

STATE OF ALASKA  
CITIZENS' ADVISORY COMMISSION ON FEDERAL AREAS  
JANUARY 30-31, 2015 | JUNEAU, AK  
CAPITOL BLDG, CONFERENCE ROOM 106

## MEETING MINUTES

A record of these proceedings is available at <http://www.360north.org/citizens-advisory-commission-on-federal-areas/> (time stamps are reflective of four separate videos, a.m. and p.m. each day).

### **FRIDAY, JANUARY 30, 2015**

**Commissioners Present:** Rod Arno, Mark Fish, Teresa Hanson, Representative Wes Keller, Charlie Lean, Kathleen Liska, Mike Meekin, Warren Olson, Susan Smith, Ron Somerville, Frank Woods

**Commissioners Excused:** Senator John Coghill (staff counsel Chad Hutchinson standing in)

**9:03a.m.** – Call to Order; Roll Call; Audience Introductions

#### **APPROVAL OF AGENDA**

Time stamp on the recording at 3:04, picked up again at 7:20

**Ron Somerville** – move to accept the agenda

**Warren Olson** – second

#### **COMMISSIONER OPENING COMMENTS**

Time stamp on the recording at 5:35

**Representative Keller** [5:50] – The announcement regarding ANWR was a depressing and frustrating thing, for sovereignty, a big deal and concern, the administration's actions make CACFA look good, these are our issues, we have a reason to be proud, things like the "no more clause" has some meaning because of all the work by this commission, commissioners, our directors, the reaction is just beginning.

#### **EXECUTIVE DIRECTOR REPORT** – Sara Taylor

Time stamp on the recording at 10:30

- Detailed overview of the meeting agenda, discussion topics and meeting packets
- Brief discussion of Alaska State Lands Advisory Group nomination process

#### **AGENCY REPORT FROM DNR** – Ed Fogels, Deputy Commissioner

Time stamp on the recording at 25:30

- New Commissioner-designee, Mark Myers
- New Deputy Commissioner, Marty Rutherford; Bob Swenson retiring
- Bringing new administration up to speed, working on budget reduction issues
- Greater Moose's Tooth-1 project in NPR-A nearing finalization of permitting process; concerns about mitigation, working to see how State can be more proactive in wetlands mitigation
- Monitoring BLM plans and policies, huge Areas of Critical Environmental Concern (ACECs)
- EPA and ACOE Clean Water Act 404 process, some uncertainty and oversight issues
- Regional Working Group headed by Pat Pourchot going well, very helpful, strengthening bonds
- Arctic issues warrant attention, spotlight will continue to increase; Governor appointed Craig Fleener as Arctic Policy representative to engage on these issues

#### **Questions**

**Q: Charlie Lean** [34:48] – DNR and Habitat in ADF&G have acted as clearinghouse to help individuals needing permits to go through the checklist of federal and state permits, that was very much appreciated, for small miners not familiar with those things, having someone explain and list what they need to do, there's an initial shock but having that assistance is a great thing.

**A:** We've done a lot to improve coordination for big projects, the Office of Project Management and Permitting has done a good job, hard to do that for the small projects, you don't have that system but we try hard and are looking for ways to improve.

**Q: Warren Olson** [36:27] – Alaska has moved into its own version of sequestration, what is your viewpoint of working with the federal government, we're losing officials and have worked through an ANILCA-knowledgeable generation, dealing with a new generation.

**A:** That's a huge concern, all state agencies see that, it's great when federal agencies have knowledgeable Alaskans, we try and educate rotating leadership, Sue Magee in the ANILCA shop does a great job educating officials on what's different in Alaska; discussed this with experienced Alaskans in BLM and they note how much things have changed, there's less Alaska depth in these agencies and we have to work around and work through that.

**Q: Rod Arno** [38:51] – do you know what will happen to Roads to Resources

**A:** No, given the fiscal climate, there is a pause on the more significant infrastructure projects, we have not had much opportunity to discuss that with the Governor; we still have some capital moneys to build more timber roads and we stand ready to help, a lot of good projects to open up access to resources

**Q: Kathleen Liska** [40:17] – at our Federal Overreach Summit, you advised to monitor Arctic issues, and we have expanded looking to include the Arctic, with the budget as it is, how does CACFA, ANILCA and PAAD, is it a priority for the administration to keep these programs moving forward, with these cannonballs coming at us with some of these access and management issues

