

APPROVED MEETING MINUTES
CITIZENS' ADVISORY COMMISSION ON FEDERAL AREAS
FEBRUARY 22 & 23, 2013
STATE CAPITOL BUILDING
JUNEAU, ALASKA

Friday, February 22, 2013 – House Judiciary Committee Room 120, State Capitol Building

9:00 a.m. CALL TO ORDER

Chairman Keller called to meeting to order at 9:00 a.m.

9:01 a.m. ROLL CALL

Leaphart called the roll at 9:01 a.m. with the following members present: Rod Arno, Mark Fish, Representative Wes Keller, Charlie Lean, Mike Meekin, Warren Olson, Susan Smith, Ron Somerville and Senator John Coghill (attended until 9:30 a.m.). Alex Tarnai, and Frank Woods were unable to attend. Colleen Richards resigned on February 1, 2013.

Commission staff in attendance: Executive Director, Stan Leaphart, Assistant, Karrie Improte.

9:04 a.m. APPROVAL of AGENDA

Motion to accept the agenda as written.

9:05 a.m. APPROVAL of MINUTES

Motion to approve the minutes as written, Commissioner Arno, second Commissioner Meekin; minutes from the November 28 & 29, 2012 meeting in Anchorage approved at 9:05 a.m.

9:07 a.m. COMMISSION MEMBER OPENING COMMENTS

Commissioner Somerville – I'm a lifelong Alaskan and my dad was a strong supporter of statehood. I've been interested in statehood and I've looked into a variety of legislation ANCSA, ANILCA, all of these things that have happened to Alaska in a short period of time. I ask myself, what has been the impact on Alaskans from this federal state relationship in this short period of time? My personal opinion, if you look at it collectively, it's the responsibility of the State to its citizens to do what ever it can to benefit Alaskans, and we are losing badly; with 104 million acres at statehood, we had first right of selection that has been tampered with several times, millions of acres in tidal and submerged lands that we will never see in title. Why are we being treated like this? What can we do about it and that is what the Commission is for. The average person on the street has no idea what is happening. I look at all the things that Stan does and are we having an impact? What is the response from the federal agencies to Alaska's comments?

Commissioner Olson – We are a tremendous aid to the public but, unfortunately, the public isn't getting to us. Our publication is doing a great job and I encourage my friends to receive it. I think that we have to be available to educate our legislators and we have to join with other state in their efforts.

Senator Coghill – I asked to be assigned to this committee and I'm glad to participate. My history goes back quite a ways, and a lot of the things that I have learned about Alaska I have learned to hard way. The D-2 lands took a great chink of my life listening to the debate, even though I was raising a family, it had a great impact on our business and our ability to grow in Alaska. The power play of the environmental group and their impact on Alaska, it's not just the federal government it's the non-governmental groups who revved their power up in a significant way. When I got into politics I was 48, had several career by then but I did have a slow burn in me, the ability to move around, and grow in Alaska, all these issues came to have greater meaning. We have been

following the lawsuits and as Majority leader I have been able to retain legal counsel to help me follow the court issues in Alaska and the court issues nationally, and comment on them. I intend to be very aggressive.

Commissioner Fish – I have been with the Commission since it was reconstituted, my comments have always run similar but what has changed for me is the observation and information from federal regulators and NGO's, and it appears to me things are done intentionally. I look at all of these virtual assaults, not on the state of Alaska but on the people of Alaska. You cannot deny the fact that people want to be free. Everything that our government is throwing at us is endangering that freedom. They are not facilitating freedom, the only thing they are suppose to do is protect life, liberty and property. What they are doing now is first they come for your property, then they take your liberty, it's not enough to call success for their plan, they will go after life.

Representative Keller – I can't help be identify that as a Commission we are trying to find the line to walk between the power of the federal government and what is right for the state, state sovereignty. It's a growing problem and there are several bills in dealing with federal overreach. A lot of it is awareness and education, letting people know. That is really important and there is a lot to this. We really do have a role in getting the word out and I think you will be reminded of that during Stan's, Executive Director's Report that is exactly what he is doing is making people aware of what is going on. In *Glover vs. Wisconsin*, the feds

Commissioner Lean – I sense and hear around the room with the slow speed of progress and I certainly don't see that changing. Ron's comments on Statehood the hopes for better, more local control. In my line of work I frequently run into high level Ph.D.'s in the field that come up in the summer and make the judgment that Arctic Alaska is like the Pacific Northwest. They say, "...you know you need more large woody debris in your rivers, maybe we can import some trees from Oregon.", and other statements of that nature. It's human nature to apply what you are familiar with to a new situation. We, the state of Alaska were participants in ANILCA; ANILCA was the grand compromise between the national interest and the state interest, it was negotiated in good faith and today it's not being respected, lived up to. I'm the person who thinks we need to be aggressive, hold their feet to the fire. It's is what is supposed to protect the states interest on these issues. I hope we can maintain our focus and enthusiasm.

Commissioner Arno – For 45 years I was a hunting and fishing guide in western Alaska, I have had a lot of time on the landscape. For the last 20 years I have been representing an NGO on people rights in Alaska and I want to thank the Alaska Senate for their faith in me by appointing and reappointing me to this Commission. The Commission has a valuable role to play; I believe the important thing is to follow the rule of law in the State and to have the federal government follow the laws out of Congress.

Commissioner Smith – I am from Chokosna, in the middle of Wrangell St. Elias Park and I have had a great deal of exposure to the Park Service in what we called the seven year war where we fought the Park Service for access. I too was very excited when the Governor appointed me when the Commission was re-established. I think we have patiently listened for years to the agencies and to their rationale for what they are doing. We listened to countless testimonies from the public and in my mind it is time for action. We have accumulated our list of problems. It's hard; we are trying to deal with an agency that it's following its own rules and regulations. If we can't get the federal government to follow their own rules, we need a different approach. I went through three years of CACFA letter and made a list of the violations as a way to help Stan put together. I did this with

the hope that other Commissioner's with expertise can continue to add to it and continue to document everything that we have seen that is wrong.

Commissioner Meekin – For me, I would like to echo what I have heard and for me it's about getting involved. It is quite complex and the average person has to hear these things so they can know and get involved.

9:37 a.m. COMMUNICATIONS and REPORTS from the Executive Director –

Leaphart reviewed the following items in the meeting packet mailed prior to the meeting:

