting point might provide that focus. But I'm open to suggestions.

**Commissioner Somerville** - Thank you. And I think you hit on one key point, too, there and that is -- I mean, we're going to get complaints and I would expect that. I mean, you're not going to go out there and just have people pat us on the back, that's not going to happen. But there are a lot of things that I think we have in common, and one is the difficulties that people -- I mean, you hear this complaint all the time about the number of meetings that people have got to go to to try to protect their interests. And I think as we were making the point yesterday, CACFA can help in that respect. And we're not building our own cases, we're trying to represent the people, and I think we need to emphasize that. But I think we're just going to have to take the constructive criticism for what it is.



**Commissioner Olsen** - I guess my comment is that obviously you must be getting contacts from different regions, but there has to be a certain amount of contact from a region to some level of input to create a meeting or a subcommittee effort to get out to those area. I'm not sure that I would promote our -- well, I don't want to make a casual remark here, but jumping around the state with our activities, if people have concern at a certain level, let's get there.

**Representative Keller** - One of the things that would be a conversation made me think of is that the Summit, it was a two-role, two-purpose. One was to document the overreach that has happened. We have lots of good stories and documentation of problems, and I think that it might be a mistake to go with just the thought in mind that we're there to listen. We are there to listen, but we're also there to make everybody aware of the problem that others in the state, fellow Alaskans are having. So I think an approach might be to have comments and stories and examples of the issues that we're facing, like the Izembek Road is one that jumps to mind, or what are some of the others. Well, Chicken, and all these cases, and if we go with the idea that we're -- partly that we're teaching and spreading the word on the abuses that are happening, and partly then to hear what they have, it'll help -- I think it'll help drive it, but just a thought. Commissioner Liska.

**Commissioner Liska** - I think the communications part of it is, what you just said, the teaching and educating even rural Alaska that we're here, to be able to hear. And I think it's too much for Stan and Karrie and whoever would go on all these various trips, that possibly having the Facebook page up prior to this, so that we're not going to be able to hear -- make that announce -- we're not going to be able to hear everything, but we're looking for your stories and here's a place, Facebook or whatever mechanism that would be, for you to put your stories down so that all of Alaska can have these stories recorded. And then in that we're still continuing to build the case, but that it's documented and not on any one person, because that's too laborious, but at least it's being recorded. We do need the stories. So that's my recommendation.

**Representative Keller** - Commissioner Lean.

**Commissioner Lean** - I agree. I think we serve a real high educational purpose, and one is the historic background to how it was in the chain of events leading to the present, and that varies from incident to incident, or issue to issue. But the other thing that I get out of that CACFA web page is the executive summary of these different plans and things, because I don't have the time to dedicate to reading every single one and I'm just amazed that anybody can. And so it's really useful for me to see these are the hot points in this plan, things -- changes that are occurring. It helps me think about what my priorities are, and I think that if we could serve that function for the public, and I think that was -- that's a real function that we do for the public, and with anyone we do these outreach meetings, people would be interested in finding a way not to have to read three inches of paper.

**Commissioner Woods** - I think one of the things to remember, that this federal system, if we're going to go around the region, I just drew a simple map, a land status map and who and what we're dealing with. I just referenced just in our area we got Lower Aniak Jack, and then Alaska Peninsula Becharof, Lake Clark, Togiak Refuge and we border the YK Delta. And in them boundaries we have the RAC process. And I honestly think the RAC process is a little bit kind of skewed, because when there's a federal problem and a federal issue brought up at the RAC,

they're still dealing with the same bureaucracy we have a problem with. So I mean, and I think it's about building relationships a little bit to maybe introduce ourselves at the RAC process, because there has been -- that's where a majority of the federal issues come up and that's where they supposedly are supposed to be dealt with.

So I'm not trying to reinvent the wheel or create more -- like you said, we can't go around the world trying to chase everything, and I feel like Charlie, is that we can't attend every meeting. But if we can kind of fine tune it to each area specific, because I know Southeast has got the Tongass, and then we got the Wrangells, and then we got -- so each area, if we have a land status map, at least for.....

**Leaphart** - Just a question, Woody. Do you think we could get on the agenda for a RAC meeting to just kind of make a presentation, this is what this group is, this is what we do, and kind of use that as an introductory.....

**Commissioner Woods** - That would be great. The coordinator here works out of the Anchorage office and I have his email, so I can put in a request. The chairman is Molly Chythlook, my old boss, and ask to be put on the meeting.....

**Commissioner Liska** - Well, and I just realize that not everybody is going to be on Facebook. The comment cards that we had at the Federal Overreach Summit that Karrie made copies of for us, the comment cards could be left and mailed in if people want to write, but also recording devices, whether it's an iPod. If there's going to be two or three people going out to these meetings, to record some of the stores and then have them transcribed for people are talkers. Some people are writers, some people are going to post, and just have a variety of.....

**Commissioner Olsen** - Having served on the Advisory Committee level, these basically are the highest interest users throughout the State of Alaska, those people that on their own come out and participate in the system, participate in what's available, and that would be a tremendous thing to participate at the advisory level, as well as the federal level, because these are the people that relate to the system. And I want to reemphasize the communications. The service that the state is -- I used to take care of the system, and this service that the state is taking care of right here on the communications and the LIO participation, these are purchased on a year to year, monthly basis. They're in operation 24 hours a day. And the people that you're appealing to work in the evening. They work on the weekends and they work in the evenings, and we relate to the public. I think we have a gem here with this operation, the communications around the state, and we need to take fuller advantage of this area here.

**Representative Keller** - Did we give you a little bit of meat to work on there and.....

**Leaphart** - Obviously, Mr. Chairman, right now I guess the RACs schedule has been suspended, along with everything else federally related, but we have the state and local Fish and Game Advisory Committees, too, which would be a good venue, too, I think. So let me look at the schedule. I know those meetings take place a lot in the fall and leading up to the various board meetings and stuff, so -- and just look at the schedule. And I mean, who knows how long the federal shutdown is going to last, but we're then -- I'm sorry?

**Representative Keller** - I would assume that the first thing that's going to happen to us as commissioners is that we're going to get an email from Stan and/or Karrie and we're going to

have a proposed schedule there, and a question whether or not you're interested in participating in a particular area. And part of the reason why I wanted to talk about this, is when you do that just be thinking about what you're going to do, have a story to document one of the grievances that's been raised, and Stan will give guidance on each one, probably custom fit like Woody says. And another thought I had when you were talking and Woody was talking, is Wasilla there's four of us that are real close by there, and maybe that's a good place to start. It's a little bit more urban, but maybe -- I mean, just whatever, you call it, but it's pretty easy there to get a facility like this for that one, if we want it, but....

**Commissioner Liska** - I don't know a lot about the RAC meetings, but even if the shutdown continues, since those meetings are already on schedule and the public in those regions are already planning on being there, could we slip into the slots?

**Leaphart** - I don't know.

**Commissioner Liska** - I imagine the rooms are already scheduled, the times are already scheduled, everybody's expecting it, and I think with what Senator Coghill said, let's not wait, let's just take advantage of what's already in the system and happening around the state.

**Commissioner Somerville** - Thank you, Mr. Chairman. I want to reiterate one thing I mentioned this morning, and that is my experience as the last one, going around to -- in fact, Tom Harris and I went out early on in the d(2) process and went to a lot of villages in the state, asking them how they felt about the issues of fish and wildlife management. There wasn't really much to give them, but it was interesting, anyway. The other one was, most recently was the initiative to ban the aerial hunting of wolves, which had we taken advantage of that right after the initiative, got authorized, we'd have lost that about 60/40, or something like that.

Anyway, there's a lot of things that went into the defeat of that initiative, and one of the things that the board did was authorized us and we had a presentation, we had DVDs that we took with us. We went out and explained to people what we were doing. The reason I'm giving you this background is that my experience is that people don't really like -- when the Fish and Wildlife Service goes out, they spend the first half an hour of a meeting selling them something, rather than -- one of the purposes is to listen to people. So you've got to really be careful about what your sales pitch is and when you give it, letting people voice their opinion and kind of give what you're looking for, and then inter-mixing in that discussion where you're coming from and what you're doing, in my opinion, is the most valuable mechanism. I don't know, other people may disagree with that, but I don't think most people like the big sales pitch right off the top. I think it shows -- tends to show bias.

**Commissioner Lean** - If we target the RACs and the advisory committees as the first up, we should expect to see an hear mostly about wildlife and fisheries issues. There are other very interested user groups, the miners come to mind. The mining season is almost over, at least in my part of the world, termination dust is on the mountain. But certainly they would be a different group and relatively few of those attend advisory committee meetings.

**Representative Keller** - I think that's a really good point. Let's go ahead with our work session. Anybody that wants to advocate for a proposal, or even if it's repetition is okay, but hopefully new ones just to put them on the map, just to take notes. And in the event that it will change our

priority of the list of recommendations sometime that we get to here in January

**Commissioner Liska** - Well, I just wanted to respond to what Commissioner Hanson said about AFN. I think that's a great idea, but I'd like to hear from Commissioner Woods. Would that be possible, and do we have contacts? Where would we even begin to check if that was even possible?

**Commissioner Woods** - I think it's a good idea, but I think the agenda is set, was it about a year ago, and I think that it's kind of hard to get everybody this late in the game. Maybe a booth or just a pamphlet or something, but I think to even put your foot in the arena, we plan about a year ahead. And sometimes that group is my own group, but it's not representative of the whole as a picture. And the corporate entities have pretty much controlled that, and sometimes those entities aren't -- it's gotten a lot better, but I think some of the times even our regional has a different perspective from the people there. So I don't know if that's the right -- maybe in the future attend one of their -- like maybe on the executive level, sit down with the lead.....

**Commissioner Liska** - Julie Kitka?

**Commissioner Woods** - Julie Kitka, I was going to say Lease, but that's -- yeah, Julie Kitka, and just say, here we are trying to sort out some issues, and then get maybe -- she has enough staff, and to come up and sit down with you and develop a white paper that would address -- we have lots -- we invited a lot to our federal meetings, because number one, they have the staff and the manpower to help and legal -- and also legal ability to start litigating that process, so there are -- and it would be our -- I think it would be in Stan's interest to sit down with Julie and say, here's what we are, here's the issues we face, and can we help you in some arena, and that's probably the most appropriate way.

**Commissioner Liska** - Can I do a follow-up on that? I know that Monday and Tuesday, and I think part of Wednesday, is the youth and elder. Would that be a better venue to start?

**Commissioner Woods** - Well, like I said, they start planning a year ahead, and youth and elders is really the time of celebration, so I don't know if this would be a good time. I think the best option is just send her an email saying, here's what we have, here's what we're doing, and then open up the web page, like Karrie does, and maybe one of her staff will catch on and start monitoring, because just like our accountant is the last person I ever thought would ever be interested in this stuff, so.....

**Leaphart** - And I did send an invitation to Julie for this meeting and which Karrie followed up with a couple of phone calls, and unfortunately we didn't get them to participate. But with the convention being in Fairbanks this year, I plan on being there, and I'm thinking maybe a good approach is ask if we could put copies of our newsletter on maybe the registration table, maybe a fact sheet, business cards, that kind of thing, and start that way, because I think you're right. I'm sure the agenda is long filled and long set and it wouldn't be possible.

**Commissioner Hanson** - It may not be too late for a booth, too. I know we've had a booth before at the convention, and I will be there the first two days, Monday and Tuesday for my tribe, in that capacity. However, we've sat a booth and there's thousands of people that go through those, and even if it wasn't manned all the time, and if you had some sort of a header on

there that would grab people's attention, like, are you being harassed, are you being this, or something, and it would draw attention. And I know the booths are kind of expensive there, they're a couple grand, but it would be a nonintrusive way of beginning.

**Commissioner Liska** - And that might be a place to have comment cards so people can leave a comment, I mean, beginning to build that relationship by having people express.

**Leaphart** - Mr. Chairman, Teresa, do you know if any of the state agencies like DNR or Fish and Game typically have booths at AFN?

**Commissioner Woods** - Fish and Game does.

**Leaphart** - Well, we might be able to piggyback on their booth and put some stuff in their booth, if it wouldn't be possible to do our own. We've got about two weeks I guess before it starts, so I'll look into it. I mean, yeah, it's a good idea.

**Commissioner Hanson** - Outreach.

**Commissioner Liska** - Education.

**Representative Keller** - Tina, did you have something? Feel free, this is a work session. You can see we're pretty informal.

**Tina Cunning** - My experience in the past was that AFN has a Land Managers Booth that we can (inaudible - away from microphone) and they have oftentimes allowed (inaudible - away from microphone).....

**Representative Keller** - Woody, did you have some input on that?

**Commissioner Woods** - No, I was just going to say that's a really good idea, is to target that group that is in control of land, and that would be a perfect example of what we need to be.....

**Tina Cunning** - (Inaudible - away from microphone)

**Commissioner Woods** - You've got to watch -- if you're going to be tending a booth, you don't want to -- I wouldn't put subsistence up there, or anti-subsistence.

**Representative Keller** - That's what went through my mind when Teresa said that. Commissioner Smith, did you have something?

**Commissioner Smith** - No.

**Representative Keller** - Oh, okay. So, yeah, a good suggestion. Anything else that we need to talk about in that.....

**Commissioner Lean** - No, we're going to end up disagreeing.

**Representative Keller** - Does Senator Coghill have any thoughts on that, Rynnieva? You see

how heavy we rely on our staff and the legislature here. We know they can read our minds. Back to where we started I think then, and that is advocating for some of the list.

**Commissioner Fish** - Looking at the list that we already got, and I've been contemplating this as well, is the wealth and volume of information and grievances that's been compiled, is how do we condense that? How do we get it into a usable form where we just focus on an overriding theme that people can grasp onto and give a road map from where we want to -- what is our objective, where do we want to go? And I'm looking at number 10 here, public access to public resources.