**Follow-Up [Representative Keller]:** CACFA is unique in that half are appointed by the Governor and half by the Legislature, all volunteer basis, and I would hope and trust our Governor and new Commissioner of DNR would take that into account, that we are different than other parts of the budget, it would surely be a priority to begin to work this if there is any indication of that

**A:** Challenging to talk about budget implications at this point, but if anything, I see an expanded role of CACFA, become more important and more at the forefront; with Arctic stuff, there is this impression in D.C. that nothing is happening up there, we need to explain we are the experts on development there, we have some of the world's leading experts on permitting cross country travel in the Arctic, we do not need to reinvent the wheel; push in D.C. to protect everyone from development in the Arctic, we need to educate them that we protect communities through development, which they need, it's amazing the number of Arctic groups, initiatives, agencies operating today

**Comment: Representative Keller** [44:43] – we are here to listen to the citizens of Alaska and not necessarily pick up any given issue that is in front of us, that is our mission, we are here to listen to Alaskans and report their issues and concerns back to the Legislature and the Governor

**Q: Ron Somerville** [46:34] – we see more and more navigable waters and submerged lands issues, you were discussing federal regulation in state and navigable waters, are we doing a good job of giving ADF&G, DNR and DOL priorities and indications of how important this is

**A:** We've been doing a good job overall in the last few years, and we have to do a much smarter job with less resources, reengineer the way we operate, you'll see budget reductions this Legislature without much strategy, we can't drop some statehood issues, but how we go about it will be tough

**OUTREACH SUBCOMMITTEE REPORT – Susan Smith**

Time stamp on the recording at 49:14

- Multiple resources provided in subcommittee packets handed out at work session
  - o Includes minutes of each weekly teleconference
- Canceled contract with public relations firm on its closure
- Concerned about CACFA Library; working on digitization project
- Brochures (“Fact Sheets”), finalized review and edits
  - o Would like to phase in and out, get a broad range of information
  - o Base information provided in the fact sheets on target user groups
- Have a video camera and are documenting Alaskan stories
  - o Have several videos done and interviews lined up
- Report from AFN and Arctic Policy Commission – Kathleen Liska [56:26]
- Report from Laundry House Gang meetings – Teresa Hanson [59:06]
- We’d like to have more outreach meetings in the communities, get one-on-one feedback
  - o Tailor powerpoints to individual user groups and affected areas
- Believe more summits are important, encourage them
- Continue to build mailing list and list of organizations to be ready for media launch

### Questions

**Q: Rod Arno** [62:44] – with the ability to get out the fact sheets, is there a way to record any response back, see that people have seen them, heightened interest in what CACFA is doing

**A [Kathleen Liska]:** we need to be technological about feedback, we’re focused on that, stalled a bit on engaging with social media, have access issues, commissioners cannot post, need to be DNR employee; groundswell of interest in connecting people on this subject, #ThisIsOurAlaska just started

**Follow-Up [Representative Keller]:** does the proposal before us address that, DNR has to have some control, is that addressed in the proposal

**A [Susan Smith]:** yes, the proposal talks about social media, how to get our information out there, our digital information, some of the problems will be solved with the media proposal

**Q: Warren Olson** [69:54] – what are our standards for getting other groups involved

**A [Representative Keller]:** Put the answer to that off because it will be addressed; an idea that we can somehow control outreach to stay consistent with our mission

**A [Teresa Hanson]:** We’re in a unique time because the administration’s recent announcements have done more for our cause than we could do in a year, but we need to take advantage of the snowball effect; agencies/groups take our information back to members, this stuff is going, need mass printing

**Comment: Sara Taylor** [72:47] – opportunities for outreach during this heightened interest in the federal administration’s actions are like low-hanging fruit; ANWR CCP issued and OCS closures to leasing at the same time, CACFA invited to present at the Senate Resources Committee about the implications from those actions to Alaskans, incredible to have CACFA tapped for that, being asked to advise decision-makers because we come from a place of understanding, the big picture, the institutional memory, not just emotional reaction but a long deliberative effort dealing with these issues

### **BREAK**

Time stamp on the recording at 75:50

### **Reconvene**

Time stamp on the recording at 94:15

**Comment: Chad Hutchinson** [95:08] – have been conferring with Senator Murkowski’s office the past few days, considering legislation putting a time limit on wilderness recommendations which failed; be mindful of that we need educate non-Alaskan senators and representatives, 3-minute videos on ANILCA can give people with influence some ideas on what the provisions are and why they really matter, in the age of smart phones and multiple distractions; know your audience, young to old, leaders to advisors, easy to absorb quickly and move on to the next issue