- A November 29, 2012 letter from Robert Brean, Dineh LLC General Manager and Belinda Thomas, Tribal Administrator for the Northway Tribe to Mr. Goeff Haskett, US Fish and Wildlife Regional Director regarding the Telin Land Exchange; and Mr. Haskett's response from the US FWS dated December 2, 2012. We couldn't calculate the benefits to Tetlin, neither could the local groups so they said they didn't want the exchange. The FWS said if they didn't want it, they wouldn't do it. This letter confirms that approach. The Commission didn't take a side but allowed the parties to air their sides.
- The Commission's letter to Zachary Babb, Of the National Park Service commenting on the Serpentine Hot Springs Master Plan Environmental Assessment Alternative Newsletter, dated November 30, 2012. This is our letter of support for the proactive step forward after much discussion on how to manage the Park and maintain the airstrip. It is important to note that they decided to remove the wilderness eligibility. This was a good move on their part and it's a good move towards rectifying previous designations. This should never have been considered as suitable for wilderness.
- A December 5, 2012 letter to Sue Masica, Regional Director for the National Park Service commenting on their decision to hold seven meetings statewide to pre-empt state hunting regulations on federal lands. The bottom line here is that their regulations weren't being followed by not having meeting in the effected areas. This is a perennial problem and I have never received a response. The State also sent a letter regarding the lack of meetings
- From Joel Hard, Deputy Regional Director for the National Park Service to Doug Vincent-Lang, Acting Director for the Department of Fish and Game, dated December 14, 2012 responding to his letter about the State's concerns over the Compendia process and their regulation of fish and game on federal lands.
- To Jeanette Pomrenke, Superintendent of the Bering Land Bridge National Preserve commenting on their Sport Hunting Guide Concession EA, December 12, 2012. We talked about this at the last meeting. There has been no guide out there for 20 years and this is the NPS's proposal to establish 3 guiding areas and we supported their alternative the creation of three areas each with a separate guide. We also suggested that they consider talking to the Big Game Commercial Services Board.
- Friends of the Alaska National Wildlife Refuges work to promote and lobby for the refuges. We reviewed their 'Friends Organization Policy' and had issues with it. We didn't think it had an arms length relationship with the 'Friends', and that they can't continue to use public funds to support these agencies but they were providing office apace and training. In this letter dated December 19, 2012, to Mr. Daniel Ashe, Director of the US Fish and Wildlife

Service we made the request for more information and it has gone unanswered.

- The next letter to Mr. Kevin Kilcullen of Visitor Services for the National Wildlife Refuge System, dated December 2, 2010, is a copy of some old comments on the Friend's Policy for your reference.
- In our letter to Mr. Edwin Roberson, Assistant Director of Renewable Resources and Planning for the BLM we commented on their Notice of Intent to prepare an EIS to evaluate the use of three new herbicides in 17 western states, Alaska being one of those states. There were only three meetings scheduled, none were scheduled for Alaska. We didn't comment on the use of herbicides but the lack of meetings in Alaska. This will affect use, BLM manages the Haul Road, and the Central Yukon Field Office has an invasive weed program.

BREAK at 10:15 a.m.; the meeting reconvened at 10:30 a.m.

10:30 a.m. Department of Law – Selected Case Updates and Status Report (by phone)
Ms. Anne Nelson, Assistant Attorney General and Mr. Mike Mitchell, Assistant Attorney General, Department of Law - brief the Commission on items currently being addressed by the Department of Law.

11:30 a.m. PUBLIC PARTICIPATION

Don Stein (by Phone) – One time assayer for the state of Alaska discusses his interests in mining and his involvement in map making during the time of ANILCA.

Gretchen Goldstein, Port Protection – Does not support the Sealaska Legislation

Warren Olson, Speaking on his own behalf as a citizen– I would like to introduce a letter and read it into the record. (The letter was distributed, and as read to all members of the Commissioners.)

“Dear Governor,

I am requesting the State of Alaska pay Mr. John Sturgeon's expense of Case No. 3:11-CV-00183-HRH.

Since Mr. Sturgeon qualifies as a Public Interest Plaintiff, every Alaskan will benefit from the outcome of this case. State Sovereignty, police powers, side by side with untitled property rights and ownership of trust property of Mr. Sturgeon, in common with all Alaskans, are the key issues of this case.

The burden of time and work associated with such a case in addition to the financial expenditure by one Alaskan is not equitable, since everyone benefits. We all must share the cost, by legislative action, reimbursing Mr. Sturgeon's expenses, to take this case to the United States Supreme Court.

Sincerely, Warren E. Olson

Cc: Lt. Governor Mead Treadwell
Senator Charlie Huggins
Representative Mike Chenault
Senator Kevin Meyer

Kathleen Liska – Introducing herself as a potential Commissioner and expressing interest in the being a part of the Commission.

LUNCH – adjourn for lunch at 11:48 a.m., reconvened at 1:28

AGENCY REPORTS – Tongass National Forest Land and Resource Management Plan five-year Review, Sue Jennings

(View the presentation online at: <http://dnr.alaska.gov/commis/cacfa/MeetingInformation.html>)

Ms. Sue Jennings - Presentation Purpose is to explain purpose & process for 5 year review of the Forest Plan; to give you information you need to understand the comment process, and to answer your questions.

To date, we have had meetings in Wrangell, Petersburg, Sitka, Craig, and Ketchikan. We have a meeting scheduled in Juneau Thursday, February 28 at the Juneau Arts and Culture Center from 6 – 8 pm. So far, we have met with over 80 people at these meetings. We have received very few comments so far but it is still early; the comment period closes on June 30.

Purpose of the Forest Plan 5-Year Management Review is to provide Forest Supervisor with insight into the public's, Tribes' and employees' view of the Forest Plan and its implementation, at this five-year mark, to assist the Forest Supervisor in determining whether any actions are needed at this time to clarify or adjust the Plan, and to maintain communication with external and internal stakeholders about the Plan and its implementation.

What is a Forest Plan? A Forest Plan sets the 'Desired Conditions' for all areas of the Forest, based on an environmental analysis. The Desired Conditions describe the mosaic of land and resource conditions envisioned for the Forest in the future. How do we want the Tongass to look and function 10, 20, 50, and 100+ years from now? Desired Conditions are attained through Forest-wide goals and objectives, which are set for each of the land use designations (LUDs). It also sets goals and objectives, such as Forest-wide Goals which describe the desired conditions, and Forest-wide objectives, which define how we plan to meet the Goals, what activities or projects we think we need to or expect to do to reach the desired conditions. From these goals and objectives, the Tongass established forest-wide 'Standards and Guidelines' for implementing the Forest Plan. A standard is a mandatory course of action or level of attainment required by the Forest Plan, typically identified by the words "must" or "will." A guideline is a preferred or advisable course of action or level of attainment indicative of the intent of the Plan, and is typically identified by the words "may" or "where practicable". The Plan also sets up monitoring and evaluation criteria where by we evaluate if we are achieving the standards and guidelines and goals and objectives, and are we achieving the intent of the Forest Plan. Through adaptive management and regularly monitoring of how the Forest Plan's implementation is affecting resources, we can improve future management.

This flow chart (see slide 10) maps the 'Forest Plan Process'

Through 'Environmental Analysis', we can identify the 'Desired Conditions' and set Goals; these Goals are mapped as Land Use Designations with Objectives, Standards and Guidelines help to identify projects to benefit the Forest, feedback from the projects in the form of monitoring, helps evaluate the standards and guidelines to ensure they meet the objective and maintain the 'Desired Condition'.

The history of forest planning on the Tongass started in 1976 when the Tongass Land Management Plan (TLMP) was started. In 1979, the Tongass Land Management Plan/FEIS were completed.

There were amendments in 1980, 1985/86, and 1990. The 1990 revision was a draft EIS, in 1991 the revision was a Supplemental draft EIS, with a final Forest Plan, FEIS and Record of Decision in 1997. In 2003 there was a supplemental EIS but no new Forest Plan. The last amendment was in 2008 with a final EIS and record of Decision. Now here we are in 2013 starting and 5-Year Review.

A Record of Decision approves how we manage the Tongass and the directions in the plan determine activities by LUD along with Forest-wide multiple-use Goals & Objectives on 19 LUDs (zones) across the Tongass. There is a Management Prescription (MP) for each LUD and there are 23 Forest-wide Standards and Guidelines that apply in all LUDs.