And if you look throughout the rest of that list, that pretty much corresponds with a lot of the other issues. I myself had an issue in a state park on this very issue of public access to public resources, where I was compelled to pay for a simple walk across the park. And it was an educational process that I imparted on the park managers that made them aware of the access issues that we have. And that was on a state level with a state bureaucrat, so there's misunderstanding throughout society. What is the commons, what rights does the individual have to access the commons? And like I say, if you look at this, I think that's a central issue.

**Representative Keller** - How would you word a recommendation? Now we're moving a little bit from identifying the issues, to begin to talk about our recommendations. So how would you word a recommendation on that?

**Commissioner Fish** - Well, of course that's a little tougher to put it in a concise sentence. It's -- I'm thinking of where is the recommendation targeted to? What's our target? And really we talk about education and awareness, there's several different ones, and I'm thinking the first thing that we have to get control of is our own bureaucracies. They have to understand what rights the public has. So I know I'm just kind of throwing things out there and I don't really have a concise.....

**Representative Keller** - That's how we get started, yeah.

**Commissioner Fish** - .....statement yet in my own mind of a simple one sentence bullet point that I can use to draw these different concepts together in a single overriding theme. But I think that's the direction I tend to want to go through in my own mind, is what's the simple statement we can make that's going to capture the attention of not only the public, but the bureaucracy that seems to want to control the public.

**Commissioner Lean** - Much on the same line, I think this goes -- Commissioner Fish's comments go to how to present this list of high priority items. And for me, I remember ANILCA and ANCSA and all that, was the beginning of my professional career, but what's been most helpful for me is actually reading about statehood and the reasons that we pressed for statehood as a state and what we hope to gain and how ANILCA built on that. And we had the Lt. Governor talk to us about the promise of being self-sufficient at statehood as a state, and then ANILCA was acknowledged to impact our state sustainability and things have gone south from there. So I think an introductory paragraph lining out steps and rationale would be useful. And we are talking about federal oversight, not just ANILCA, and I think there's building blocks, a foundation to be laid for this list. So thanks.

**Commissioner Somerville** - Thank you, Mr. Chairman. I struggled with this when I was

working up some changes to create our summary of the Summit, and what I did was, in the stuff I passed out yesterday, was I had a category, aggressively pursue public access solutions, but then I broke it down into four parts that were raised at the Summit. There may be additional ones, but identify and protect RS 2477, that's one of the issues, prohibit 17(b) easements from being vacated, unless comparable access is provided, clarify and strengthen public access to inholdings as it was an issue, work with landowners to resolve access issues. And of course the other one that's kind of related to it but is covered elsewhere is the issue of navigability as a key issue. So those are kind of the ones that were raised at the Summit that I could find that related to that. So in other words, if you're interested in the public access issue and you address the issues underneath that through positive action, then you could resolve a lot of the problems.

**Commissioner Lean-** I'll be very brief and I'm sorry to step on **Commissioner Olsen's** toes. My point I guess was that navigability and RS 2477s are examples of things that we hope to correct in the statehood language, and some of these other issues are more related to ANILCA. And so I don't disagree with your bullets, although maybe I'd rearrange the order.

**Commissioner Olsen** - In my brain we respond to the individuals that appear before us, and we have the expertise and the background and experience to go to the institutions and inquire or take a look at their operation and get back to the individuals who are seeking relief from this chaos. It disappoints me to go through a Summit meeting, go through three days and not talk about this piece of work that was put together in 1956. This is the rule book. It doesn't go beyond this, it doesn't go below it, this is it. It's like playing little league; you can never play another game without a rule book.

**Representative Keller** - I think it has been brought up, and I think Al brought it up really well, remember? And we didn't discuss it. I just wanted to give credit for referring.....

**Commissioner Somerville** - Well, anyway, looking at the list over here, I'm very reluctant to spend money, time or effort educating people on a scheme. It remains a scheme today, identified by the District Court and the Ninth Circuit Court. So I'm really reluctant to do that, because this thing has to shake out. The basics are navigable waters. In regards to number 6, I would add basin-wide adjudication. It's an area of contention. It came up in the mid '90s. It was reviewed, it was critiqued, suggestions were made to the trustees, the legislature, and they didn't take it up. I think we need to press that issue, because it's a tool that should be taken advantage of. And RS 2477s, the people that appear before us are interested in either getting out in the brush, on the water, or on the ice, and doing their thing, which is their priority. So backing off, it's -- I'd like to see more emphasis on the rule book. And the MOAs or MOUs, they're illegal, pointed out very clearly by the Supreme Court of the United States. The state cannot participate in programs with the federal government where fundamental rights are abandoned. They were illegal in '82 when they were agreed to and when they were pushed.

It's very clear in Supreme Court cases, because we had a history of that in our country in different regions throughout the country of the state and feds conniving and getting together to exclude people, or diminish their use on title property rights. So anyway, so I guess I don't want to get back to paragraph 1, section A, but Stan, in your presentation or bringing this together, this emphasis should be placed on our trustees and they in turn -- we have got to educate the next governor, and we've got to educate the attorney general, whoever it may be, in this whole effort. Thank you.

**Commissioner Fish** - And taking in these comments into consideration, I think it's right. That is the rule book and the foundation of our statement should be based on those rules. And I also agree with the points of navigability, 17(b)s and 2477s. But what I'm suggesting is an overriding statement that this falls under. Now, we can make a statement like taken from that last one, public access to public resources, something similar to the public has a right to access the public's resources. It's a simple overriding compelling statement that the common person can understand, and if they don't, it stimulates a question that can be answered by the sub-bullet points of 17(b) access, the constitution, 2477s, et cetera. What do you mean by that? And so I tend to think that maybe we start with those statements of plain -- in my mind, plain fact. The public has a right to access their own resources. And maybe that gets the bureaucracy, in their mind, to where we stand on that issue, too, is that they're facilitators of that access, not obstructionists to it.

**Commissioner Arno** - Well, I'm the one who suggested the public access to public resources, so obviously it's something I've thought about for a long time. And I'm still belaboring over the Overreach Summit, what we derived from that, and is that the driving points that now we're going to go out and we're going to ask the Alaskan public, what are the things you're concerned about. And then from that are we going to derive a list of things that we're going to take to the legislature? So when I look at the summary that Tina Cuning did, and I look at the revision that Ron Somerville did, I see good points in all of that, but I think it's just a matter of what is the direction.

Why are we spending this money of the state's to go out and ask the public, what are your concerns, if not to just legitimize what it is that CACFA in the end is going to take to the legislature to say, these are the problems that need addressed by the legislature, and that's our advice. So I keep bouncing these two separate segments, in my mind, off each other.

And I think if we're right now talking in terms of what's the agenda that we're going to say that we're looking for, the information that we want when we go to the public, it's got to be in terms that the public can say, yes, I'm negatively affected, I am not able to access public resources, that simple. So I guess in my mind I still need to understand what it is that we're talking about right now. What kind of a list are we putting together? And if it is to try to get key points that will inspire Alaskan residents who feel that their rights are being infringed on by federal overreach or federal policy, how do we break that down to where they are points that everybody's going to understand and say, okay, under this point I do have an issue and I'm going to tell you that when you come.

**Representative Keller** - This definitely is a confusing thing, but ultimately I keep going back to the fact, just what you said, is ultimately we've got to make recommendations to the governor and to the legislature, and that's what the target is. So if you come to me as a legislature and you say, I think we need to have public access to the public resources, well, yeah, sure, okay, great. But if you come to me, okay, a way to do this is to -- one of the solutions that was offered up for us to consider was by Sally Gibert, and she said what we need to do is move toward making it real to local control, that the agencies of the state, when we're out there in the rural areas, and this was brought up, too, in Al's testimony yesterday, that who knows better to really manage the resources that are being used than the local people.



So if we could come up with a recommendation that the legislature requires Fish and Game to have a very real process, where the local people are more engaged, you've got to have the state oversight over all. But a recommendation -- it's got to come down to a recommendation at some point. Same thing with the land use management thing, right? At some point we've got to have a way to start. And for me the way I think is, hey, I wonder if I shouldn't ask for a draft legislation setting it up and identify the duties and identify the responsibilities of the Land Management Council, or whatever you want to call it, and bring it back to you and let you analyze the legislation. And then we could make a recommendation with that draft that we come up with, whatever it is. So it isn't that -- I mean, this is a really important discussion on the fact that that is the key, but at some point we've got to break this down to, okay, what are we going to do with it? Woody.

**Commissioner Woods** - I liked it more, because I think that's confusing to too many people, too many issues and too many problems. I like Somerville's idea of breaking it down into four different -- he broke it down into four different problems that he addressed. And it would be in our best interest to simplify it in a different -- we have wildlife problems, we have outreach and education problems, we have legislative problems, like the state versus public access, defined terms, and then legal review is MOUs, LCCs, I think, and you can actually add those bullet points, and then out of those bullet points come up with -- 1 through 10 we can categorize under each item that there are multiple targets that need multiple strategies.

For public outreach and education, if we go around the state and start educating everybody on ANILCA, you said we're just going to go around holding meetings. Well, legislative -- you just mentioned your own process and your own fix for that. Arno's got his own wildlife issues going on, and from the public side that advocacy group stuff is real important, so I think if we highlight the different -- say what category, categorize each problem. And some of them might fit under multiple categories. The public access is a wildlife issue, along with public outreach, and the legislative fix, so I don't know what -- and nothing.....

**Commissioner Arno** - The problem that we have is dual management, d-u-e-l. And if we didn't have that, then all the things that we're talking about are in place in the state. If the state did that, as Warren pointed out, came up with a constitution, the legislature just taking wildlife management and allocation, delegated that authority to boards, also created advisory committees so there's a system in place that's only dysfunctional because of 'duel' management. So as far as recreating the wheel, what is it we're asking, it's just a matter -- I see CACFA as hearing these conflicts created by the dueling management, that also isn't just wildlife, it isn't just fish, it's also access.

And so you can put all those things together, if we didn't have a dueling management, that the state has a mechanism in place to handle it, so that I think is what CACFA is trying to do, is to figure out either how you mesh these dueling management systems together, or don't participate in them, and say, okay, we've got 102 million acres of state land, 60 million acres of submerged lands, and we're going to do what our constitution says on that and the feds are going to do what they want. So to me simplifying it, that that is the two options, so how do we don't confuse ourselves to come up, and what are we gathering information on when we go out to the public? Do they feel that same way? Are they happy with it? I mean, clearly it depends who's buttering the bread on whether this is overreach or not, so I hope that -- that simplifies it in my mind.

**Commissioner Somerville** - Thank you, Mr. Chairman. I don't totally agree, I guess, only from the standpoint there's more here than just the dual management issue. I mean, whether or not dual management is there, although it's fueled by the conflict, the issue of establishing navigability, for instance, the feds want that land.

**Commissioner Arno** - Part of the duel.

**Commissioner Somerville** - Well, yeah. Anyway, I'm just saying, in my opinion I'm back with the chairman, that is, if we're going to make recommendations to the legislature, the administration, and monitor what's happening in this arena of overreach, then we've got to break it down into things that we can grab ahold of, and that's I guess why I do agree. Things I've included in here aren't necessarily points that I would agree with, I'm just saying this is kind of what we got from the Summit. A lot of them were predictable. I mean, we knew that some of these were coming. And so I still think we have a responsibility to summarize the problems as we see it and to make recommendations to the legislature as to how -- there's lots of possible ways of resolving them. And to my mind that's a pretty -- as simple as you can get it. We need to prioritize what is the most important problem.

**Representative Keller** - I'm going to insert a comment here, but it's very parenthetical. It's not to lead this discussion; it's just to add something that I wonder if you're aware of. EPA overreach became obvious in Chicken. It fits with what you're saying. You're saying we need to make a recommendation on navigability; for example, that issue that we're struggling with somehow so that the legislature can get a handle on it. Well, here's the complexity of that navigability word. EPA has used the word differently. It's in their statute setting them up, and what it does is they use the idea of navigability to define where they have jurisdiction to function within the state.

And what they have actually done, believe it or not, this came out of a legislative exchange council document that I can get to you, if you want, I gave somebody a copy of it. But what they've done is they actually literally have defined navigability as any water that has a nexus with any water that runs in a river, or whatever. In other words, every drop of rain is navigability, part of their definition. Well, the Supreme Court struck that down and that is in limbo, but obviously in Chicken that jurisdiction is what is used, because there's no navigable waters, correct me if I'm wrong, around Chicken. It's a -- that's part of the reason -- I'm wondering if it isn't part of the reason where they're trying to make a point on that court issue. But the only reason I'm throwing that in there is not to distract or take our valuable time, but the complexity of the whole thing and the ability to cause confusion is so deep, it's frustrating.

**Commissioner Somerville** - Can I just respond to that quickly?

**Representative Keller** - Sure.

**Commissioner Somerville** - Thank you. But if you look at the other states where navigability determinations have been made, it's a much clearer conflict. The courts are pretty -- when a state gets a navigability determination, they get the submerged land, they get the managed water column. Yes, there are complexities, but generally it's an up or down fight, more black and white. We don't have any black and whites. We've got so many gray areas, we don't know where our jurisdictions are. And I've been saying that from the beginning. We need some clarification. If we can't get some resolution on the subsistence between the federal and state, we

at least need to know where the state stands, so in fact it can either manage its lands and let the feds do what it wants, or develop a cooperative system with them. We need clarification. Navigability access, fish and wildlife management are all part of that problem, in my opinion.

**Representative Keller** - Oh, absolutely. I hope I didn't -- I was trying to add to your statement, not take away. **Commissioner Liska** and then I know that you want to get something in there on basin-wide adjudication, but we'll let you do that kind of right after Kathleen.