**Follow-Up [Representative Keller]:** thoroughly agree; we build our own communication systems that mean something to us but not elsewhere, having talking points to make decisions is great

#### **BUDGET UPDATE – Karrie Improte (by phone)**

Time stamp on the recording at 98:05

- Memo from January work session on funds we have and how they are tracked
- Reminder we have two budgets that are tracked: operating (\$283,300) and project (\$200,000)
  - o Operating broken into: personal services, travel, services, commodities
  - o Project funds to be spent over a two-year period for “Federal Overreach” expenses
- Please advise on better ways to present budget information to the commission

#### **PARTICIPATION IN THE AMERICAN LANDS COUNCIL SUMMIT IN SALT LAKE CITY – Susan Smith**

Time stamp on the recording at 103:15

- Two days, very large contingency from Alaska (largest single-state delegation)
- Broke into different groups on second day – commissioners went to “litigation” and “education”
- Canadian provinces have already finalized “devolution” (transfer of public lands)
  - o Provinces offered corollary jobs to national government employees and they took them, en masse, the entire group save a few retirees
- Mead Treadwell issued a “plan” to facilitate transfer of public lands in Alaska
  - o CACFA should establish an advisory group and host a wetlands summit
  - o Write to Governor and Department of Law and inquire whether our statehood compact precludes transfer of public lands and if so do we have other grounds to demand it
  - o Study five or six areas of concern in detail, including economic implications
  - o Pass legislation asserting state control and authority, enact a law asking for lands
  - o Join American Lands Council and support federal bills in other areas
- In 1977, had 5000 federal regulations; today, have 87,500
- Federal government changed policy of land “disposal” to land “retention” in FLPMA; they believe the law is unconstitutional under the equal footing doctrine
- Distinct representational disadvantages occur when you have restraints on population growth
- It’s also an eastern state issue, since federal government operates at a loss in this approach to lands in the western states (footing the bill)
- Alaskan issues are gaining traction nationally through this network
- Promoted education and aligning organizations, help develop proposed legislation for enactment
- Closed with a news conference, available online (search for “October 9, 2014 ALC Summit”)

#### Questions

**Q: Ron Somerville** [122:20] – was there any discussion of how this effort differs from the Sagebrush Rebellion and whether we’ve gone through this before, it’s a great idea but odds on actually transferring these lands, have to ask to determine how much effort to put into this, as an uprising or a complaint

**A [Susan Smith]:** In 2013, the U.S. Supreme Court overturned a 9th Circuit Court decision in the Otero case based on the equal footing doctrine, so we have a recent case “win” showing it is do-able; it would be great to see states coordinate litigation and/or legislation, make a powerful statement

**A [Kathleen Liska]:** Created ASLAG to determine if this is something worth pursuing; as Mead Treadwell travels and sees this happening nation-by-nation in other parts of the world, it's not new and it's a viable solution, but looking at items on our Federal Overreach Summit report card, how many would this solve, the advisory group will help us answer that, how to handle the bureaucracy completely changing hands, we do not know the answer to these questions but we have some good models to follow  
**Follow-Up:** This issue has been around for a while, you'd think some sort of concrete litigation strategy would have been developed, but there's just one instance where the U.S. Supreme Court ruled in our favor, doesn't mean all the lands are going to transfer, when do we get to the point where case law or Congress force the federal government to act

**A [Representative Keller]:** We have a better chance with legislation than litigation, that was one of the points during the "litigation" break-out session; it would behoove us to contact the Congressional delegation and get an update on pending legislation in Congress dealing with state rights, get a perspective on what is happening nationwide

**Q: Mark Fish [128:58]** – interested in legislation instead of litigation, federal judges does not seem to be a winning avenue; interested in any templates or pending actions in other states that would benefit us, anything all ready and being sponsored that we can get on board with

**A [Kathleen Liska]:** There isn't national legislation because states are individually getting organized and building a coalition so that we can fight together, it will take a coalition and not individual states; South Carolina passed legislation to support this, and western states (e.g., Utah, Nevada); there's a timing issue, too, of people who were not around for the Sagebrush Rebellion, it's a force being built but also some caution, thoughtfulness, boldness

**Follow-Up:** There's no federal legislation right now on the transfer of public lands, and to capture attention to the issue, something like that needs to happen; would like to see our delegation come up with something that other states could support, take a leadership role in that

**A [Kathleen Liska]:** The packets have federal legislation Senator Murkowski and Representative Young have put forward on transferring lands in the Tongass