People can stay informed by visiting our project information website at:

www.fs.usda.gov/main/tongass/landmanagement/ or join our contact list online at: www.tnf-5yearreview.com.

Certain types of comments are most helpful especially if they mention a specific idea, or state how you think the Forest Plan implementation is going and why you feel that way? How would you change the Forest Plan and why? What do you see working well on the Tongass? What do you see on the horizon that was not addressed in the Forest Plan & needs to be soon?

Comment will be accepted until June 30, 2013 and the best way to submit comments is to use a 'Comment Form' and mail it. Thank you.

AGENCY REPORTS - Alaska Department of Natural Resources, State Tongass Leadership Team, Kyle Moselle, Large Project Manager;

(View the presentation online at: <http://dnr.alaska.gov/commis/cacfa/MeetingInformation.html>)

Mr. Kyle Moselle – The State of Alaska, Department of Natural Resources has 7 Divisions managing Agriculture, Forestry, Geological and Geophysical Surveys, Mining, Land and Water, Oil and Gas, Parks and Outdoor Recreation, Support Services, and the Offices of Gas Pipeline Project, Mental Health Trust Land, the State Pipeline Coordinators Office, and the Office of Project Management and Permitting. I am affiliated with the Office of Project Management and Permitting which is housed within the Commissioner's Office of DNR. We coordinate with other state agencies on a variety of efforts important to the State of Alaska including large project coordination in transportation, oil and gas, mining, timber and energy. OPMP administers Federal Grant Programs such as the Exxon Valdez Oil Spill (EVOS), Forest Legacy, National Coastal Wetlands, Coastal Impact Assistance Program (CIAP), and Federal Land Use Planning coordination with the BLM, National Park Service, U.S. Fish and Wildlife Service and the USFS.

DNR-OPMP coordinates the permitting of large projects in Alaska in accordance with AS27.05.010(b) and AS38.05.020(b)(9). There are two teams, the Large Mine Project Team and the State Tongass Leadership Team.

The Objective of the State Tongass Leadership Team is to provide a forum for state agencies to review, discuss, and consolidate comments regarding development projects proposed in the Tongass National Forest. The Major Projects we are working on are Big Thorne FEIS, which is in preparation, 120 MMBF timber sale is anticipated; there is the Saddle Lakes DEIS in preparation for a 30 MMBF sale; Wrangell Island DEIS being prepared for up to 80 MMBF; and the Forest Plan 5-year review.

In summary, DNR has broad authorities and responsibilities related to natural resource management. OPMP coordinates large projects important to the State, and the State Tongass Team is the State's voice on Tongass activities.

AGENCY REPORTS - Sustainable Cabin Program, US Forest Service

Hans von Rekowski, USFS Tongass Sustainable Cabin Program -Discussed the intent behind the USFS Cabin Summit Team as a part of the Forest Services current and future cabin program. The Team brainstormed cabin issues needing discussion and resolution with the following results:

- Fees! Need firm dates for new fees – how to do it before next season.
- Need for systematic process for identifying and treating cabins of an historic nature.
- Private/Partners and new cabins.
- Need Implementable and Implemented Decisions!! Commitments! Action!
- Budgeting – can't get a handle on cabin maintenance costs when inconsistent charging of O&M to NFRW and CMFC.
- Identify portion of CMFC to go to cabin replacement.
- Identify number of cabins to replace annually.
- Identify criteria for determining what/when cabins need replacement.
- Identify what approach to take to aging cabins.
- Discuss standards for cabins – Sustainability.
- Oil/Fuel Cost Savings.
- Marketing – McDowell doing research for SeaTrails – could be useful info for cabins).
- Stress importance of Master Plan.
- Create a replacement strategy.

Decisions made, with the following discussion points.

DECISION 1 - Public Recreation Cabins are important to the recreation opportunities provided by the Forest Service in Alaska. Alaska - R10 will continue to provide public recreation cabins.

DECISION 2 - The Cabin Program must be reduced in size (numbers of cabins) to make it sustainable.

DECISION 3 - An average O&M cost will be determined for each cabin group (e.g. boat access, float plane access, etc), checked/validated/adjusted for each cabin using Infra, and established for each cabin.

DECISION 4 - Cabin use fees will be raised as soon as possible.

DECISION 5 - Pursue an historic review of the entire Region 10 Recreation Cabin Program followed by a programmatic agreement with SHPO.

DECISION 6 - An orderly, regular cabin replacement process is needed to ensure a Sustainable Recreation Cabin Program. A single, Regional list of cabins, prioritized for replacement, is needed to support this process. Replacement priority will be based on each cabin's Condition Index.

DECISION 7 - Replacement cabins that are Minor projects will not have to compete in the Region's CIP ranking process.

DECISION 8 - Cabin replacement project costs will be kept Minor, below the Major Project line.

DECISION 9 - The President's List will include, annually, three minor projects, identified generically (e.g. as "Recreation Cabin Replacement"), each under \$250,000 – total annual

commitment to Minor project cabin replacements not to exceed \$750,000. It will also provide for 3 cabin survey/design projects annually.

DECISION 10 - Effective immediately, a moratorium on construction of new cabins, regardless of where funds might come from, is in place through FY2011.

DECISION 11 - The cabin design and procurement process will be assessed by a team of Forest individuals to reduce redundancies and improve efficiencies. The goal is to provide quality cabins easier and more cost effectively.

DECISION 12 - Assess cabin management and maintenance to see if we can improve efficiencies, lower costs, and increase effectiveness.

DECISION 13 - We need to identify and improve marketing of the Cabin Program.

3:30 p.m. PUBLIC PARTICIPATION

Rick Rogers, Sealaska Vice President – I am here today in support of the Sealaska Lands bill. Sealaska has made \$310 million in economic contributions to the southeast community....

Jimmy Rosenbruch, Outdoor Adventure and Fishing Guide – I was the first outfitter on the Tongass and I have operated for 47 years. I have seen clear-cuts and logging. We have lost half of our fishing spots to Sealaska.

Mary Anna Grant, Hydaburg – In favor of the Sealaska Bill. I live in a Haida village near Hydaburg. I am a bus contractor with Sealaska. Sealaska used to employ over 100 people in my area, now they barely hire no one.

Paul Axelson, Ketchikan – I am in support of the Sealaska Lands Bill, I am a third generation Alaskan...

4:20 p.m. BREAK, return to the meeting 4:30 p.m.

4:30 p.m. COMMUNICATIONS and REPORTS from the Executive Director –

Leaphart continued through the meeting packet on items of Communication and Reports from the Executive Director.

Meeting adjourned at 5:00 p.m.

Saturday, February 23, 2013 – House Finance Committee Room 519

9:10 a.m. RECONVENE - CALL TO ORDER

9:10 a.m. ROLL CALL

Leaphart called the roll at 9:10 a.m. with the following members present: Rod Arno, Senator John Coghill, Mark Fish, Representative Wes Keller, Charlie Lean, Mike Meekin, Warren Olson, Susan Smith and Ron Somerville. Alex Tarnai, and Frank Woods were unable to attend. Colleen Richards resigned on February 1, 2013.

Commission staff in attendance: Executive Director, Stan Leaphart, Assistant, Karrie Improte.

Brief recess until Mr. Rampton calls in.