**Commissioner Liska** - Thank you. I agree with Commissioner Woods, and I'm somewhat of a mini strategist here, so I've been building a mind map at home on my computer of, here's all the agencies that I'm aware of, and who's doing what, and the organizations that they're attached to even outside of Alaska, and how the states are beginning to come together. But then also a mind map of -- and I've been trying to break it down by issue, because by issue, then underneath that is the problems, and based on the problems then there's different groups or organizations, whether it's legislative, or administratively, or congressionally, where they need to be dealt with. And some of them -- there is overlap in some of them, but for me it was easier, here's the issues, here's an overarching issue, public access, I love that statement, that there's a statement that just is, this is it, the public can take that, but underneath that public access are these problems that were being brought to our attention. And then determining, okay, based on this access particular, who needs recommendations to do what with it? So that's -- I'm kind of -- I'm with you, let's break it down in categories. From there you can come up with a strategic plan of -- and who needs to do what and the recommendations from that.

And to me, I just want to put in here also, I think the thing that was interesting to me from the Summit, and has continued to be brought up again by the Lt. Governor, is this is ANILCA, and yet if we don't grasp the fact that there are these other overarching plans that are beginning to be implemented in the state that puts ANILCA and everything else, our compact, everything else aside, we're not just looking at ANILCA, that's what we have been tasked to do as CACFA. But I think when we look at land use, that needs to expand, because if all we keep doing is looking at ANILCA, we're going to miss all these other things that are coming over the top of us. And we need to begin to look at those and defend ANILCA and the compact on a greater understanding, because we can defend all this, but if they're going to bring all this on top of us, that's -- so I'm concerned about that, that we as a group -- the expansion of the definition of -- so....

**Representative Keller** - And I apologize, but when there's a dozen of us, it's really hard to keep the sequence of the discussion, and a lot of times someone will trigger a thought, like Warren had a thought, and I'm guessing, but I would think on navigability, and if you want to go back to that you can. And I'm kind of putting you ahead of Charlie and Woody, who also are in the queue, but....

**Commissioner Somerville** - Thank you, Mr. Chairman. There's navigable water in Chicken, it's called ice. All other locations, all of their locations were serviced in the wintertime or in the early spring by transportation over ice. Mr. Lean just knocked me off my socks this morning when he says, we've got dredges sitting out all over the area a long way from Nome. Well, guess what? They were serviced in the wintertime. Those are navigable waters. Every stream that they ran up, every waterway, seasonal is navigable water, end of the story for EPA.

Okay, well, anyway, I want to talk just briefly about the butter on the bread. Mr. Arno

mentioned the butter on the bread. We have literally walked through billions of dollars since statehood on nothing, billions. And it's not there anymore, so the legislators I'm sure are very aware of this, we're all getting clues, so it's their job, they are really the least educated, in some cases, when they get to office, but they got great assets. They've got staff, they've got agencies, they've got the biggest experts in the world sitting right there on all these subjects. If the legislators want to find out what we did at the Summit meeting, here it is. They got enough gumption, they can go research this in a couple hours and see what happened at the Summit and see what the presentations were. But it gets back to the basics, so let's stick with the basics, let's be aggressive for the citizenry that appears before us, for the agencies they have to deal with, and get it down in their language and what our expectations are from the trustees, the governor and the AG.

**Commissioner Lean**- I'll try to be short. I see our responsibility as developing an oiled down short list of priorities with subcategories. And if people want more detail, they can go back to the hearing record and go through our long list, if they'd like. But I think we were charged with advising the governor and the legislature, and people that are busy like to have things sorted out and boiled down for them. The educational things that we've been discussing are important, and I do believe that the federal government has been playing off various constituencies against each other, even within the State of Alaska. And it behooves us, the legislature and the governor to try to boil the issues down for the public as well. But our priority is to get this advice out before the end of our first appointment here, and if we want to be reappointed, we have to produce a product that's easy to understand. So I do like education and I think that's something we should talk about for our next -- our reappointment, but our real priority is to get this list out. Thanks.

**Commissioner Woods** - I was going to echo Mr. Lean's summary, that we have approved a transcript, or we're going to approve, I guess, with some typos. I'll email what's her name, Karrie, but we have a summary that was edited and accepted so that summary is what we're working off now. And like Charlie said, we've got to come up with a product that's going to be at least legible for -- and I'm trying to wrap my head around it, without any -- just multiple targets going off in my head, trying to figure out how to narrow it down, but I think like Charlie said, something that's legible and at least graspable enough to give a recommendation, and maybe that's not my charge. I think maybe if we -- maybe I'm thinking way ahead, but we've already got all the ideas down, we've got all our points across, we know what the issues are. Are we just going to throw it at Stan at the end of the day and say, okay, you and Tina sit down and summarize and give us a report and we'll be done. No, I don't think so.

**Representative Keller** - Well, no, I'm going to break in. That's actually what we're doing and that's part of the reason why we're talking here, is it gives Stan and it gives the staff reason and understanding where the commission is coming from. I know it's uncomfortable, because it's so -- it isn't linear. It's really nice -- I mean, I have a linear mind, too, I want to go this way. This is more -- and it's just really frustrating. But it highlights a couple things; one is, we're revealing our thoughts and our beliefs and our concerns, and we're repeating them, which is at some level ridiculous, but it also builds a priority, so that when Stan does present us with a draft of the recommendations that this is going to boil down to, our January meeting won't be a fiasco. That's why this is important.

If we try do this in January just before we were going to hand a recommendation, we'd all walk away and say, I quit. We don't want to do that. So in a way Stan is our greatest asset. I mean,

we really do appreciate -- I mean, you have done this over and over again. And Stan doesn't do it alone. He has input from Rynnieva, he has input from Chad, he has input from Ernest, he has of course Karrie, and they're listening to this, so please don't get too frustrated. He knows what we're doing and I think it's valuable. Commissioner, where are we, Arno, you were next.

**Commissioner Arno** - Back to simplicity here. Again, I still think we're talking two different issues, and it's clearly stated. Tina Cuning, in her abstract, she identifies issues, so she's got three issues. All right? And then she goes on to identify solutions. So what are we building right now? Are we building an issue list, or are building a solutions list? And it seems to me we should be building a solutions list at this point.

**Commissioner Fish** - Well, I'm thinking, like you say, I like to think linear as well, and it's not, it's a multifaceted problem. But General Sherrill, who was an aide to, I think it was Stevens at the time, or Congressman Young, one or the other, and we had a conversation with him on an issue. And he stopped us in the middle of our presentation and he said, there's only one thing an elected official wants to know at the end of the day, what do you want me to do? And everything else is filler. So that being said, what are we putting -- if this is going to be addressed to the legislature, what concrete actions do we want them to take? And then they see if they're willing or able to take those actions. In that, take like the summary, we present ourselves just the same way the summary does. Here's the issues in simple terms. Like thinking about number 10, the right of the public -- the public has a right to access the public resources, and adding to that this -- the issue is, that's not being honored. So what's the solution to that? And then we can enter our recommendations on solutions to honor their right of access to the public.

We can do the same thing for the wildlife issue, or any of the public comments. I'm trying to give Stan a way of guidance in how to organize these recommendations, and I think identifying the problem in a concise statement, because we've got tons of statements related to access and the problems that are there. And I guarantee you there's no legislative aides in the middle of a 90-day session that's going to read this. And I've seen the stacks of paperwork that get written and get put on their desks down in Juneau, and it's mind boggling. So even a one-page synopsis, what do we want them to do, this is the problem, maybe -- and I'm talking not so much as the -- as all of the issues, but how we present them and I think it's got to be clear, concise and to the point. And so I'm thinking maybe we can identify four overriding, compelling problems, list them in a short manner, and then give -- under those four or five, give three or four recommended actions for the legislature to take.

**Representative Keller** - It isn't just the legislature. But don't forget, like Craig sitting back here, right, our recommendations, some of them are going to be directly something in his.....So we're talking the governor and the administrative branch.

**Commissioner Smith** - Thank you, Mr. Chairman. I'm thinking solutions. I've been thinking solutions overnight and I've got some crazy ideas, but I'm going to throw them out there. In my mind, Stan's going to come up with this dynamic list, and we're going to send it out there and then we're going to see what happens. Right? But I think we need to include something that says, some kind of deadline, point in time where if we don't have a response from the feds, then we start phase II. And I think part of our phase II, or maybe phase I, should be to go ahead and start an advisory council within CACFA to deal with lands issues.

Now, that doesn't mean we shouldn't pursue the Alaska Land Use Council being reinstated, but through the legislature that may take a little more time. And I understand that they have more -- a little more power than -- a little more teeth than we would in our little subcouncil here, but I think that we could assign tasks to our advisory council on lands to preserve or win back state sovereignty, to fulfill our statehood entitlements, to try to transfer more federal lands into state hands, to contact with the state for management of refuges, like Bill Horn suggested, eliminate park buffer zones, talk about 17(b), 2477, all these lands issues that we could do there, and we could actually start that process by forming that group.

I think after we send out our document and don't get the proper response that we would like, then we ought to go into this phase. Now, I'm just throwing these things out here, but I'm thinking, could we do a class action suit of several states, suing the federal government on one issue like navigability, or 2477. Could we do what Utah did and look at our -- like our game, see if there's been any mismanagement by the federal government in our CSUs, because that's one reason that Utah is suing. Have we got a decrease in game populations in certain areas over the -- since management occurred? I don't know, I know those game levels fluctuate on a regular basis normally, but I'm just thinking of a few things out there. Can there be a fix in the constitution for the rural preference that would eliminate the need for the feds to get involved in our fish and game? And.....

**Commissioner Woods** - Revolution?

**Commissioner Smith** - Like I said, I'm just throwing these things out there. And like when -- really, we hear so much about this loss of federal funding everybody's afraid of. Well, with that federal funding for highways come a whole list of -- a myriad of things that we have to do to qualify and keep those funds, so offsetting the economic benefit of developing ANWR, getting some of our land back to do some of these things could possibly offset those funds to give us the money that we need. And I'm thinking that we should tell the feds, okay, at this point in time we've sent our letter, you've done nothing, so any plan or regulation that was implemented with a breach of process is null and void, any rules implemented on the compendia for several years that are hanging in there that have never been put through the regulatory process should be null and void, any MOUs that have not been honored should be null and void, stop the wilderness designations. So I'm just throwing out some crazy ideas.

**Representative Keller** - From the Chair's perspective, I really appreciate that, because that is exactly what this is about. Who was next? I'm trying to remember. Are we done, or.....

**Commissioner Woods** - The quick fix would be focus on ANWR, like you said, to fund the whole charge. I think that would be automatically -- following everybody's conversations, I think we need one strong statement that we have a problem. We all could admit that. The Summit says that in the summary, Tina's notes, and who are we going to sell it to? Who are we selling this to? Are we selling it to ourselves, the legislature, the public? And then what are going to do with it? I think the first step would be, are we creating our own outreach, or overreach? So that first step would be outreach, and we have already done that with the Summit, and then we're prioritizing right now and making a list, so we've already gone through step 2, and then we're at 3, is what do we do with that list and how we have solutions. We're just creating solutions for those lists, but I think we're a little bit ahead. We haven't prioritized yet. A strong statement should just come out saying, we have a problem, and the Summit and our notes say

that. The other thing is that for me to prioritize, I can only imagine the general public -- if we're going to sell this to the general public when we're bringing these statements forward, if somebody is listening in a public meeting and what we're supposed to be doing, we'd better be darn clear what we're actually presenting, especially in our final report for people to start grasping what we're doing. So I'll shut up.

**Commissioner Olsen** - Thank you, Mr. Chairman. I'd like to inquire, this was distributed to us. This is the attorney general proposal and attorney general hiring a staff person on the issues we're talking about, to be anchored in Anchorage or wherever. But could you tell us a little bit, how did we get this, or what was the -- how was this spawned, or what's the deal?

**Representative Keller** - If I could jump right in before Stan. That was an action by the legislature during the last legislative session. That's something that we pushed, and it looks like it's a product of our Overreach Summit, but it's really not. That was in the works, so it was a -- but you probably have more information on how that happened, because it was -- obviously, there was feedback from DNR in getting that recommendation through.

**Leaphart** - Mr. Chairman, I don't know much more than what's in there. We're aware of the funding for the two positions. There was some discussion within the Department of Law whether we should be hiring new assistant AGs, or maybe contracting out. Apparently, they've made the decision to hire into the Department of Law. Beyond that, I don't know.

**Commissioner Olsen** - Okay. Well, I guess my comment is, here's three-quarters of our problem right here solved. I congratulate the trustees for putting up the bucks, because it always comes down to dollars, and evidently they've committed to this particular position. I think it's a giant, giant leap forward.

**Representative Keller** - It's not only a leap forward in the fact that it's being done, it's a leap forward that it's in documented form right there, because that's what happened in the past, is that it gets a little bit of water, it gets going, but the fact that they're saying it, that's really good.

**Commissioner Somerville** - Thank you, Mr. Chairman. At least in my discussions with you people in the legislature and the governor's office, the issue had been raised before, but CACFA I think had some influence on that when we started the process in that Juneau meeting to go forward with the Summit. In other words, there was great discussion about as we perceived the problems, but going out to the public -- and I do think that contributed, at least to support for the legislature efforts to try to create that. So I just wanted to -- that's what I got back.

**Representative Keller** - Oh, yeah, I didn't mean to downplay our role, but it's very, very significant that we're all on the same page, basically, is what's going on here. Stan.