**Comment: Frank Woods [133:08]** – what you did in Utah is a model on what CACFA needs to do, break internal processes out into interests/topics in a solutions-based model, then tie it all in, hard to categorize all the things that are thrown at us; let's not bite off more than we can chew, you started something here with this outline, let's look at cooperative management, too

**Comment: Warren Olson [136:50]** – only been a state for 55 years, compared to North Carolina we're still apprentices, but we've been involved in political mischief since statehood; the main gun in this equation is the Governor, should focus education there, we have had administrations ignore the courts, need to get a position from him; the fact is there are going to be some real changes due to budget issues

#### **MEDIA ADVISORY PLAN, REVOLUTION MEDIA PROPOSAL – Susan Smith & Kathleen Liska**

Time stamp on the recording at 140:34, picked up again at 152:03

- Proposal is on the table to allot \$1200 to Media Advisory Plan, with other items along the way that we can dedicated funds to, e.g., producing videos, streamlining websites, media platforms
  - o Will include who is our audience for specific issues, in-state resources that we can use
- Proposal is on the table to allot \$1500 to Social Media, sites and content ready-to-launch
- Proposal is on the table to allot \$1700 to Viral Video Production (2), recommend Chad's idea on a 3-minute ANILCA, Susan's interview, content from Federal Overreach Summit
- Proposal is on the table to allot \$3650 for the Website, preset to receive social media links

#### **11:30a.m. Public Participation**

Time stamp on the recording at 144:55

## ***No one on the phone or in the room***

Picked up again at 158:40

**Karen Gordon** – is on the Board of Directors for the Wild Sheep Foundation, but this is personal testimony not on their behalf; concerned about NPS Sheep Conservation Plan in Gates of the Arctic National Park, usurping state authorities, some ANILCA issues involved, think that some agency of the state needs to remind them that managing wildlife is a state responsibility, management plans exist for the entire Brooks Range, it's a power move; a federal agency did something similar for elk in Idaho, a state agency told them to back off and that agency did so and didn't attempt anything like it again

**Comment: Warren Olson** [161:24] – you and I have talked about sheep for a long time, is anyone working with the Secretary of the Interior and D.C. Park Service, want to refer to Baldwin v. Montana which clearly states that management of wildlife is a state authority, great example

**Comment: Representative Keller** [163:05] – recommend you contact our director and give her the specifics on the phone on usurping state management authority, that is certainly something we deal with

**Comment: Sara Taylor** [163:33] – it is my understanding the Gates of the Arctic Dall Sheep Management Plan has not been released to the public, please come and talk to me when it is and I always recommend commenting on these things when the comment period is open

**Follow-Up [Karen Gordon]:** I contacted Sue Magee and she says ADF&G knows about it but there is no comment period; it doesn't matter, it just needs to go away, it's not about waiting for public comment

**Follow-Up [Sara Taylor]:** The reason I mention that it is a draft is that it may never be released, leave your information with me when you call and I will make sure you are notified if it is issued to the public

**Joshua Matrisciana** [165:30] – staff, Revolution Media, calling in to answer questions on the proposal

**Q: Charlie Lean** [166:18] – seems like there are continuing costs besides the initial fee, how long would those continue and what do they pay for

**A:** This is the initial proposal to develop a media advisory plan where we would go much more in depth on these features, these are ongoing matters that need administration and we'd like to work with CACFA staff so they know what to do and how to post and respond to things; we just did not know whether there was personnel available yet, until we get to that point we're offering our services to do it

**Q: Ron Somerville** [170:15] – are these in order of priority

**A:** Yes, the media advisory plan is the first step, and that will involve continued communication getting details and specifics on services you'd like rendered, the next one (social media) and the website development would go hand in hand and the last one would be video production

**A [Kathleen Liska]:** Our priority is social media and video, which we need out right now, but it's not in order, for us, in here; regarding the monthly fee, the little bit that I have been doing, this is labor intensive, to keep information flowing, and the key with social media is a constant stream of information, tracking what is happening with our legislature, agency responses, pulling that information in and feeding it to social media takes effort, they have the capability to do that until we get someone

**Q: Teresa Hanson** [172:48] – how long will the media advisory plan take

**A:** These things usually take about two weeks

**LUNCH**

*A record of the afternoon proceedings is available at <https://vimeo.com/122805906>, pending upload to the link noted above*