9:20 a.m. AGENCY REPORTS–Utah Constitutional Defense Council

Mr. Tony Rampton – Assistant AG - State of Utah, (participating by phone)

Mr. Rampton (by phone) - Over a year ago in 2011, Representative Ivory started putting together a bill that would demand the Federal Government return or transfer to the State all of the public lands. That demand is based on Utah's Enabling Act that was passed in 1894. Initially the legislation had some sanctions such as taxation, which were taken out because they were unconstitutional. In its final form when it passed, the Bill makes a demand on the Federal Government to transfer to the State Government all the public lands excluding a number of categories such as National Parks, National Monument's, all Tribal lands, all wilderness areas, all federal enclaves, it is basically focuses on the lands administered by either the Forest Service or the BLM. The deadline for the transfer was set in HB 148 was December 31, 2014. In the interim it charged to Constitutional Defense Council (CDC) to look at questions like this and other federalism questions. When the Bill was passed the responsibility of looking into these questions fell to the CDC. I became involved at that point. We started looking at the issues of such a transfer and immediately recognized it is a very complex issue. There are a great many interests involved and questions that have not been answered, starting with an inventory and the interest in those lands. The CDC put together two documents, I sent these to Stan, one is a report which details the findings of the CDC in the interim which in turn concludes that more study and economic analysis should be done, then there was a advocacy piece which is basically a case statement for the HB 148. (These documents were provided to the Commission in the meeting packet, and can be found online at: <http://dnr.alaska.gov/commis/cacfa/MeetingInformation.html>.)

The advocacy piece makes a case for the transfer of these lands, provides a history of public lands, the reason why these lands remain in public ownership and it talks about Utah's Enabling Act and the reasons why we believe the Enabling Act has been breached by the Federal Government. The understanding in 1896 was that these lands were to be disposed of and go into the revenue bases of both State and Federal Governments. That obviously has not occurred and with the passage of FLPMA that is clearly not going to occur as the policy of the Federal Government to go from Land Disposal to land retention. This is a case that can be made by Utah and other western 'Public Land' states.

Representative Keller – Representative Ivory has done a fabulous job recruiting other western states and I have been working with him. I would just like to quote from your advocacy piece, "Examples of Federal inefficiency and mismanagement abound. These difficulties are not attributable to the efforts of capable federal employees, but are, instead, symptomatic of the non-

functioning federal land management policies and processes.” We really identify and why we are having this discussion.

Mr. Rampton - The advocacy piece identifies other legal issues that are there but the question becomes whether the property clause of the US Constitution is can be used by the federal government to justify a breach in a state enabling act. Can the Congress of the US, unilaterally, change the deal 80 years after the fact? That question hasn't been resolved by the courts and it will have to be resolved by the courts, if a political solution is not achieved. The advocacy piece goes on to address some public lands policy problems in this country. It's a problem from the federal and state perspective. There federal government loses money on public lands. The funding level that Congress funds the maintenance of public lands is terribly inadequate. It's not the fault of the people on the ground, doing the best with what they have but Congress doesn't fund the public lands at the level they require if they are to be made, restored and protected as they need to be. It would appear that that situation is going to get worse before it gets better. With the fiscal problem it is likely not to reverse itself it is more likely going to continue to get worse. Another big problem is that their hands are tied because of the requirements of the National Environmental Policy Act and the processes that need to be followed to make decisions with regards to public lands, the federal government can't do much. The EIS process along with the opportunity for litigation during or after the EIS process is concluded. Decisions that should be made on the ground that should be made immediately aren't being made for 5, 10 maybe 15 years. You can't even get Resource management Plan approved for many years. The federal government isn't able to increase the revenue that it might earn from the public lands because of all this bureaucracy it has to fight its way through making it impossible to get things done when they need to be done. All of this must be looked at, both from a state perspective and from a federal perspective. That is what we are asking be done at all levels of government, if they would all reexamine public land policy in this country, particularly in the western united states and objectively look ta the problems exist and how best to resolve those problems it is possible for a political solution to be achieved that is a win-win for everyone. In order for that to happen there has to be a dialogue and that dialogue has to be preceded by the kind of examination that we are proposing to do here in the state of Utah. You need to deal with lessees; you need to deal with revenue sharing funds that go to local and state governments. You need to look at everything that is impacted or impacts the public lands. Only after you do that can you have the kind of meaningful conversation.

Commissioner Somerville – Thank you, as you are well aware we have a lot of similar issues. We have about 60 million acres tied up in submerged lands which we will probably never see. One of the things that Senator Stevens did when he was still alive is favor inserting the statement in legislation, “...in lieu of taxes.”, to give some compensation to the communities for the vast amount of public land. Did you do that in Utah?

Mr. Rampton - There are several different mechanisms where by revenue is derived from public lands that are funneled back to state and local governments, but I think the point is that it doesn't anyway near compensate for the absence of those lands in state and local tax bases. We recognize here in Utah, yes those revenues are present and they are flowing back into the state and local government from public lands and we need to give assurance to local governments that those funds will be protected in some way, hopefully increased as this thing moves forward.

Commissioner Lean – In reader your statement, it sounds like Utah was promised land to build their economy and offer the resident a way to make a livelihood. Your compliant is that that has

never occurred and today you are hamstrung and you're having a rough time of it. There are some parallels here in Alaska. We are a state that relies on natural resources and like you we pushed for statehood and found the concept that we could do a better job of managing fish and wildlife and the profits from those industries wouldn't go outside but would stay here in our economy. That is then taken away from us. Does that sound correct?

Mr. Rampton – It's a little cloudier than that. Historically, when the Union was formed in the late 1700's following the Revolutionary War and when the initial 13 colonies became state, they required, some owned western land, in the treaty with Great Britain, some of these colonies acquired these western lands. After the war, the country was faced with enormous debt and the only asset that the country had at the time was these western lands. There were two school of thought, one the Hamiltonian Group was concerned with this debt and repaying this debt. The Jeffersonian Group was concerned about settling these lands. They realized that if they didn't settle them, someone else would and the US would lose the land. In either case, whether to look at public lands to be disposed of so the debt could be paid or whether you would encourage people to settle these lands, the policy of the federal government was one of disposing of these federal lands through sale, grants, whatever. That was part of the Northwest Ordinance that was passed in 1787. Right from the very beginning, the federal policy towards these public western lands was disposal. Over time, those western public lands grew with the Louisianan Purchase, and the Treaty with Mexico, when ultimately the federal government ended up with vast public land, stretching from the Atlantic to the Pacific. The policy with respect to these lands and the disposal of these lands didn't change throughout the 1800's. Congress came up with all kinds of mechanisms to dispose of these public lands. Homestead Act, the Railroad Grants, the Mining Acts, Credit sales, outright grants, they had preemptions, all designed to do one thing, dispose of these public lands. That is the back drop for many of the western states enabling acts that were the vehicle for these western states to become states. Congress then said to a territory, if you do these certain things you can become a state. The state or the territory to become a state needed to pass a constitution and other things to meet these conditions. When Congress was convinced that all of that had been done then Congress allowed the territories to become states. Most of the enabling acts are worded the same. The template was created early on in the process. One of the thing it did is require the states as a condition of statehood is to disclaim all right and title to the public lands within its boundaries and it refrain from taxing those lands until title of the federal government had been extinguished, but the theory was that over time the federal lands would be disposed of as had been the federal policy for over 100 years. As those lands were disposed by the federal government they would become either revenue producing for state and local government or otherwise producing some revenue to support government services. When Utah became a state in 1896 that was clearly the deal....