**Leaphart** - Mr. Chairman, I'm kind of trying to take all the discussion in and try to figure out how to frame this whole report, slash, recommendations, slash, issue statement. One of the things that I took away from the Summit was a comment made by Bill Horn, and he said, most of these issues are political and they're going to get solved in the political arena. Now, we have access to the courts, we litigate issues all the time. There is a lot the legislature and the governor can do and there's a lot they can't do. So our other target, Frank was talking about targets, is the congressional delegation. I mean, only the congressional delegation can initiate an action, say, to amend the Quiet Title Act, or fix some -- the definition of federal public lands.

So we have to frame that report for multiple -- our recommendations for multiple audiences, including the public. But what we want to do is get the recommendations that we come up with to the right people, the right groups, the trustees, the congressional delegation and the governor. The governor can do a lot of things. But this was -- there is a limit to what the legislature and the governor can do in terms of influencing federal statutes and federal actions, so we have to keep that in mind, too. So we have to I think break those recommendations down accordingly, so that's just my observations.

**Representative Keller** - Nobody else on the list, so I'm going to add something that Rynniva brought it up, and she says she believes that Pete Kelly added this to the senate budget as a priority for the senate leadership and that in and of itself was the thing that brought it forward. But that happens often and then it isn't communicated to the AG's office, but in this case exactly what was intended, and they can drift. So the fact that it didn't drift -- and in the first place, CACFA probably influenced -- the strength that we had influenced Pete to do this. In the second place, just our continued emphasis has kept that money on target and what we'd intended. So anyway, just some insight into how the process works. If you know a senator in leadership, that's a pretty good deal.

**Commissioner Somerville** - Just expanding just briefly on what Stan said, and I agree with him, that there's just various form and things that we're talking to, and some places even the legislature and the governor can't have direct influence, in other words, the governor by edict do something. But one of the things that, I'll be honest, in my opinion has been lacking is a concerted effort by both the legislature and the governor to get to these various agencies in Washington and clearly enunciate our problem. And I think -- we've discussed that some, but there's got to be a more aggressive approach from the governor's office in taking that message, not just sending a letter back to the Secretary of Interior saying we've got a problem with navigability. They've got to go back there, and several people, and maybe several times in different forums and convince the secretary that we need to sit down and solve these things. Once you do that, then maybe we can get some legislative D.C. delegation to pay more attention to fixing some of them. But anyway, I just wanted to emphasize that, that there are some other avenues, but they're not direct.

**Representative Keller** - I think the governor and -- both the governor and the AG, in their involvement in the national organization of governors and AGs, and the increase in their support, what you did is just endorse what their emphasis on that, and it's been good. So, yeah. Anything else, or are we up for a break? A break? Come back at 10:30, and what we'll do at that point, if nobody -- if we're kind of talked out on this, what we'll do is go into the closing comments by the commissioners and see where that brings us, and that'll bring us up to the 11:30 participation time that we're planning for.

**Commissioner Somerville** - Can we at least identify some of the areas that we feel should be highlighted in the priorities, I mean, whether or not we agree we them.

**Representative Keller** - Yeah, that's what I was hoping we're doing, and we'll give an opportunity for that. If you've got something, bring it right up right after the break. So 10:30. Ron's up when we get back.



**Representative Keller** - We can go back to our work session, then. A little later we'll interrupt, maybe just before 11:30. Stan has a draft of the letter that the commission requested yesterday. So Commissioner Somerville. And by the way, what we're doing again, just say it over and over again, don't be afraid to repeat, pick things out, don't be afraid. We're just kind of making points on what should be priority, as far as a list of actions and recommendations that are pending, and all that kind of thing.

**Commissioner Somerville** - I'm not putting these in a priority order, per se, because I'm sure every commissioner has a different order of the items. But what I have, which I think rise to the top of all of the recommendations that are in there, certainly from my background I have one which I summarized my points, aggressively address wildlife management conflicts. And to me that's -- we're just -- we've got to get off of dead center, and I'm not going to go into all the details. It's pretty well in what I submitted to you yesterday. The second one is, aggressively pursue submerged land entitlement for state. The next one, aggressively pursue public access solutions, which we've already talked about to some extent. Develop a comprehensive plan, and which I think should be part of what's presented to the legislature in January. In other words, it looks like a plan. This is what we recommend you adopt, the governor, the legislature, sign off on, this is the route we'd like to go. Also, one issue we haven't discussed very much, but it's a crucial part of it, and that's adequate state funding. If we've launched off into this without having adequate state funding to carry it forward, not as just an endorsement of CACFA, somebody has to continue this process, and I think we should -- and I am in favor of reauthorizing CACFA, having a role in this process, so I think we should say that. I have not -- there's a lot of good feedback we got at the Summit about reestablishing the Land Use Council, that needs to be discussed to some extent, but we don't have time to go into a lot of detail, so I'm not addressing that, how the other members feel about.....

**Representative Keller** - Commissioner Somerville, this is what we adopted yesterday unanimously and it's part of the plan, right? So you're just going through it to double up and make sure we all understand.....

**Commissioner Somerville** - These are the issues, in my opinion, that should rise to the top, because what I presented to you yesterday was a whole bunch of lists that I -- that were covered in the Summit that weren't included in Tina's summary, that's all. So of all of those things that are listed, I'm saying these are the ones I feel should rise to the top.

**Representative Keller** - Yeah, and that's what we're doing, is reemphasizing and reemphasizing the things that we need to be priority. Another question I have is that, if we prioritize, for example, to aggressively act on getting title on submerged land, is that enough to -- what are we -- who are we saying to be aggressive here, and what is -- do we -- and we don't have to even answer. It's a rhetorical question that we need to all be thinking about, is what we're actually asking for. But anyway, go ahead.

**Commissioner Somerville** - Well, underneath that, what I presented yesterday, I had five or six points that address that, so I'm saying -- anyway, I'll go on. The other one is education, continuing the ANILCA education program, it's a good program. Where it sits, that's a debatable thing relative to the feds -- certainly, education of the public is crucial. Another one that I would like to see rise to the top is the one, establish a state's right section in the Department of Law. So

those are -- other are important to me, but to me those are the huge issues that we just over and over again heard problems with at the Summit. So that's my two bits.

**Leaphart** - A quick question. I like Commissioner Fish's statement regarding it not being state's rights, but state powers. Would that be.....

**Commissioner Somerville** - I have no objection to rewording, I'm just -- I just used that because we have state sovereignty. I mean, you can -- there's a variety of things that you can use.

**Commissioner Woods** - Thanks. Rynnieva mentioned earlier, that would be -- it would be a huge task, but at least in my experience, is never say never, that things can't be addressed. But I think if we focus on the number one issue, the first issue that you brought up was wildlife management, without a constitutional fix, it all -- would be a need for the feds to be here, and that needs to be -- really needs to be taken to task to the legislative body to take on.

Number one, with ANWR coming up and the decline of oil revenues, how else are we going to get the need for them not to be here? And there's got to be a give and take, and then all seats at the table. When everybody is sitting in here, we're just -- we don't see it at the top level, and too bad Fleener left, but from the governor's office, to the legislative body, to the people that are affected, and the next step would be -- and a legislative fix to all this is, instead of ANWR, or expanding resource development, whether it be responsible or not, would be to tax ourselves. That's what we're really faced with, is a bigger picture here that really needs to be addressed, because with the government shutdown, our federal government shutdown, we're still operating. With the federal government shutdown, and from a rural perspective there's way too much money getting spent in Alaska, and rural Alaskans especially get the minimal amount that is allocated for Alaska region and federal system.

Now, how do you fix that? If the state's going to be real proactive in this whole thing, is if we're going to try to fix the wildlife issue, we'll never resolve it until there's actually a constitutional fix. And there's a give and take in that. If the citizens of Alaska feel there's no need for the federal government to be here, or they want less of it, they've got to sit down and take the initiative to figure out how they're going to do that. And the only way I see it happening is a constitutional fix. And that might be too huge for us to sit there and ponder and develop, but I don't think it's out of the question. If we're going to sit here and talk about federal overreach, why are they here? It's distribution of wealth, literally, and they're protecting their jobs and they have every right to sit there and testify every time, time and time again, on justifying their jobs here. They have every right to.

But as an Alaskan, the only thing I see that hindering, the only reason that they're here is the wildlife issues, wildlife management. Look at the brand new building down here on 7th or 8th, whatever it is. Holy cow, and we're sitting in a 50-year-old state office, for God sakes. So I'll shut up, and I think that we're going to really strongly -- there's got to be at least an investigation on constitutional fixes, and you're right, Commissioner Olsen, that we have to live by that. But if it ain't fixed, there's not -- if it isn't, they'll continue to say that you're out of whack, we don't -- they ain't going to recognize state sovereignty, let alone any other sovereignty in the State of Alaska if that constitution isn't fixed. So I'd better shut up and get off my high horse here.

**Commissioner Arno** - I'm assuming, when you say constitutional fix, that you're talking about

changing Alaska State Constitution, not the federal law?

**Commissioner Woods** - Yeah.

**Commissioner Arno** - And do you honestly believe that if the State of Alaska mended its constitution to give a rural priority, that the federal oversight would leave?

**Commissioner Woods** - I would fully back that up with, if you eliminated nonsubsistence zones, I guarantee you, you would have full backing of all the areas that you're talking about, and it would probably be a real good debate whether that would fix the problem or not. You're right.

**Representative Keller** - We'll let Woody and Rod go ahead and interact.

**Commissioner Arno** - I would say the court record doesn't support your position one bit. All we would have is if the state amended its constitution to give a rural priority, is the same federal mandate on state and private lands.

**Commissioner Woods** - There's another issue, is when the private lands join with the federal government -- and I'll tell you what I had mentioned 22(g), that's going to be huge in the arena of management and how we manage resource in Alaska. I don't think we want to go there. But I honestly think that if we're going to be -- and I say it again, that if we're going to be effective, we have to look at all options, not just that issue, but a constitutional fix to the issues that are happening right now. Our own state and how we -- and here at the AG -- and the oil revenue sharing is way out of whack. They're asking -- you heard the AG's office talk about the 90/10 split that they want offshore, and how is that going to be effective in Alaska? I think that we ought to maybe review some of that at the next meeting. Susan Smith had a suggestion of a constitutional fix, and not just that issue, but in general if we can look at a review, our own review on how we're dealing with it, is what I'm saying. And how is the state actually stepping up to the plate.

**Commissioner Fish** - I would suggest -- I agree with the approach, it's just the target is different. I think from what I see in Alaska's constitution, it treats all Alaskans fairly. I would suggest that what doesn't treat all Alaskans fairly is the federal laws applying to game management. And I would suggest that's where the fix be taken.

**Commissioner Olsen** - Commissioner Woods, if you can arrange the meeting, or arrange the participation, I would certainly like to participate in that discussion.

**Commissioner Woods** - In Juneau, we'd love to -- we'll bring it to the legislative office in Juneau. I'll get with Stan. Thanks, though.

**Representative Keller** - Maybe we can have a pre-meeting meeting. Commissioner Lean.

**Commissioner Lean** - Well, this is a big issue and it's a real stinker. But something that's happening and it's not talked about a lot is the -- is what NCDC does, or what BBNA is doing, and that is they're filling in the gaps in management and data gathering where the state and federal governments have not been able to go. And I see this as a wave of the future, and I think in effect it's the privatization of fish and wildlife management. And frustration is trying to find a

practical solution to the lack of agency capacity. So we talked about the state perhaps taking over the refuges, or other federal agencies, but that -- the Native and private interests in Western Alaska are acting on that idea already. Thanks.

**Commissioner Meekin** - I wonder, because I missed that Summit, did any of the -- the governor or the attorney general express any solutions to the problem that we have here, instead of addressing the problem, what's the solution. Like we're trying to come up with a solution here, so obviously they're big, and was there any insight in there?

**Representative Keller** - I can -- I mean, I can only give you a partial answer, but if you look at the transcript, you'll see in there one thing that jumps to mind is we have a number of lawsuits going in this arena, where the attorney general's office is engaged way ahead of us on some of these issues, but that's what jumps to mind. But when you get a chance to read the transcript, that'll help on that. Anyone else have a response to that that would help, maybe? Okay. I have a question before we get off this. Woody, would you explain -- it was unclear to me what you were saying about taxes. I am very interested in what you were saying. Did you say we ought to have -- institute a tax on ourselves in the state to -- just express that more thoroughly, please.

**Commissioner Woods** - Overall, in general all this -- I think all we're dealing with is with people's rights and their ability to sustain themselves, and the State of Alaska sustain itself. If we don't pursue avenues that are productive and in the best interests of Alaskans, then we're going to keep that power in the federal system and that's where I say that we need to review ourselves, what we actually are doing. And there are multiple meetings and multiple levels, and one of them addressed in one of the -- I was reading through the problems, is that the federal system has conservation groups monitoring, manning and such the Endangered Species Act, and the Endangered Species legislation invites those groups to help co-manage those resources until they get back on their feet.

And I know that personally, because I was at an Endangered Species listing the federal government had in Seattle and the Defenders of Wildlife was there. And there's a purpose for that, but I think when they take at an administrative level and they start aligning on a national scale, when it comes right down to it, I see it as basically an administrative and legislative body in Washington, D.C., is the conservation groups having too much control and too much influence on this whole system, that when it comes right down to resource management and resource development, those groups -- and there's a lot of money to be made in conservation. I was at a meeting last month where the guy talked about -- or I think it was at our Summit the guy that was talking about there's a whole economy, conservation economy out there, and I agree with that.

But legislatively, if we don't fix this problem, it's going to be a hindrance to the State of Alaska to continue to generate the funds it needs to operate, and the next fix will be to start taxing ourselves. And that would be just in a general term, I mean, not in a -- but if you want to, I think I'd back that -- number one, if you look at all the businesses in Alaska, tourism industry and the Princess Line, you got all these outside corporations coming in, we don't tax them enough. We don't tax their employees enough. They come here and they leave without any taxation on all fronts, fishing industry, tourism industry, development industry, that there is a huge economy getting lost in that arena.