Commissioner Lean - The states had an expectation that they would be self supporting and the federal government rationale for disposing for public lands was to provide that opportunity. In Alaska our statehood was held up a few times for fear that we would not be able to support ourselves, had an inadequate population, and no means to support a state. My point is that there is a parallel and we have found some common ground to hold our federal government to be responsible for the contracts they made.

Mr. Rampton - Particularly with the enactment of FLPMA, that bargain that the federal government made has been breached by the federal government. It has yet to be determined by the court whether the property act will allow the federal government to change their mind like that. The underlying idea was that that was a deal, and that deal was disposal. It's very clear to

me that that was the understanding at the time.

10:05 a.m. AGENCY REPORTS - Chugach National Forest Plan Revision – Don Rees - U.S. Forest Service

Mr. Don Rees - The mission of the U.S. Forest Service is to sustain the health, diversity, and productivity of the Nation's forests and grasslands to meet the needs of present and future generations. We manage the 5.4 million acre Chugach National Forest and the current Revised Land and Resource Management Plan was completed in 2002.

A forest plan is a comprehensive plan to guide forest management over the next fifteen years. A plan is used to maintain and restore forest land and water ecosystems while providing for ecosystem services and multiple uses. This includes objectives, standards and guidelines for "desired conditions" to be achieved through land management and it identifies areas that are or may be suitable for special designations such as research natural areas, wild & scenic rivers, and Wilderness. This management direction applies to lands within the boundaries of Chugach National Forest. The plan considers the goals, uses and resources of surrounding lands and surrounding communities ("all lands")

Why does the revision process matter? Well, the Chugach National Forest is the backyard for nearly half of the State's population. It is a place where hundreds of thousands of people live, work, and play. The new plan will be in place (2015-16) informing management over the next fifteen years. The decisions made in this plan will directly affect environmental health, economic vitality, and quality of life, and we will confirm what is working with the 2002 plan, and identify where there is a need for change.

The National USFS policy requires plans to be revised at least every fifteen years and the Chugach National Forest was selected as one of eight forests nationwide to be an "early adopter" of the new National Forest System Planning Rule (2012)

The new Planning Rule was adopted at the national level an improved process and direction for preparing or revising Forest Plans. It includes features like: a quicker, more streamlined and efficient three year process; a three phase process: assessment, revision, monitoring; enhanced commitment to collaboration and public engagement (across all three phases; new audiences including youth); an "All lands" perspective; uses the best available science; sustainability and "ecosystem services"; and it will continue to emphasis on multiple use management.

Out plan is to engage the public and yourselves over the course of the next three years, over all phases to build on "early engagement" workshop to be facilitated in April/May 2012 by UAA. Right now, we are in the "Assessment" Phase with nine Forest Planning Forums planned February 2013.

For more information, please visit: www.fs.usda.gov/chugach or chugachplanrevision@fs.fed.us;
Mr. Don Rees may be contacted by phone at: 907-743-9500 or by email at: chugachplanrevision@fs.fed.us

AGENCY REPORTS - ADNR - Public Access Assertion and Defense Unit - Status Report on RS 2477s – Mr. Kent Sullivan (See Mr. Sullivan's presentation online at: and Navigability Issues – Scott Ogan &

Mr. Kent Sullivan, Department of Law, Natural Resource Section – RS 2477's are very important in the State of Alaska and I'm here to share some recent developments with you. R.S. 2477's were created as Section 8, of the Mining Law of 1866. The statute was later re-designated as Section 2477 of Revised Statutes of 1878, hence the name R.S. 2477, and are defined as "The right of way for the construction of highways over public lands, not reserved for public uses, is hereby granted." An R.S. 2477 is created as a grant that is self-executing. It applies to all right of ways existing on the date of repeal of R.S. 247 in 1977 and they arise automatically when a public highway is established across public lands in accordance with the law of the State. Historically, highways included foot trails, pack trails, sled dog trails, crudely built wagon roads and other corridors of transportation. According to Alaska Statute AS 19.45.001(9) highways include a highway, road, street, trail, walk, bridge, tunnel, drainage structure and other similar or related structure or facility. The R.S. 2477 includes historic routes which exist not only on Federal lands (including present day B.L.M., Park Service and Forest Service lands), but also on former Federal lands which are now held by the State, or owned by private parties, including Native corporations.

A controversy over R.S. 2477's exists between the differing perspectives between the Federal Agency and environmentalist.

Some examples of R.S. 2477 Routes are:

- Dalton Highway – Livengood to Prudhoe Bay;
- Farmers Loop Road – Fairbanks;
- DeBarr Road – Anchorage;
- Klutina Lake Road – Copper Center;
- RST 592 Chilkoot Trail – Skagway;

R.S. 2477s vary greatly in location, condition, degree of improvement, use and history.

- RST 10 Chicken to Franklin – Fortymile Region;
- RST 10 Chicken to Franklin – Fortymile Region;
- RST 410 Jack Wade to Steel Creek – Fortymile Region;
- RST 1642 Franklin to Chicken/Lilliwig Creek – Fortymile Region;
- RST 379 Hutchinson Creek - Fortymile Region;
- RST 1974 Chitina Cemetery Road – Chitina;
- RST 421 Chicken Ridge - Fortymile Region;

R.S. 2477s remain a very important part of Alaska. If you compare Alaska, the largest state in the country, actually has fewer public roads than Connecticut, the third smallest state in the country. Alaska has 16,302 miles of road as compared to and Connecticut – 21,020 miles. R.S. 2477s help access a huge part of the state and are critical rights-of-way to preserve public access to lands and resources, enable the State to reasonably manage, maintain and develop the lands, resources and opportunities and to maintain State sovereignty & preserve State's rights.

Previous R.S. 2477 research, investigation and legislative codification began in the early 1990s with an intensive research effort by DNR to identify routes through the Alaska Road Commission, USGS maps, field notes and Postal Service contracts, including other records. That effort culminated in Alaska's legislative codification and recognition of more than 600 routes as set forth in Alaska Statute. Recent R.S. 2477 developments include Legislature in 2011 that authorized a \$599,000 increment to DNR for FY 2012 to clear clouds to State title related to R.S. 2477. Utilizing that increment, among other things, DNR and Law have conducted extensive field work

and historical research related to R.S. 2477 investigation; have recruited and hired an assistant attorney general dedicated almost exclusively to R.S. 2477 work; engaged in peer-to-peer meetings and exchange with Utah representatives; and further developed and refined Alaska's R.S. 2477 prosecution strategy. We have carefully selected initial claims to prosecute, engaging in a multi-faceted approach to resolution of claims, prepared a detailed analysis of what is needed to take an R.S. 2477 case to trial, recognized the need to systematically revamp and supplement R.S. 2477 claim files to aid in assessment and prosecution of claims, and identified the need to preserve key witness testimony.

Recent in *State v. Lone wolf*, a private landowner attempted to block R.S. 2477 right-of-way near Chickaloon. The right-of-way was blocked with vehicles, felled trees across the roadway and hundreds of nails were also placed in the roadway. We succeeded in getting the Court to issue both a temporary restraining order and preliminary injunction preventing the landowner's continued interference with the roadway. In *Dickson v. State*, a private landowner sued the State seeking to prevent use of a portion of the historic Iditarod Trail near Knik. This matter continues to be actively litigated. In *Ahtna, Inc. v. State*, Ahtna sued the State attempting to claim that the Klutina Lake Road near Copper Center is not a valid R.S. 2477 right-of-way. The Klutina Lake Road is a portion of the historic Valdez to Copper Center Trail, one of Alaska's most historically rich R.S. 2477 rights-of-way. This case continues to be actively litigated. In the *State v. United States*, the Department of Law is in the process of finalizing a complaint which will likely be filed against the United States and others in the Fortymile Region. This case involves approximately seven separate R.S. 2477 routes near Chicken, Alaska where these routes are located over a very large geographical area and are used extensively by miners, hunters, trappers and other recreationalists. Among other things, this litigation will seek to limit federal overreach and regulation of these State owned rights-of-way.