**Representative Keller** - Okay, that clarifies. Thank you.

**Commissioner Lean**- So I'll just speak from personal experience, but in Western Alaska there's a tax already in effect, and you see it also in the Gulf of Alaska coast with the Regional Aquaculture Associations. Regional Aquaculture Associations pay for the hatchery, produce fish, which goes into the public sector, and they take a small bit out of this common property public resource to operate themselves. And in Western Alaska the CDQ groups, I can tell you that Yukon-Delta and the Norton Sound Economic Development Corps both dedicate a significant portion of their budgets to fisheries management projects. It's in the order of \$2 million for Norton Sound per year. They actually have a larger budget and a bigger program than Fish and Game does.

And I guess another point I'd like to make is that by locking up huge conservation areas and excluding local use, we close the door on the opportunity to take revenues that could be used in part to manage local resources. And the State of Alaska, if they had more revenue, could put more money towards Fish and Game management and rehabilitation. And this is one of the issues that's occurring right now. And so taxes are sometimes not easily recognized as taxes, but certainly in the state there's a lot of natural resource, fish and wildlife money that is being recycled into the program. So thanks.

**Representative Keller** - I see a little bit of a slack, nobody on the list. I've got a couple questions, maybe somebody has insight that will help me understand. But one of them that I was wondering about is Beringia that Steve Borell brought up in his presentation. And he recommended that we recommend that there be state resolution on that and I don't -- I'm asking the question more than -- I'm personally interested. I mean, it wouldn't be that hard to draft something like that up and throw it in, but I just want to know if there's any thoughts on that.

**Commissioner Fish** - Well, I would be in favor of a resolution opposing it. These international areas involve a central group that's stimulating it, and it's the U.N., and it's not conspiratorial. They have -- their plans are online, they have a comprehensive plan, they originally labeled it Agenda 21 and now it's Future Earth, and you can go and look at it. But in that plan these areas are what they're incorporating, and those plans also basically call for depopulation of areas like Alaska, and with more emphasis on developing already developed human areas. And it's to essentially conserve resources and save the earth, and it's done on an international level.

Now, these international overlays are meant -- and even coastal zone management plays into it. It has the appearance of giving more local control, right, but what they do is they have local facilitators control that this is making progress locally and circumvent the elected government of the area. So they're saying they have consensus on the ground, but they actually build that consensus. One thing I'd like to point to is this Bristol Bay Native Corporation presentation, where they had 150 people show up to these many meetings, 98 percent of them were in agreement, and then in that presentation they said, we have the authority to speak for the region. Well, there's 9,000 people in that region that didn't participate. Many of those didn't even know what was going on, or were simply uninterested in the topic.

So how can they assume the authority of that, when the elected officials that have even more people acknowledge their authority going to Juneau, gets disregarded? It's a -- I don't want to use the word scheme, but it's a plan and it's generated at an international level by people that do not have the best interest of Alaskans at heart. They have the best interests of global governance.

And Beringia is one of them, and you can see it in other areas of the state, Wrangell-St. Elias, there's an international preserve and it's all the law of the sea trade. It's all designed to put another overlay of bureaucrats administering resources, and whenever you do that, you think the federal government is bad, wait till the U.N. incorporates Beringia and has the federal government dancing to that tune. If we can't get our own government responsive, how are we going to get that global governance to respond to our needs? So in summary, absolutely, I'd be for resolution.

**Commissioner Olsen** - Yeah, just a clarification, and I will use the word, scheme. The day after ANILCA was passed, the environmentalists changed their names from environmentalists to conservation, and don't forget that. Perception is reality, and these people are very skillful and so forth, and that's just clarification.

**Commissioner Woods** - Just for a clarification, Commissioner Fish, Bristol Bay Visioning Project was a group of 150 representatives from the whole Bristol Bay. We had those representatives, it would be like us going into Bristol Bay and then asking what they want and listening, not talking. So each -- just about each community -- so there's 31 villages, out of them 31 villages there are about five representatives coming from each village, and then went to each village and got 1,400 surveys for each -- and it was detailed and lengthy surveys. And then not only was that 1,400-and-some-odd number, but those were tallied and then those were compiled, and then went back to them 31 villages, participating villages, and said, is this what you wanted?

So it isn't one -- there wasn't 140, 150 people making the decision of that visionary plan, there was an extensive -- it was a three-year project. It wasn't just, we're to come in and ask you what you want, or tell you what you want, we're going to appoint people that go in and sit there and listen for three years, and then we'll come up with a consolidated vision on what the region is. So, yeah, I would agree that it's unrightful [sic] to have somebody come in and a small group control -- it would be like me speaking for the Native population in general, and that would be a total mistake, so I can't do that, or even from my region, for that matter, because there's so many villages. And then I'd like to just for correction purposes.

**Commissioner Fish** - I'd like to follow up on that.

**Representative Keller** - Yeah, okay, we've got Commissioner Somerville, one, and then Commissioner Arno, but go ahead and respond.

**Commissioner Fish** - Yeah, and I understand that process, I'm not disparaging it at all, but what I'm saying is there's a large community. Anytime you have that process going -- and I've used it myself as the president of the Airport Heights Community Council at a time. And I understand what happens is it's filtered through the facilitators, right, and there's a lot of input in, but essentially, like we're doing here, at the end of the day that has to be summarized and put out. And the bias of the people that do the summaries get into the final product. And I'm not saying that's wrong, I think that those are valuable tools, but we can't assume authority over people that have, number one, the nonparticipants, the unelected, and we have a representative process that we all agree on, it's called government, that we give that authority to. And I'm thinking these groups are good as advisory and to promote their ideas, but when it comes down to it, the authority to act must remain with our elected officials.

**Commissioner Somerville** - Thank you, Mr. Chairman. I'm a little concerned. The subject is interesting, but we're giving no guidance to our executive director as to what we want presented to the legislature. It seems to me we're going to end up doing most.....

**Representative Keller** - Good point. Get us back on track.

**Commissioner Somerville** - And I worry about that, because it's not fair to Stan and Karrie that we are not helping in that respect. And so I would hope that the other commission members would voice their opinions about how this should be presented for one of the issues we have not talked about, which I elevate, and that is this thing of funding. Are we going to recommend -- what level of funding are we proposing? I think we have to get down to those sorts of things, or else we're not giving any.....

**Representative Keller** - For what it's worth, let's have a little talk on the funding and tell us what you mean, but I want to also get back to Commissioner Hanson's -- who brought up early on, the education thing. I think we need -- we have some more we can flesh out on that one. But go ahead, what did you have in mind there? Like what jumps to my mind, and tell me if I'm incorrect what you're thinking -- wait, I cut you off. You're on the list.

**Commissioner Arno** - I was just going to echo the same concerns that **Commissioner Somerville** just brought up.

**Representative Keller** - Okay. What jumps to my mind on the funding is the survey responsibilities that are out there and unfunded, and the horrendous cost. And we're in a real -- if we make a recommendation saying, get this surveyed so we can get the titles resolved, our recommendation, with, what is it, about three bucks could buy you a latte. I mean, it doesn't mean anything; it's meaningless, unless we come up with something, flesh it out on how to do it. But go ahead, I didn't mean to put words in your mouth, Commissioner Somerville.

**Commissioner Somerville** - No, you're not. I think we all have a different idea of what funding would look like, if in fact we're recommending consideration to the Land Use Councils of continuing with the education programs of the federal and the public that need to be funded. And even if we don't have a precise amount that we want, we need to say to the -- recommend the legislature to fund them, or I assume we're going to be recommending CACFA or somebody be authorized and funded to carry forward with this process that we started, I think, how we say that. But the other thing is, I think we're way underfunded in terms of the litigation needs that we may have. Yes, we only litigate when we have to, but we've gone through 30 years of frustration. We're reaching a point in many cases where we've just got to litigate and so that's going to take funding. That's the sort of thing I think that we need to emphasize.

**Representative Keller** - So you're saying that we ought to be advocating for the state spending in those areas, is what you had in mind?

**Commissioner Somerville** - Well, that and, yeah, some of these other things.

**Representative Keller** - **Commissioner Olsen**.

**Commissioner Olsen** - I'm not familiar with the mechanics of funding. Could you give us an

example on how -- Mr. Chairman, how do we get money for the AG's office to take on this -- what's the mechanics there, please? Where do you start?

**Representative Keller** - Yeah, I mean, it's hard to give a brief answer, but if it's tied to legislation, if we don't make any suggestion, that by default goes to the governor's office, administration, of what they call a fiscal mode on the bill. So we had a law that said, you've got to hire an AG, right, then the AG's office would come back and tell us, they do, you know, how much that costs. I mean, that's one way. The other is just the normal budget process, normal and convoluted, and I won't get into trying to describe that.

**Commissioner Somerville** - Can I respond?

**Representative Keller - Commissioner Somerville.**

**Commissioner Somerville** - A suggestion, and again, you know more about this, you and the senator, than most of us. But this has got to be a careful process, because, one, if we make a recommendation to the legislature, we probably should talk to the governor first, at least to say, here's where we're coming from. And he supported us in getting us some money to fill in where we need it right now, so we rely heavily on you people probably to do that.

**Representative Keller** - Well, and of course that's a real problem for us as legislators, because the majority and myself and everybody knows that we have a declining amount of money that we can spend, so we have to make a really strong and good case for anytime we want to expand the budget by putting in -- Rynnieva passed me a note just saying, if we put together a Land Use Council, it's going to cost, and that means that whoever carries that bill has got to be able to defend why we want to spend that money when we have declining revenue and it's a challenge. I was thinking, and this is a little bit different tack, somebody in the Summit, I think it was, made the statement that we've got to think of creative ways to -- even though the feds have declining funds, to entice them to kick in. I think one out-of-the-box thought that Susan had is make proposals on running our own parks and doing it within the state, so that -- and then get them to help pay, the survey thing, obviously in ways that engage the fiscal checkbook. And of course we have no jurisdiction, we can't just spend it, but if there's ways that we could think of as CACFA to enhance that, or to make it attractive for them to spend money to save money kind of thing, if we can come up with those kind of suggestions it may be really, really valuable to have an idea list.

**Commissioner Somerville** - Well, and I'll get off of this, but some of these things, like a Land Use Council, we're probably going to recommend, or probably should recommend that that be considered. In other words, if the feds are committed to making it a workable council, then the legislature might consider funding it. For us to propose a \$3 million budget right now for the Land Use Council would be irresponsible. We have no reason to believe it would produce anything. But the idea of recreating the council should be one of the things that we maybe should put forward. I'm kind of ambivalent on that one, but.....

**Representative Keller** - Commissioner Arno.

**Commissioner Arno** - I'd be opposed to supporting any money to put together a Land Use Council until the feds come to the table and they're ready to participate in it and pay for it, that



would be fine. Money would be better spent on litigation, in my mind.

**Representative Keller** - Let's move to the education. Oh, did you have -- oh, no. You were joking?

**Commissioner Woods** - That was one of our first recommendations is litigation. I think that's already on the table, but it's a waste of money to continue. I'm just teasing, but my feelings are a little bit different than Commissioner Arno's, is that that should be a last resort and it's an expensive one.

**Representative Keller** - Now I've got to get my two cents in here. No, it's a very, very high priority, and we -- from my perspective, okay, this is Wes Keller speaking and not -- the more we can do to advocate that money gets spent on litigation, the better, even though it's very uncomfortable, because of the super high costs and that's so broad, but we have to take -- I mean, that's the only recourse we have is the courts on some of this stuff, and we've been walked on. We've lost -- we've been violated, or the promises have been broken and that's the only route we go. So I just advocate for state spending. On the record, wow. Stan.

**Leaphart** - Mr. Chairman, just my observation on the Land Use Council, and it's certainly had its problems, sometimes overwhelming problems, particularly at the end. But one of the things that the Land Use Council did is it forced the federal agencies to the table. It required their participation as part of that council, plans had to be approved by the council. If an agency chose not to take the council's recommendation on a plan or a policy or a set of regulations, they had to provide justification. And there were a number of instances (indiscernible), the general management plan, was the first one that came out. It was a terrible plan and it got sent back two or three times for them to redo.

The Wilderness EIS that the Park Service was required to do by ANILCA, those were basically junk when they first came out. They were sent back by the council. And there was a lot of give and take on the council, because the federal agencies didn't have an option of not participating. So now their definition, unfortunately, of consultation is that they tell us what they're going to do, there's really no consultation at all. At least that forum provided a more level playing field. And I think if you looked at it within the context of the changes that were recommended to remove a couple of the federal agencies that really should have no real purpose in being there, and the addition of the Native representatives, of course they were on there anyway, but I think it's worth thinking about. And the state was never the sole supporter of that financially, it was funded under federal funds as well. So I just throw that out.

**Commissioner Arno** - I'm amazed, as long as you've been in this, that you're still as optimistic as you are. I mean, the notion that it was going back to that would make it better, in light of where the feds have gone since then, to me is just a go-nowhere. I mean, if we want to do something, we can recommend that things like new layers, like the Landscape Conservation Cooperative, how about the state has a seat on every one of those and veto power. I mean, there's more layers than we're looking at, the surrogate species, the oceans policy, I just -- I am jaded.

**Leaphart** - One response to that. If I didn't remain somewhat optimistic, I'd probably jump out that hotel window. Maybe I'm a bit of a Pollyanna, but.....

**Representative Keller** - Commissioner Liska. Is this on task on -- yeah, okay, because again, I'm going to use Ron's and Arno's -- you guys said, come on, stay on task you guys, so.....

**Commissioner Liska** - And maybe I'm Pollyanna sort of in what I'm going to say, too, is that we have responsibility to the people of Alaska. And we have put out an invitation for the feds to show up. We're throwing a party and they're not coming. And based on what Commissioner Arno just said, is we can't -- what can Alaska do in the land use planning and say, you're invited if you want to come, but this is what we are going to do, this is what we're tasked in our responsibility to this and the people of Alaska. And if they show up, they show up, or not.

But based on this and what we've been given in ANILCA, we're going to do what we need to do as Alaskans, and if they want to participate or otherwise, because based on what Rod just said, in the last however many years since the Land Use Planning Commission was defunct or defunded, it's gotten worse. And so what do we need to do as Alaskans in a land use planning, or whatever that looks like, and if they show up, they show -- we cannot -- I don't think we can base our action or inaction, whether they come to the table or not, because they're going to come to the table, but their plans are completely different than what we've been tasked with this.

**Representative Keller** - And we're talking about soliciting of funding, and I can't help but jump into this, too, is that if -- Susan, Commissioner Smith said that we could task -- maybe give this Land Use Commission some tasks to take an action based on our constitution, which would make it irresistible for the feds to be engaged. And the creative part that we've got to think about is how to get their -- have them bring their checkbook with them. If one of the duties of the Land Council is to get more land into state ownership, let me tell you, there's going to be some interested people at BLM, if there's any teeth in that at all, and anything like that, or we clarify that we do have -- take action to get at maybe the Ambler Mineral Belt or something, and then take some of the things to ANILCA as reality, I think that they'll be engaged. And the trick is to get them to bring their checkbook.

**Commissioner Liska** - Well, and part of that, too, is Bill Horn at the Summit said that the state has fallen down in several gaps along the way here, and that as Commissioner Woods has said, that we need to build relationship within the state and improve on processes that are in existence, but not necessarily working to full capacity. What can we do as a state in all these areas to build relationships, so that if we did sit down with a constitutional amendment, that there is at least consensus and mended fences, mended relationships there, so that we can be a united front when we invite the feds.

**Representative Keller** - If I could, as long as there's nobody else on the list, we have a few minutes left for public participation time, but on the education thing, I think that all of us have agreed this is a very high priority, that the more kids that know about ANILCA, more of our young people, more of our adults, more of our legislators, more of our state employees, more federal employees come in. One of the suggestions was that we get the University of Alaska to offer courses in this, and having an education background, what I'm struggling with is how do you get the University of Alaska engaged in this process. Does anyone have any ideas, how we get the public schools engaged in this process, how do we come up with a grant? Stan.

**Leaphart** - Mr. Chairman, we have the Institute of the North and their ANILCA training

program, and now that is something that's been sort of -- and maybe Tina would like to come up and talk a little bit about the work that they're doing to sort of revamp that whole training program, make it more user-friendly, make it available online to people, and in smaller segments, maybe not a whole course on ANILCA. I think there's a lot that could be learned from their approach to that training. So I'd just throw that out there.

**Representative Keller** - Commissioner Somerville, before we go there, too, is another thought, is that we have some resources now, and I would advocate that we use some of those resources to get this revamp going as a -- I mean, that really -- that's how much I think this is a priority myself. .

**Commissioner Somerville** - Thank you, Mr. Chairman. This is one I labor with, mainly because I'm supportive of educating, but I'm not foolish enough to believe that more money into that program is going to provide the results that addresses the issues that we've seen at the Summit. The problem we have is that people are taking education and ignoring it. They're taking our telling them what the background of ANILCA and all these things, so, yes, if we got a better relationship with the federal government, in other words, they agreed to abide by these, and then the education program becomes effective, but I don't think that's our problem.

**Commissioner Hanson** - Well, I think one of the things that we could do that would not cost much money at all is to take the curriculum that already exists, and it's being revamped, no issue there, and go to the Department of Education and start talking to people about changing some of the Alaska standards for Alaska history, for example, that everybody has to take in high school. Somehow, bring it into and talk, each -- or department to department and just have this curriculum inserted into a requirement to graduate from high school.

**Commissioner Woods** - A perfect example of how to implement a process right into the federal -- I mean, not federal -- federal process right into the curriculum of education, and I only speak for Bristol Bay, is we're almost to the point where we have to include Robert's Rules of Order in the public process, because once you get out we have career meeting people, and I'm becoming one of them, and that's a sad day.

Unidentified - The Walrus Tribe.

**Commissioner Woods** - Yeah, the Walrus Tribe. But the really good point taken is that develop curriculum that's already -- I mean, just adopt I guess curriculum is what you're saying. But I think that in order to get right into the school system, what we're trying to do now back home is have the meetings right in the school so that they understand the processes that are happening. And it's their resource that we're trying to help manage and protect, and those meetings are real important, because, number one, there's only one or two out of a hundred that want to actually listen to this. When you start talking 50(c)(f) part 135.25, what do you do? Yeah.

**Commissioner Hanson** - Yeah, it has to be more.....

**Commissioner Woods** - And then you have the federal government coming in and mandating all their layers of bureaucracy, so I would suggest that what the state would -- at least on our level back home, is we're trying to implement meetings right in the school so the kids that are interested -- and Courtenay is one of them. In my past life I had a prevention program, I was a

community health representative that did search and rescue and all that, her group was a teens taking action group that we just gave them the tools, and that age group, that generation that took that on. They took that and did community activities, from that program to prevention activities for alcohol and drug free dances, education, they came to a prevention symposium every year, they developed their own curriculum for Native dance, and they traveled all around the country. That age group is now -- have gotten degrees and come back and utilizing it in our region. So when you inspire -- and I agree, when you plant the seed in the state system, how important that is, that it changes -- it can change a whole generation. And I think that we're at that point now I think that, you're right, we need to adopt curriculum, implement some sort of program in the school that's going to be at least inspiring.

**Representative Keller** - Commissioner Liska.

**Commissioner Liska** - I just want to add to that, that is anybody familiar with the Ted Talks that happen, the Ted Talks? It's amazing to me that -- I was really excited to hear that not only was the Summit videoed, but that we're going to get DVDs from that, because on Facebook or a blog or the website, the CACFA website, you can take snippets of that and take a topic and post a blog just really quickly on Facebook of two to three minutes that, here's the subject, a piece of ANILCA, you don't have to give the address of it in the ANILCA, but doing that. And I think it is important, because I took the ANILCA two-day class just on my own and it helped me understand, because I didn't have an understanding. I mean, I need to probably take it three or four more times, but I'm learning a lot here. But that Summit, and even the ANILCA training that's coming up, Tina, I don't know, is it videoed? Do they have DVDs of that? Because -- we can let her respond, but if there could be snippets of even the ANILCA training that we could -- on a Facebook, today here's the subject, or the word, or whatever, and just for people to follow, just very simple. It doesn't have to just be curriculum, but educating the public and the next generation.

**Representative Keller** - Tina is coming, but that's a really incredible, important statement from my perspective, and I want to confirm that my grandkids use Ted Talks, that they get information out of those. I mean, this is happening out there right now, yeah. Tina, did you have something you wanted to add?

**Tina Cuning** - Mr. Chairman, I only wanted to come up if you actually wanted an answer to her question.

**Representative Keller** - Yeah.

**Tina Cuning** - But there is a twice a year scheduled training done, and it's a joint training that's done by Institute of the North and the Department of Interior's, what they call their University Program. So it's a joint project, and the one that's coming up October 29th and 30th, my understanding registration is open now, federal employees register through their university, Department of Interior university process, and everyone else registers through Institute of the North's online registration system. It costs I believe \$500 for the two-day session. There are some discounts for students and various categories that the Institute has on there.

She asked about whether any part of that is videoed, so I was trying to get to the bottom line there. It is not. It is something that the people who are involved in training, there's a core group

of about five people that are now doing the training, we have revamped the training. Anyone who took it a year ago would be surprised to see the changes. It's a much more effective program. It's very directed at actual training now and not just dialog or perspectives. And it's something that the group of trainers that are doing that want to do, is they want to go digital. We would like to get it so that a person could register for it and then they could start off with the background documents of different video clips that are like in four to five-minute session, and then when you get to specifics, underlying specific agencies, or for example, under the state, or under the Native corporations, and the access issues, you could actually click to subsets and take separate individual training through those sessions.

We've prepared a proposal last year. The group of us got together and prepared a proposal to ask for some funds to get some help with -- we're all older and don't know how to do the digital media stuff, so we put a proposal together. My recollection, it was just under \$500,000, and we shot that to the legislature, to the governor and the administration, and to the Secretary of Interior, and to agriculture, and we had zero response. So we are in the process of looking at revamping that proposal, and it's one of the things that I've had a sidebar conversation with the staff on, is that if we get that revamped proposal together, it's one of the things that could come back to CACFA as a possibility of something to consider, that if they could get joint funding, it needs to be -- it needs to have everyone's participation, because it has to be bought into by everybody. Then the next step in that proposal....

**Representative Keller** - And everybody is who, now?

**Tina Cunning** - It's got to be training that will be accepted by the federal agencies, the Native corporations, the other Native interests, the State of Alaska, as actually being fact based training if you're going to get funding from them. There are other ways to do it and we've done training that -- we as a group do training separately. We just did one separately, totally private, closed door session for one of the federal agencies so that we could address the issues. It's the same training, but address it in a way that makes sense to them under their statute and their regulations. We've done the same thing for NGOs, different nongovernment organizations. We did a training last year that was a one-day session for the Alaska Miners' Association, so we went all the way through the Statehood Act, ANCSA, ANILCA, and all the laws and regulations that are pertinent to miners.

So we are trying to dovetail the training, we as a group dovetail the training to the user group and the needs of that group, but there's a lot of costs associated once you start going into the video. And it needs to get done, it desperately needs to get done.

**Commissioner Liska** - Well, one of the things, too, as a private citizen \$500 was a lot. I called the director of the Institute of the North and said, I have nobody backing me up, I'm just an interested citizen that wants to learn. And so he was able to -- he goes, well, do two for one, so I enlisted somebody else to take it with me. But the cost is prohibitive to people, so the funding for that part of it, but also the fact that the Summit was televised or streamed, maybe the ANILCA classes -- I don't know how that would even work, but streaming throughout the state. The capability is there to stream the training to get more people in. I know it's really important to be a part of the room when you're -- for the training, but there's maybe ways to stream some of that, too, as an option.

**Commissioner Liska** - And there are services out there that do streaming in Alaska. Yeah, there

are other services.

**Commissioner Hanson** - One more thing I might add, I have a lot of young adults around, and if there would be somebody -- if we could find somebody who has an understanding of ANILCA who could just take snippets of the sections of it and make it in plain language and throw up -- I was thinking the Ted Talks things, throw up some YouTube videos that are two or three minutes long to entice people and to make it plain English for people. And YouTube is huge.

**Representative Keller** - If I could help you out, because I really hear what you're saying, is if we had a little snippet on the no-more clause that was directed at the mentality of my grandkid who's 16 years old, I know he'd be -- he's not -- and that's where they're getting their information now. So if we had a little snippet on the acronym ANILCA, not a broad course on it, but just something where we can make bite-sized pieces on the video. And I think, I know there's costs involved in this and that's part of the reason why I think it's a really valuable discussion, because I think we have some assets there.

**Commissioner Somerville** - I just want to make it clear, I'm in support personally of education. I'm just saying at the stage we are and the conflict we heard at the Summit, what you're recommending is a long-term solution to our problems. In other words, if we got cooperation from the federal government and we continued to educate, give the background, educate our people, then I think things start to roll in our direction. I don't think we have the luxury of that right now. I guess that's where I'm -- I continue in the present education program, I'm supportive of that, but I'm saying I think our priorities need to be focused elsewhere, in terms of any huge expansion expenditure.

**Representative Keller** - I don't think it's huge, but -- Commissioner Fish. One other thing here, I got passed a note, and I'll just throw this in here because it might have a bearing on what you say. But Senator Coghill is looking into getting leadership to pay for an ANILCA class to be done in Juneau, and I assume targeted maybe at the legislature. But what would be -- Tina, would be nice, is if we could get a release to stream -- to release that so it could be 360 North material, or whatever, if we can do that. I don't know how that works, as far as the copyrights and all that kind of thing.

**Commissioner Fish** - Thank you. I just wanted to point out that some of this stuff is already happening, unbeknownst to us. The content that came out of the Summit that was digitized and put online, was requested to me by other groups that I've given the links to and the information to, and they are compiling their own videos, their own educational effort on that behalf, which was actually mentioned by the Lt. Governor in his presentation, so as great work, so that person that's doing that great work that was mentioned by the Lt. Governor, he got the information that he's using from the information that CACFA put out during the Summit. So it just shows that you can have a lot of impact with just a little bit of funding. If we do digitize, that's all we have to do is digitize the content we have and let others compile it and utilize it in their groups to express their interests. They might not have an interest in navigable waterways, but they might have an interest in public access in parks. But if we provide all the digital content that they can pull on and send viral, I think we just maximize our efforts in that for very little cost.

**Commissioner Hanson** - I just wanted to add that I think that what Commissioner Somerville has set out, I think those are all important, they're all priorities, and that's all things that we can

hand to the legislature and say, this is what we want to see happen, these are benchmarks of things that could be done. But if we -- at the same time, we can't be just a right-now thing. We have to have the mind set of looking at not running into this into the future. And so I see this as - it's a priority that is a long-term priority. It doesn't negate anything else that has been said here. I think all of those things need to happen, but this needs to be happening at the same time.

**Commissioner Liska** - And maybe the priority is the first thing that's digitized and put out is the Summit itself, because that's the historical background for the Statehood Compact and the ongoing part of the ANILCA training and everything else.

**Representative Keller** - That's where I become a dinosaur, because I can't imagine anybody sitting down and watching that many hours of.....