Living witnesses to these rights-of-way are critical to establishing the history of these routes. We are losing living witnesses with pre – 1969 knowledge is the relevant period to prove acceptance of R.S. 2477 grant. We also need to locate and interview these witnesses, we need to identify and inventory additional R.S. 2477 routes. If you know of any persons with witness or R.S. 2477 route information you may contact us at: <http://dnr.alaska.gov/mlw/trails/paad/index.cfm> for online submittal of information concerning your knowledge of a witness who DNR should contact or of a potential R.S. 2477 route.

AGENCY REPORTS - ADNR - Public Access Assertion and Defense Unit - Status Report on Navigability Issues by Natural Resource Manager II, Mr. Scott Ogan, Paad Unit Manager. (Mr. Ogan's Power Point presentation can as delivered to the Senate State Affairs on 1/24/2013) be viewed at: <http://dnr.alaska.gov/commis/cacfa/MeetingInformation.html>)

Mr. Scott Ogan – Hello, my name is Scott Ogan, I am a Natural Resource Manager II and the Unit Manager for the State's Public Access Assertion and Defense Unit, PAAD.

The PAAD Unit is a Division in DNR and our Mission is to protect Alaska's future through the assertion and defense of access to Alaska's public lands and waters. The State of Alaska has certain statewide policies such as the entitlements given at Statehood; ownership of navigable waters, RS2477's and 17(b) easements from ANCSA.

We attempt to preserve these rights by providing a 'Day to Day Litigation Strategy' for the Department of Law to defend our Title to State Submerged Lands and Title gained during the ANSCA Conveyance process.

We are an Interagency Navigability & Access Team made up of folks from the Department of Natural Resources, Department of Fish and Game; Department of Law.

All States when they are admitted to the Union did so as equals with the other states. This is the 'Equal Footing Doctrine'. This doctrine includes the 1953 Submerged Lands Act, which granted the states Title to the submerged lands beneath navigable waters. What is navigable? It could apply to submerged lands, tidal lands, shorelines and also Public Trust or Titled lands. How do you determine that it is navigable?

Alaska Statute AS 38.04.062, Provides Identification of Submerged Land owned by the State. A navigable water means water that, at the time the state achieved statehood, was used, or was susceptible of being used, in its ordinary condition as a highway for commerce over which trade and travel were or could have been conducted in the customary modes of trade and travel on water; the use or potential use does not need to have been without difficulty, extensive, or long and continuous; Title to Navigable State Submerged Land.

(g) In this section,

(1) "navigable water" means water that, at the time the state achieved statehood, was used, or was susceptible of being used, in its ordinary condition as a highway for commerce over which trade and travel were or could have been conducted in the customary modes of trade and travel on water; the use or potential use does not need to have been without difficulty, extensive, or long and continuous

11:30 a.m. PUBLIC PARTICIPATION

Zach Decker, Gustavus – Concerned with the access that may be precluded should Sealaska get their entitlement through this SB 340.

Sara Dibdaul from the Klawock Village Corporation – Considers herself a point guard for her community and the region and is concerned about the economy on Prince of Wales Island. There has been a very steep decline in the in the economy of POW Island.

Steve Johnson, Klawock – Supports the Sealsaka Lands Bill.

Kurt Whitehead, Big Game Guide – Is in favor of Sealaska getting it's entitlement through SB 340.

Rebecca Knight – I am a 37 year resident of Petersburg and I am opposed to SB 340.

Donna Jackson, Klawock – I am in favor of the Sealaska Lands Bill, Unemployment is over 14%, we need jobs.

Jim Carl, President of Sealaska – I support the Bill.

Arthur Denmerick – Supports Sealaska.

Davy Rubin, Sitka – Deeply opposed to the Bill.

12:15 a.m. Adjourned for LUNCH, reconvened at 1:45

1:30 p.m. UNFINISHED BUSINESS

S.E. Alaska Native Land Entitlement Finalization and Jobs Protection Act

Chuck Kleeshulte, Senate Energy and Natural Resources, Washington, D.C. (by phone) –

Under the 1976 amendment that allowed Sealaska to select lands only within conveyance boxes surrounding 10 Native villages in the region, there were 327,000 acres, containing 112,000 acres of old-growth timber. But 60,944 of those acres were placed in Old-Growth Habitat Preserves by the Forest Service, and 277,000 of those acres are located in the Inventoried Roadless area that would cause problems for Sealaska to be able to connect roads on their private lands to the existing road network. Some 44% of the 327,000 acres consists of saltwater, so Sealaska only had 183,120 acres of actual land to select from to meet their remaining Section 14 entitlement under the Alaska Native Claims Settlement Act.

Specifically the assessments we worked with during development of the bill showed that Sealaska likely could have readily harvested only 4.5 million board feet of timber from the more than 100,000 acres of prioritized selections they filed on lands inside the selection areas before July 1, 2008. That is because the bulk of their timber, 230 million board feet from 32,000 acres, came from the Yakutat withdrawal area that specifically because of the 1976 amendment to ANCSA, required the Governor's consent before the lands in the Situk River corridor, and the more than 2,000 acres selected in the Saxman village area, could be transferred. Another 38 million board feet from 4,600 acres were located largely near Hydaburg and Klukwan and involved selections at Essowah Lake on the west side of Dall Island – an area very important to commercial fishermen – and at Eek Lake south of Hydaburg, an area that is even more important for the commercial and the subsistence sockeye fishery. Another 40 million board feet were available from 19,500 acres in the Craig area including in the Trocadero Bay area, but part of that timber was in the Craig municipal watershed and other timber in the Trocadero Bay was strongly opposed by fishermen. Sealaska also selected 2,500 acres at Hoonah that contains 30 million board feet, but was in areas involving important scenic viewsheds for the tour industry and important subsistence hunting areas. Sealaska also had selected 3,100 acres containing 9 million board feet of timber near Kake, but that timber was of questionable economic viability.

Concerning second-growth issues, there are 428,972 acres of second-growth in the forest. Sealaska by this version of the bill would be allowed to select about 22,000 acres (95 are still at issue over the ninth small parcel site), about 5%. Sealaska by this bill is getting about 13,000 acres of older (40+ years) second growth that the Forest Service deems "suitable" for harvest under its 2008 Tongass Land Management Plan. This version of the bill reduced that harvest level by about 8,000 acres (mostly from reductions on Koscuisko Island), to permit the Forest Service more timber to allow a second growth strategy to work.

Concerning Endangered Species Act issues involving the Queen Charlotte Goshawk and the Alexander Archipelago Wolf, this bill will impact about 10,500 acres of Old Growth Habitat, compared to 34,983 acres of such habitat if the corporation has to stay inside their original selections. Looking only at the Old Growth Reserves, Sealaska will impact about 17,800 acres of the reserves, while it would have impacted 63,484 acres by taking lands among their original selections in the selection areas.