**Commissioner Liska** - Well, you'd use snippets.

**Representative Keller** - Oh, snippets out of it? I see what you're saying. Okay. The public participation time was 11:30 and there has been agreement by the two that are here to wait just a little bit. So what I'm going to do is move directly into the closing comments by the commissioners, and we'll go around and do that, and then we'll see where we're at. And thank you Greg and Al for that. And I'm going to start with -- oh, I'm sorry, Stan.

**Leaphart** - Mr. Chairman, do you want to look at this letter?

**Representative Keller** - Oh, that's a good idea. That's a perfect idea. Let's look at that. I forgot about it.

**Leaphart** - It's very short. There's not any detail in it, but this is the.....

**Representative Keller** - For the record, what is that?

**Leaphart** - .....motion by Commissioner Liska yesterday, just a short letter to Secretary Jewell asking -- requesting that the wildlife refuges in Alaska be reopened. And I see a couple of typos in here, but this is a draft, so maybe take a second to read it and tell me if it is to the point enough, if it's not to the point enough, if it needs some additional wording.

**Representative Keller** - It's short enough. If you would, why don't you read it into the record.

**Leaphart** - Okay, into the record: Dear Secretary Jewell, The Citizens' Advisory Commission on Federal Areas learned yesterday that the U.S. Fish and Wildlife Service has closed all the national wildlife refuges in Alaska to public use, except for use by federally qualified subsistence users. These unprecedented and unnecessary closures must be lifted immediately. Under the provisions of the Alaska National Interest Lands Conservation Act, ANILCA, national wildlife refuges in Alaska may be closed to hunting and fishing, as well as to other compatible public uses and access, only if necessary for the conservation of healthy populations of fish and wildlife to protect the purposes for which a refuge was created, or in the event of an emergency involving public health and safety. These closures do not meet any of these criteria. Additionally, closure of a national wildlife refuge in Alaska requires public notice and hearings in the affected areas. To our knowledge, no such notices have been forthcoming and no hearings have been held or

even scheduled. It is our understanding that lands managed by the National Park Service and the Bureau of Land Management in Alaska remain open to public uses and access. The U.S. Fish and Wildlife Service must be directed to reopen the National Wildlife Refuges in Alaska. We strongly urge you to do so.

**Representative Keller** - Excellent. Feedback by the commission?

**Commissioner Fish** - I'd like to make a motion that we accept this draft, with the typos revised, and send it immediately to the secretary.

**Commissioner Arno** - I was just going to second the motion.

**Representative Keller** - Second the motion. Is there discussion before we vote? I just have one question. Should we have a collaborative statement in here, in the sense that we're saying we strongly urge you to reopen this. We join the governor, maybe, in strongly urging you? Would that be appropriate?

Unidentified - He's our representative.

**Leaphart** - Governor Parnell is strongly urging you to do so.

**Commissioner Fish** - Just a sidebar, a little further discussion on that. Stan, I appreciate the strong language, must be lifted. We're not requesting, we're demanding, and we're only demanding, as I stated in previous comments, we're only demanding they follow the law. So the law says it must be lifted and I think we can expect our government to follow their own rules.

**Representative Keller** - All in favor, say aye. Opposed? Okay. And again, I thank those in the audience that are here to testify, and part of the reason we're going for closing comments first, is one of our commissioners has to leave at noon. So we're going to start with Commissioner Arno and come right around the table with closing comments.

**Commissioner Arno** - Thank you, Mr. Chairman. Well, first I wanted to thank the federal land managers for not showing up at our CACFA meeting. After last month's Overreach Summit that we heard a lot of good information from the presenters who have been involved in the process of management and allocation of -- and access to federal lands for decades, and that was very informative and we have that information available on the CACFA website. And I think that it behooves any Alaskans interested to look at those individual comments from those presenters. And I think that by the federal land managers deciding that we were not that important on their schedule that they couldn't come by on their own time, gave the commission and the commissioners an opportunity then to go over the issues that were presented at that Overreach Summit, and we've utilized this time wisely.

And I think that we're coming to some conclusions, that with further outreach to rural areas of Alaska and the road system, that with that combined information from other Alaskans, that we'll be able to produce a list of solutions that we feel that possibly the legislature, or our administration, or our congressional delegation can work toward resolving some of the issues that we're having in the state. And I thank all the commissioners for volunteering their time, as I do, to participate in this process.



**Commissioner Liska** - Yeah, I want to thank the commission for even hosting, going out on a limb and hosting the Federal Overreach Summit in August. I thought that was a huge step. And even though we've walked through this process, this particular meeting that has been somewhat muddy, I think things are getting clearer. And I'm available for any help as you walk through the process of pulling these regional meetings together, and pulling the report together. So thank you, Stan, for a huge effort in the past and yet coming up.

**Commissioner Olsen** - Thank you, Mr. Chairman. I think we've accomplished quite a bit of what we set out to do in regards to the Summit meeting. We've got the official record. We have some very timely information on things that are going to affect us tremendously by the federal government and their policies and so forth. And I'm encouraged by Mr. Somerville's comments on the fact of getting us to the basic ingredients to make the stew of dollars. We can go to the trustees, the legislators and do that, and I have great faith in our executive director that he'll come back with the material for each one of us to review. So I really applaud your efforts. And once again, we have to keep emphasizing that we are volunteers, we don't get paid for this activity, and we've got substantial information here. And I think with that, we'll leave it there. Thank you.

**Commissioner Lean** - Thank you. I too think that the Summit was a great thing. For me it helped to lay the foundation of where we are and how we got there with the constitution, the statehood, moving on to ANILCA, and today with some of these grand and sweeping management actions taken by the federal government. And the theme I see at statehood and even through to today is that people that are unfamiliar with our state and our situation, the rural nature of things, are making decisions that are probably more appropriate in the Washington beltway than they are here. And I think it's telling that the federal agencies couldn't find it in their time to be here today. As was pointed out, we're all volunteers, and even a token effort on their part would have shown a little respect. So I wanted to say to my fellow commission members that I don't always agree with you, but I pretty much respect each and every one and I try to understand your arguments. And I think we're all on the same page when it comes to the effects of federal overreach. So thank you.

**Commissioner Fish** - Well, I'll be brief this time. I really don't have many closing comments. I've stated my case throughout, and I can just reemphasize some of those things. But a few things did come up, is when we're deliberating this and trying to come up with solutions, government growth, adding more layers, adding more committees, to me is repeating the same failed practices of the past. I try to think of untried, untested solutions, because we're in a unique, untried and untested future. Somebody told me once, the world as we know it changes daily. And I think that we somehow have to incorporate the newest generations coming up. A 14-year-old today votes for the next president, keeping that in mind, is we have to mold the future as well.

So I do believe in the educational aspect, because ultimately we're not going to solve this. The problems are going to outlive us, but the next generation has a great shot at it. So finding a way of letting them -- identifying to them their authority and their right and their rightful place in the world, I think is a very important issue. And as we look at ways of doing that, we still have to deal with what we have on the table now on the day-to-day basis, and we can't concede an inch on that. And in that vein, partnerships with the federal government in finding these solutions I

think is a failed policy. They have no interest in finding a solution with us anymore. We have to assert our authority over our own lands and ultimately our own lives. And just as old Nancy Reagan told us, just say no, and challenge them to become the tyrants that they actually are. Make them show their face. What are you going to do about it? We have our rights. We have the law. You're not complying with it. We're going to comply with the law. We're going to assert our rights. And are you going to send troops to the national park to keep people from entering it? Are they really willing to take that next step, or will they capitulate? And I think we have to force those issues. And I'm all for supporting the public in enforcing those issues.

**Commissioner Hanson** - I just want to -- I completely agree with Commissioner Fish's assessment. And then I'll just add as the newest member how encouraged I am by attending the Summit and being able to take what we learned at the Summit and bring it here to the table, and the ability of everybody to work together to come up with marching orders, so to speak from our point of view that needs to go to the legislature, it needs to go to the governor. And the next thing is that I also appreciate the watchfulness of the international things that may be coming at us and some of the national things that will be coming at us. I think that that's extremely important, because there's some things that we don't even know about that are out of our reach that we need to know about, and we need to find strategies to deal with those things, because I agree, the ultimate goal for whatever groups they are is to just lock us up and send us home, and not home to our homes, but somewhere outside. So that's what I think. Thanks.

**Commissioner Fish** - And since the Chair stepped out, as Vice Chair I'll take over.

**Commissioner Meekin** - I would like to thank Karrie and Stan again for just keeping us informed. It's huge, it's big, being able to get all those emails and stuff like that, not that I always read them, but they're there if I want to, so appreciate that. And I think we're getting closer to addressing and to identifying the issues that we are here for. We all know them, but I think it's -- we're finally getting on task and getting somewhere and that's encouraging to me. And again, thanks to the commissioners and people and appreciate it. I've enjoyed working with you.

**Commissioner Woods** - I'll be silent for now.

**Commissioner Arno** - I don't believe that.

**Commissioner Woods** - Thanks, Rod. State statute says that we are what? The statutes that we reviewed on our regulatory side are getting aligned, and I'm talking about wildlife issues, because that's the number one issue that we have, as well as dual management in rural Alaska, because if you're in a nonrural area, then you're a nonsubsistence user, or designated non -- or federally qualified subsistence user. I think it's the state's best interest that we have outreach, the Summit, and the summary and the transcripts and this board has addressed each one of those issues.

I think it's a sad day for Alaska that we have to litigate all our needs and all our rights. We've heard the AG's office and their perspective on an administrative level what that looks like. I think that we have to keep everyone at the table, the legislative body, the administrative body, and then we are the citizens in this representation summary that we come up with, and recommendations are real important. It's really hard to -- on my end to look at having to represent a rural region that is 82 percent Native and I have that task, but I have full support

when I get back home, as you've seen in our presentations, and a working relationship with just about every entity that walks through the door. And without that relationship, there's no way I get moving anywhere forward.

I encourage -- I'd like to thank Stan and Karrie for doing all the work they do, and that's really admirable, from I guess an information perspective. We only -- I only deal with one portion of the state, and each one of the representatives do the same thing, but he has to take up all of our information and compile it for the rest of us, so I really appreciate that part. And then the legislative body, for actually readdressing this issue, because it's just not done, and it doesn't just affect ANILCA, but I think it affects how we deal from the future, how we move from here to the future is what's going to be real important. So thanks, I'd just like to summarize it. I think we've all got our -- we have our ducks in a row and we're ready for the next step. Thanks.

**Commissioner Somerville** - Thank you, Mr. Chairman. Just one comment, I guess, as my final notes. This is not a for or against subsistence issue. It has not been once argued in this, in the commission meeting, and I hope people understand that. Having a constitutional amendment, as Mr. Arno pointed out, doesn't solve the problems. People will try to push us that direction. I'm just politely disagreeing that that's really the issue here. I think what we saw at the Summit was the degree of exasperation that people are experiencing in the state. I mean, it's almost incomprehensible that this short of time after statehood, that much of statehood has been taken away from us. I mean, that's what's amazing to me.

And I want to say on the record that I respect the opinions of everybody on this commission. I've learned a lot from what's been said at these meetings. But I also want to say that we collectively have jumped off of a big cliff into a big pool of water, and I think we did it somewhat with our eyes open. I'm not sure exactly how big that pool was, but I respect everybody for collectively doing that. We're kind of trying to see if we get the stroke down now and head for a piece of land someplace. And I think if we stick together, make our strong recommendations to the legislature, we've got a chance.

And the last point I want to make is how important this is. We will not pass this point again, in my opinion. We've got one shot at trying to push things in a direction of solving some of the problems. If we do not, if we're not able to do that collectively, God help the state, in my opinion, because we're going to continue to lose. There will be a lot of attempts to divert our attention into other areas. I hope we can keep our eye on the ball here. And I guess I want to also say that I'm proud to be in the water with you.

**Commissioner Smith** - Well, I think we've reached the next phase of CACFA. I think we've spent the last few years listening, gathering information, and came to the unanimous conclusion that something needed to be done. The Summit was exciting, it was so well organized, and it gave such a good range of the issues. We got a good database to start with. It's exciting. The regional meetings are also very exciting, to actually have CACFA get out there on the ground, face-to-face and talk to people. It's very exciting.

I

also just want to say how much I appreciate the work that staff has done. Senator Coghill's staff, Rynnieva, you've been amazing. Tina, what can I say? I mean, the bulk of work you've already done for us is amazing, and your efforts to volunteer to help more. I mean, we really do appreciate all of your expertise and your time. And Karrie, you too, thank you again. And I just

want to say what a pleasure it is to have the new commissioners on board and to have a full quorum. That's really exciting, too.

I'm also grateful for the support of the Governor and the Lt. Governor. And we have momentum building in the legislature. And so I agree with Commissioner Somerville, the time is ripe right now for us to take what we've got and move with it, and that it might never -- we might never be at this point, quite this point again. So I have total confidence in our executive director's incredible writing skills. I hope we've helped you enough to come up with what you need, but I think that the package that he comes up with is going to be amazing. So again, it's just a pleasure to work with all of you and I sure enjoy coming to all of our meetings. So that's it from me.

**Representative Keller** - Thank you. Executive Director, Stan.

**Leaphart** - Thanks, Mr. Chairman. Listening to the discussion today, I think I'm not going to wait very much longer before I get you at least a preliminary-preliminary draft, because we've got a lot of good feedback, a lot of good statements, and I'm not sure how to put all of this together. So I'm probably going to pepper you with draft after draft until we get it where we want it. So I'm going to work real hard to get something out in the next couple of weeks and then we'll work over the next couple of months. And just one other observation on Commissioner Somerville's statement. I hope it's just a pool of water.