Concerning fish drainages, the current Sealaska bill protects parts or all of six drainages proposed for protection by Trout Unlimited in its current Tongass 77 proposal that calls for the

protection of 1.8 million acres for fisheries protection. The drainages being protected in habitat conservation areas are: VCU 4030 Bay of Pillars, Kuiu Island; VCU 6590 Essowah Lake, Dall Island; VCU 4310 Lake Kushneahin, Kupreanof Island; VCU 4300 Lovelace Creek, Kupreanof Island; VCU 5740, North Honker Divide on Prince of Wales Island; and VCU 5541 Sarkar Lakes on north Prince of Wales Island. By this bill Sealaska will be impacting three drainages: VCU 7160 Helm Bay on the Cleveland Peninsula; VCU 6850 Nutkwa Inlet on southern Prince of Wales Island; and VCU 4000 near Security Bay on northern Kuiu Island. If Sealaska stays inside their selection boxes they will impact in significant ways: VCU 6480 near Waterfall Bay/Trocadero Bay across from Dall Island; VCU 3660 Situk River Valley south of Yakutat.

Ron Wolfe, Sealaska Corporation, Juneau – Stewardship and Forestry are some of the things in my job that I am very happy about and proud of. Some of the things that Sealaska has been doing to care for the natural resources and what makes Sealaska different is their deep core cultural natural values. I am really proud to say that we rely on modern science and have participated in those sciences. Some of our core cultural values are found in Tlingit words. These are typical rotations (referring to the slide presentation) and to do that we need to look at past, present and future rotations, we have been conveyed 290,000 acres to date. These are the statistics we have accomplished so far. The proportion of acres, about 41%, that have been select harvested of total ownership over the percentage of clear cut or even aged harvest. If you compare, you'll see that more have been select harvest than even aged harvest. The remaining forest, 21,000 acres that we will operate until we receive our remaining entitlement. I'm happy to address any questions about our legislation but that is not why I am here today. I'm here to give you different information about stewardship.

We use the best forest practices techniques included yarding techniques, well-drained roads to minimize soil disturbance and protect water quality. We enhance and invest to create higher quality trees and regeneration and so forth. Some of our best practices, our silvicultural management, we plant, we pre-commercial thin, we basal prune. It's important because the crews that we use are local crews, and local shareholders. This is the part I am particularly proud of, our silvicultural management since 1993 the statistics, you can see what we have planned for 2012. We're looking more at pruning. We're trying to invest into the management of the Black tail deer browse. We are current; we have no backlog on our prescriptions. What do we do, we plant specially grown seedlings, and we use local crews.

Rick Rogers - supplied three handouts

UNFINISHED BUSINESS

- 1. Commission Goals and Objectives – Discussion Karrie Improte, Commission Assistant** – Distributed a memo to the Commission members in unfinished business. The memo requested the Commission engage in a discussion that would focus on the direction Commission members would like to see staff take in an attempt to improve our overall goals and objectives. (As read to the Commission through the Chairman).

“ There has been some discussion in recent meetings about the effectiveness of the Commission. As an advisory Commission, the responsibility and function of CACFA is “...identifying and reducing potential negative impacts on Alaska and its citizens from federal actions on any of the 239 million acres of federal land in the state, and shall consider, research and hold hearings on the consistency with federal law and congressional intent on management, operation, planning, development, and additions to federal management areas in the state.” These are broad mandates.

The Lt. Governor said it best at our last meeting in Anchorage when he said, “We are under assault by well meaning people who think that ANILCA was a starting place instead of a finishing place when it came to the No-More Clause...with every federal plan we keep losing ground. Every single planning effort that is going on is taking away more rather than empowering Alaskans to do what was given at Statehood.” This has never been more true with the increasing demand to police 1,000 page comprehensive plan coming at us in abundance and the burgeoning number of documents out for review. It seems time to get collaborate as a group about how best to use our limited resources.

Do we continue what we are doing, focusing our resources on reviewing and responding plans on issues related to process, access, subsistence, recreation, wilderness and publish our monthly newsletter or would the group like to take on other topics?

Our Charter, and Bylaws are attached for reference.

UNFINISHED BUSINESS - Eastern Interior Draft RMP/EIS Supplement- Overview

Leaphart – We have been taking about this for a long time. The BLM finally released their supplement on Hardrock mineral leasing in the White Mountain National Recreation Area in January. Staff is reviewing the enormous, multi-volume Eastern Interior Resource Management Plan in preparation for the comment deadline in April.

3:34 p.m. PUBLIC PARTICIPATION

Rick Rogers, Resource Development Council –Chairman and members of the Commission, my name is Rick Rogers, Executive Director of the Resource Development Council. I am calling first to share some observations on the management practices that I have observed on Sealaska timberlands and then to express ROC's strong support for the Sealaska lands bill. ROC is a statewide membership-funded association comprised of individuals and companies from Alaska's oil and gas, mining, timber, tourism, and fishing industries, as well as Alaska Native corporations, local communities, and organized labor. By way of background, I am a certified forester having practiced forestry for State, University, Tribal and Native Corporation land owners throughout southeast and south-central Alaska since 1982 and served on the Alaska Board of Forestry from 2003 through 2009.

Last August, I accompanied more than 40 ROC board members from across all of these industries in visiting Sealaska's timber and silvicultural operations on Prince of Wales Island. Dr. Mike Newton, renowned silviculturalist and professor *emeritus* from Oregon State University, showed us pre-commercially thinned harvest units that have now evolved into thriving second-growth forests. The professor has been helping Sealaska continually improve their forest stewardship, including conducting peer reviewed science on integrating habitat enhancement with second growth management. Deer browse and forest growth are enhanced by Sealaska's thinning and pruning practices. Dr. Newton praised Sealaska's stewardship and said "Sealaska Corporation is engaged in ecosystem management on a grand scale unmatched by any federal program." Sealaska has also engaged fisheries biologist Dr. Doug Martin who has led Sealaska's efforts spanning decades to monitor the effects of Sealaska's forest practices on stream habitat. While serving on the board of Forestry, I became very familiar with this peer-reviewed work done in collaboration with the US EPA, DEC, DFG and DNR.

None of this could have been possible without leadership of Sealaska. As a professional forester I can say without hesitation that Sealaska's forest stewardship is a model for sustainability and best practices. Our Board was extremely impressed with Sealaska's superb resource management

and stewardship, as well as its commitment to serving its Alaska Native shareholders, and protecting fish and wildlife habitat.

Sealaska has invested over \$19 million in planting, thinning, and pruning practices. The corporation has pre-commercially thinned over 44,000 acres and has hand planted over 8,760 acres. Sealaska's modern silvicultural practices are an investment in the region's future. These investments leverage the regional economic benefits of working forest acres by significantly increasing growth, yield and habitat.

For over 30 years, Sealaska's logging operations have been a major pillar of the region's timber industry and economy. Under the 7(i) provisions of ANCSA, Sealaska contributed over \$310 million to other regional corporations, half of which is distributed to village corporations. The jobs in road building, logging, camp support, long shoring, air taxi and barge services, thinning and silviculture work are real contributors to southeast economic opportunities.

The timber industry has been decimated by limits on federal timber supply. It is only on its last breath due to timber from State, mental health and Native corporation lands, predominantly Sealaska. Without new selection areas afforded under Sealaska's land bill, what little remains of the industry will collapse? Once the economic benefits from these activities are lost it will be very difficult to gain them back. Capable logging and support contractors are already very difficult to find in the region, and I can tell you from personal experience, hard won markets, once lost, will be very difficult to win back. Southeast Alaska land policies have lost any semblance of balance, and communities are declining in population and struggling to keep minimum enrollment to maintain schools. The Sealaska bill, while not a silver bullet, will allow some restoration of balance by allowing a small portion of the land base to be managed as a working forest to support communities. Sealaska has demonstrated its commitment to the highest forest management and stewardship practices. We think the land bill is a unique opportunity to stem the tide of declining opportunities in Southeast Alaska.

ROC urges the Commission to consider support of the Sealaska lands bill.

Judy Magnuson – Port Protection – The Port Protection Community is opposed to the Sealaska Lands bill which is now again before the Congress.

Many communities such as ours have worked with the U.S. Forest Service in regard to the Federal lands surrounding our communities. We worked for decades to protect the important Old- Growth areas essential for healthy deer habitat and salmon stocks. As ¼ of Sealaska's new selections are ' Very large tree' stands , of which there are only ½ of 1 % left in the forest, and since the new TLUMP is based on preservation of much of the remaining Old-Growth reserves, we feel that this bill is of negative impact to the TLUMP process and ecological stability and integrity of the federal lands of the Tongass. We hope you will oppose this legislation and it's negative impacts to public use, deer habitat, salmon streams, and Karst resources.

Myla Poelstra, from Edna Bay representing nine southeast Alaska towns –

We have gotten together and are presenting a letter to Senator Wyden, asking him and the Energy Committee to vote against S 340 and not pass it onto the floor of the Senate or bundle it with other legislation. We feel this legislation is a new injustice against us in the name of curing the alleged

“Injustice” Sealaska has argued. If a hearing is scheduled, we request that an individual of our choosing be allowed to testify before the Energy Committee. S 340, the fourth version of a Sealaska Bill in as many sessions of Congress, and we feel it is unnecessary and divisive. The reason BLM could finalize transfer of title to the lands Sealaska designated in its June 10, 2008 letter. This finalization is a simple solution which is just and consistent with legal and moral precedent. The BLM was directed to finalize conveyance under the Alaska Land Transfer Acceleration Act which arose out of the first version of the Sealaska legislation, but did not finalize for Sealaska, only because Sealaska insisted it not finalize the lands they themselves selected in 2008. Under the Acceleration Act, BLM is in breach of its duty to transfer to Sealaska those selections. Over the eight years since the first version of a bill was introduced in Congress, S 340 has created great anxiety, hardship, and uncertainty in our communities. S 340 is divisive, because the people in our towns have made substantial investments in our homes and businesses in the 37 years since Sealaska had agreed to take their timber land around their own villages.

It is unfair and morally repugnant that S 340 threatens all of the investments and businesses people in our towns have made, on the sole ground that Sealaska wants better timberland and new forms of in holdings not authorized in ANCSA. In 1945, the Secretary of Interior reserved 273,000 acres of land for SE Natives around three villages based on the results of the hearing the previous year. While the language describing “around their own villages” has changed in the last few years to “in the box,” the concept arose out of New Deal efforts of the Department of Interior.

While Senator Murkowski has pointed to the unique clause in the ANCSA (1971) that applies to Sealaska alone out of the 12 other regional corporations and that lays out the formula for land allocation, she has not mentioned the long historical basis for designation of Sealaska’s land around its own villages.

Keeping the land selections “around their own villages” or in the box is also consistent with a line of cases going back to the 1940’s, which eventually in 1965 compensated natives in money only for lands they “actually occupied” when the Tongass National Forest was created and most of this land was “around their own villages”.

William Andrews, Sealaska, Juneau - I am here to testify in regards to Sealaska’s new legislation that has been introduced recently by Senator Murkowski and Representative Young.

Sealaska’s ability to continue funding essential programs, provide employment opportunities, distribute dividends, invest into our rural communities, protect our sacred and historical sites, and stimulate the regions economy with tens of millions of dollars, is dependent on the passage of this bill.

This bill represents alternative solutions, compromise, concessions, and respect for the wishes from a multiplicity of stakeholders in the region. Sealaska could develop the current withdrawal areas and go into environmentally sensitive areas such as watersheds, build roads increasing our footprint in the ecosystem, and develop old growth stands. However, in our effort to balance conservation with development and extensive community input, we understand that that is not what is best for our communities and the region of South East.

We also understand that the loss of 400 jobs and the revenues from our development activities are not in the best interests of the region either. Sealaska pours tens of millions into the regions

economy every year. Sealaska provides jobs, distribute dividends, scholarships, supports community activities that drive local economies, internships that provide professional development and career opportunities, all of which have a direct and indirect benefit on the regions economy.

Sealaska is also investing money into innovative projects such as mariculture and renewable energies. These initiatives are investments into the preservation of our rural communities that are suffering from soaring energy costs and outmigration due to lack of economic opportunities.

This bill is not simply an economic bill aimed at continuing our development of our lands and providing revenues and jobs to shareholders. The fact that Sealaska has invested so much time, money, and resources into securing our final land selections in our traditional homelands demonstrates the intrinsic value we have in our homeland.

The bill also addresses securing and protecting our sacred and historical sites that are of significant value to the Native people of Southeast. The language of the bill protects these sites perpetuity and they will never be developed. Furthermore, Sealaska has signed memorandums of understanding with local tribes to manage current sacred sites that have been conveyed to Sealaska.

Sealaska doesn't have to invest into programs such as scholarships, language and culture programs, initiatives to sustain our rural communities, protect our sacred sites, but we do because we care about preserving our past. We care about providing opportunities for our shareholders and descendants, and we care about the future generations of Tlingit, Haida, and Tsimshian people.

Nicole Hallingstad, Vice President Corporate Secretary, Sealaska, Juneau – I am here to support the Sealaska Lands Bill, I live in Juneau, I am an executive Secretary with Sealaska. This legislation is necessary for us to gain what is the remainder of our entitlement. This bill will continue to secure jobs and protect the sacred sites we enjoy and are such an important part of our heritage. Sealaska is a good neighbor and understands the local tribe's needs and their need to manage these sites.

3:55 p.m. NEW BUSINESS - Election of Officers

Leaphart – Are there nominations for Chair?

Commissioner Fish – I nominate Representative Keller.

Commissioner Somerville – I move to close the nominations with no-objections.

Commissioner Keller – I accept;

Leaphart – Vice Chair is Mark Fish and the executive Committee is Rod Arno and Charlie Lean, any objection to re-election. Seeing none, we have our office.

4:05 p.m. Next meeting date set for Fairbanks, June 7 & 8, 2013

4:10 p.m. NEW BUSINESS -

Commissioner Somerville announces a motion/proposal for the Commission.

1. I propose that the Citizens' Advisory Commission on Federal Areas establish a committee to produce a document by February 2014 which documents the major land and resource conflicts between the federal and state governments which have occurred since statehood.
-

2. Concurrent with the establishment of a federal/state conflict committee in the Citizens' Advisory Commission on Federal Areas, I propose that the legislature appropriate a minimum of \$150,000 in the Capitol Improvement Budget to the Citizens' Advisory Commission on Federal Areas for this effort.

Second, inaudible.

No objections.

Meeting adjourned at 4:30 p.m.

Meeting Minutes approved as written