**Representative Keller** - Well, for my closing statement, I'd like to -- actually, I'm going to kind of jerk everybody in a little different direction. The pool of water, as we're looking at it here, we're talking about the solutions and the suggestions. And when we initially envisioned the Federal Overreach Summit, I saw, and I still see, the grievances that were documented as probably -- from my perspective originally, and I guess it still is, the most important part.

And to explain that a little bit, the U.S. Constitution is a fantastic document and it defines the powers of the state and individuals and what have you, but it is not understandable unless you put it in the frame that exists for the constitution, and that is the Declaration of Independence. Those two documents go hand in hand. They're really -- you can't understand one without understanding the other. And if you remember the Declaration of Independence, we've got parts of it memorized, right? Self evident that have -- we are endowed by our creator with certain unalienable rights, and blah-blah-blah. It's just a couple of paragraphs on the top, and we all read it and we're blessed and all that kind of stuff. And then at the end it says, with firm reliance and divine providence, we pledge to each other our lives, our fortunes, our, what...and they signed off and became criminals, right? So, okay, but the point that I'm getting at is that in between there is most of the declaration is grievances. The king did this, the government is a mess, and Great Britain could have done this, and the constitutional points, they are derived from those grievances. And they were what moved the people to get this job done. So when we documented the grievances that we have against the federal government for coming in here and taking our rights, let's just pick ANILCA stuff, whatever you want to pick, that is big tall task. And that's part of what I want to see captured in the snippets and the video clips, because I see that -- see, it isn't really a pool of water. I think we've already accomplished something really fine here that we don't want to lose, and it's just a little different twist on the whole thing. I appreciate you all. Thanks for your work. So anyway, Karrie, final word, on the final words, and then we're going to go to public testimony.

**Karrie Improte** - Actually, just a brief comment. As your support staff through Stan, there is no greater feedback than any corrections or corrective criticism you might have for anything on the website, any documents that are sent to you for editing or comments. My personal feeling is that silence is acceptance, and if we don't hear from you, we assume you agree. So we all have busy lives, I have a very busy life, and I imagine everyone has the same busy life. And there are great expectations coming in the next few months, so you may have gotten emails from me at 11:00 o'clock at night, or on a Saturday, but I'm committed, committed to support Stan, support the commission. But if you have something to share it would be great to hear it, and there would be no greater criticism or compromise or contribution than to hear from the commission. So I implore you to take the time to review what we send you, review the website, give us a direction where we can go in. So I'm very grateful and I understand the time commitment. I'm putting it in too, so it would be great to hear from the commissioners. Thank you.

### **11:30 a.m. PUBLIC PARTICIPATION**

**Representative Keller** - Greg, if you'd come up on the public participation. And while you're coming, there's a couple things I want to say. One is I really appreciate your patience in waiting. We readjusted the agenda. Part of the reason is that I couldn't resist the opportunity of getting the commissioners' closing comments when the camera was rolling, so forgive me, but I'll just be right up-front with what was going on there.

**Al Gloozmer** from Tyonek had to leave, but it wasn't that he was going away frustrated in any way, shape or form. He says he's engaged and will continue to work with us in whatever. And it wasn't because we changed the time that he left, it was because of the fact that he had a phone call that required him to leave. So with that explanation, Greg, we are eager to hear what you have to say, even though we put you off to the last, but you get the last word anyway, so that's a good deal here for you.

**Greg Spitok** - I believe there's someone else behind me, but.....

**Representative Keller** - If you would, identify yourself for the record.

**Greg Spitok** - Yes, (speaking in Native language). That's in Yupik. My name is Spitok, which translates roughly into the flaring of a match, or someone who spits very accurately. But I'm here, kind of feel at a disadvantage. I'm here to see what you guys are up to. And the only reason I know this meeting had occurred, I happened to bump into Mr. Fleener as I was passing through the Fish and Game offices on other business the other day, and he let me know that you were going to be here. I'm in town on other business for the North Pacific Fisheries Council, but they don't get to watershed till tomorrow. So it was interesting listening to your conversation. And I don't have anything really prepared, but just a few thoughts it has triggered, and maybe a replication of some you've heard.

You mentioned about having a Summit, and I'm sure through your conversations, but what I haven't heard, and perhaps you haven't as yet, is I don't think there's anything wrong with the State of Alaska Constitution, and as regards to -- but I do believe that there's another avenue, and it was actually discussed, is that the state could actively pursue repeal and reconsideration by the Supreme Court of that decision. Those of you who have been around, it was a three to two decision. If you read Rabinowitz's dissenting statements on there, it makes a very, very strong

case, and like I say, it was a three to two at the time.

And specifically I believe it was section 15 of chapter 8 and section -- which was no exclusive right of fishery, and section 4, which is the common use clause, and has that disclaimer right at the end, subject to preference amongst beneficial uses. So I'd say that there is a very strong case to be made for that regard. And in talking to some of the folks over the years that felt rather disenfranchised and were really behind the McDowell suit, is that they kind of realized in hindsight that they didn't just shoot their selves in the foot, they blew their whole damn leg off, if not both, by losing the state's management. And so that could be well worth another look.

About half of you sitting on the other side of that table know that I've been around in fish and wildlife management on the federal and fish and game management on the state side for the last 25, 30 years, and I've got a pretty good insight there, a deeper insight than a lot of people do. So that's one -- the federal management system per se, it's really kind of failing in my mind, too. It's primary purpose is the federal subsistence management program. Title VIII of ANILCA is there for one reason and one reason only. It's right there in the forward intent language, that in order to fulfill the obligations left unaddressed by passage of the Alaska Native Claims Settlement Act, specifically referencing to the extinguishment of the aboriginal hunting and fishing rights that was done without -- if not any foreknowledge, certainly not with any kind of informed consent of the Alaska Native community.

So the way that the federal system has now developed is actually with that arbitrary number for what classifies as rural. With a population of 7,000 and above you become presumed urban. The Native people are being phased out, and in my mind I almost would call it breach of treaty by the federal government to the Alaska Native people. We consistently get -- it's like, we know what we said, but that's not really what we meant. And it's not right, and to what extent you can, I believe that that should be a change that would be made to ANILCA.

I know at the Senate Energy Natural Resource Committee hearings that they had here just a week or two ago, Senator Murkowski did say that she wanted to see an administrative fix. I don't think they can get there through the administrative process, at least not what I've see with the Office of Subsistence Management. The federal system does not manage the fish and wildlife populations, it manages the harvest, but it monitors the population. It has no responsibility for, or it takes no responsibility, accepts no responsibility within their member agencies to say that there's actually going to be anything there to catch, even though they open a season. They say we're complying with providing subsistence opportunity by opening the season, but if there ain't nothing there to catch, what good is it?

So a good face for ANILCA would be to recognize that commitment that was made by the federal government, and it almost certainly would take a congressional action to make it an Alaska Native preference, and I would suggest too that they could take the same approach that was done with the Migratory Bird Treaty Act, which made it a Native-plus, which was for people to -- everybody, or all residents within the state who chose to live that way of life and harvesting under the customary and traditional use criteria that are actually already there in both state and federal law, or regulation, that are recognized, incorporate those, it would be open to everyone.

And that's at least maybe leading to the final, is that's one thing we need to kind of look at the state level. I'm not sure to what level, it might take legislative, or whether the Board of Fish and

Board of Game may already have the ability to do it, but somehow we need to address the potential over-harvest, or the limitations that occur because of people harvesting under the open subsistence opportunity, but actually doing it more just as an opportunistic, or recreational, or in some cases a very high potential for commercial use.

We've run into that situation in Bethel, where in the past -- well, it's been a couple years ago, and this is all hearsay of course, we don't have it documented, but there was three to four individuals who were seen going in on the morning flight with their three boxes of -- three, 150 pounds, three 50 pound boxes of fish coming at night, and back again the next day, back and forth, back and forth for a week. Don't tell me they got that many families that they're feeding somewhere else. And there's a very good chance it was even leaving the country. So there's much we can do to try to put into the regulation, or the management structure, under a tier one situation, that would help to address that.

We did bring it forward to the Board of Fish through a proposal last time that -- especially given the state that our King Salmon are in right now, and it's about as bad as it can get. It's not just the worst on record, we're two and three times below any historical returns for our King Salmon population. But we put in a proposal for -- that it would be limited to people who are using the traditional means of a smokehouse and fish rack. And for these other people who are -- want to catch salmon, put them in their freezer, or send out, they can -- they would have opportunity to do that using other species, whereas with the King Salmon they only come in June and that's your drying weather, so you're limited by the seasonal ability to make use of that method.

I mean, the Board of Fish was interested, but they weren't sure if they could get there, and so if there would be some kind of a legislative change to be made along those lines to further refine and make clear the differences between personal, sport, recreational, commercial use, incorporating those 8 criteria, or 12, I believe it is, on the state side, 8 to 12 criteria, and for the boards to implement those into regulation, or make them as conditional. The Board of Game kind of went there already to some degree in requiring the head meat, or that the heads had to be bought back, trophy value. How that might work with fish, I don't know, but we're trying to think out of the box and get into another level. So there's just a few thoughts off the top of my head.

**Representative Keller** - Very thought provoking and that's a tall order. Are there any questions for Greg?

**Commissioner Somerville** - Thank you, Greg. Greg and I have had lots of discussions on these types of issues before, but I do appreciate him coming. I just want to explain one thing. The commission has really not delved into how to solve the conflicts between the federal and state, as much as to resolve some of the overriding peripheral issues that have created the mess. And we could argue whether or not a constitutional amendment would solve that. I would argue that it doesn't, and I don't think the legislature would want to extend the federal system to state lands and private lands, with federal court oversight. And we've had that discussion. And all I'm getting at here is we've tried to focus on the other things that are -- if in fact we had the opportunity to -- ANILCA is there, Title VIII is there. If we had the opportunity to clarify exactly what the state's jurisdiction and role is, you might have a better working relationship if we have the feds of solving some of the problems that you're referring to. Right now we don't have that, so we have this mess of regulations.

And you're well aware that Wayne and I provided the white paper which suggested, okay, we have these baselines here, we have these two laws, here's some administrative things we could do to reduce these conflicts and make it easier on people in the bush, as well as in the urban areas. And of course they rejected that out of hand, they chose not to even consider it. And I find that abominable, in my opinion. You're not trying to wreck the other side, you're just saying, hey, here's a place we can cooperate. So I'm just saying the commission is focused more on those sort of things than it has on arguing whether or not a constitutional amendment, or a subsistence law, or Title VIII is good or bad.

**Greg Spitok** - And I agree with you on a lot of those issues, and that's why I'm saying that the constitutional amendment I don't think is required, but a reconsideration and repeal of McDowell would be -- and that was actually discussed at the administrative level back in my last few years on the game board, but there wasn't the political will or impetus to go forward on it. And I don't know what happened. I know it was still under discussion when I left that venue.

**Representative Keller** - We could have a long conversation about that one. I mean, it's very insightful.

**Commissioner Woods** - I'd like to thank Greg for showing up and putting your input. I really respected all your input, because number one, one of our things on our list is to look at both sides of how to fix this. And I'm not the expert on how to fix this, nor am I an expert on the constitution or the Statehood Act, but I do know that there's something got to be done, and I really appreciate your input, because you've been doing this a long time, I know. And your suggestions, I should be kind of taking it in context, but there's got to be -- I think one of our -- I was reading through our summary, and one of our issues is a review on policies, on how to help resolve some of these conflicts, so you hit it right on the money, as part of that is -- you're in truth there, right on target. Thanks.

**Greg Spitok** - I guess I would -- I haven't had a chance to really read this through. Like I say, I feel like I could -- if I had a chance to do that ahead of time, I might have had -- but I mean right up-front is strategic evaluation of judicial remedies.

**Representative Keller** - We're working on (indiscernible - simultaneous speech).....

**Greg Spitok** - Don't mess with the constitution, the constitution is fine for State of Alaska, its revision.....

**Commissioner Olsen** - Yeah, Greg, thank you very much for participating, and you and I go back a number of years, and your participation on the boards and so forth. Tom here yesterday presented some ideas on enhancement of private property, pretty fundamental. And we have -- as an example, we have an incubator here in this region called moose. And we have worked, as some of you know, through my family and so forth, we've come up with ideas of taking advantage of this situation and moving these resources out of town to property owner's areas, or public lands. And because the fact is that 85 percent of the public property is going to get destroyed in collision with automobiles, 85 percent. So that's a big -- in my brain, that's a big huge waste. But here's, very short, there's 46 million acres out there that can be taken advantage of. And the subsistence regulations are not applicable to those 46 million acres, nor are they



applicable to federal laws, not applicable to state lands. That's a lot of land to take advantage of. So this is the arena that we want to spend the next million dollars on.

I've made reference in the past, and probably, I don't know if you were here, but we have literally walked away from a billion dollars since the passage of ANILCA. I asked the feds one time, how many dollars have you spent on this? And he says, well, whatever you've spent on your efforts, we outnumber that a hundred to one. I personally knew that we had spent \$2 million on it, on all the chaos that we had participated in prior to the passage of ANILCA. So I've got to assume that they had a quarter of a billion in the game at that time and that statement was made to me perhaps 15 years ago, so I think I could reasonably say that a billion dollars is just down the stream. So back to the private property, back to the state lands, let's enhance those. I think we can work our way out of this.

**Representative Keller** - Seeing no other questions, comments, Greg, thank you again for coming and we'd welcome you back. We have public participation at least several times a day when we meet and we're encouraged by the fact that you took time out of your Saturday to come in, so thank you.

**Greg Spitok** - Okay, thank you.

**Representative Keller** - I don't think there's anybody else in the room to testify. There's nobody online. So until next time, we are gaveled out.

**12:00 p.m. Adjourn**

**Meeting minutes approved as written January 24, 2014**