## **Reconvene**

Time stamp on the recording at 0:05:49

## **Agency Report from BLM – Lesli Ellis-Wouters, Chief of Communications**

Time stamp on the recording at 0:06:10

### Resource Management Plan Updates: Eastern Interior

Time stamp on the recording at 0:07:55

- Six years into the process; possible release of draft later this year
  - o Expected Record of Decision in 2016
- Issues: ANCSA withdrawals, travel management, minerals, subsistence, habitat, wilderness character, Wild and Scenic River eligibility, Areas of Critical Environmental Concern (ACECs)
- Separate Federal Register notice announcing additional ACECs
- Retain ANCSA withdrawals in Upper Black River sub-unit, pending new withdrawals
- New Preferred Alternative E, due to land conveyances during planning

### Resource Management Plan Updates: Central Yukon

Time stamp on the recording at 0:09:08

- Scoping period closed in 2014; possible release of draft later this year
  - o Expected Record of Decision in 2017
- Issues: Dalton Highway uses, minerals, ANCSA withdrawals, TAPS modification
- 34 proposed ACECs

### Resource Management Plan Updates: Bering Sea-Western Interior

Time stamp on the recording at 0:09:40

- Scoping period closed in January 2014; possible release of draft later this year
  - o Expected Record of Decision in 2017
- Issues: subsistence, ANCSA withdrawals, Wild and Scenic River eligibility, minerals impacts of climate change, ACECs
- Held community draft alternatives workshop in January 2015

### Placer Mining Instructional Memoranda

Time stamp on the recording at 0:10:13

- Not new, just clarification of existing federal regulations, learned from evolving science
- Targets reclamation and what it should look like
- Dialogue is still ongoing

## Questions

**Q1: Charlie Lean [0:11:50]** – ACECs in Unalakleet drainage area, kind of discontinuous

**A:** Not familiar with that specific one, ACECs drawn on ecological boundaries, will get answer

**Q2:** Placer mining rehab, several things to do with riparian habitat, ironic to plant exotic vegetation to rehabilitate, easy enough to cut willows and plant them, or other native species; number of examples where habitat has been improved, look to those examples, balancing act of creating channels, overflow zones, grading flat is not desirable, even though it's a standard

**A:** Forgot to mention pilot project in Jack Wade Creek, historically mined rehab project in collaboration with the mining community to determine best management practices

**Follow-Up:** having water in the summer does not mean having water in the winter, if you want fish, you need winter refugia; suggest drawing on agency memory, staff

**Q: Rod Arno [0:16:50]** – ACEC process, plan is open for comment, any individual can nominate and then the agency can develop that proposal and put it out to the public

**A:** Anyone can nominate an area but it has to meet certain characteristics (relevance and importance)

**Follow-Up:** No place in Alaska wouldn't meet those qualifications

**Q: Warren Olson [0:18:12]** – experience with BLM in the past prior to coming to Alaska, what is your specialty within BLM and where have you worked

**A:** Elko District for 4 years, prior to that was 23 years in public affairs as active duty Marine

**Follow-Up:** Alaska is recognized as a crown jewel, in your brief time in Alaska, are we unique in the depth and width of studies, things we run into, or is that nationwide

**A:** Alaska is unique but not unique in that, want to focus on better communication with the public, providing for multiple-use does not please everyone

**Follow-Up:** Assigned to BLM committee on property, meet once a year with Director Cribley, tendency appears to be long-term studies with high staff turnover

**A:** Going through Planning 2.0 which will update processes, possibly rewrite planning handbook and updating federal regulations; visit website, hoping for proposed rule out this spring

**Q1: Mark Fish [0:22:28]** – who owns the lands that BLM manages

**A:** You do, the public

**Q2:** Where is the science/research done, by whom

**A:** Staff and collaborative efforts

**Follow-Up:** Examples of collaborative efforts/partner organizations

**A:** In Nevada, Trout Unlimited, Nature Conservancy, Nevada Big Horns, tribal partners

**Follow-Up:** Interaction with the mining community, some of these are mom & pops but these pictures are much more large scale, what elements of the community are most involved

**A:** Alaska Miners Ass'n, presented at 2014 conference, dialoging with Fortymile Miners Ass'n

**Q: Frank Woods [0:24:28]** – process became a problem in Bristol Bay, is it still the same in the draft comment period that if you didn't comment on that exact plan, or word it right, then you do not have standing in the second round or approval

**A:** Scoping with everyone, draft plan has comment period and, if you submit, they all get counted and read, but if it does not meet the criteria for what the plan addressed, it does not get included in the final; if you do not comment during scoping that does not mean you cannot comment at any time, we take comments at any time on anything; I am willing to take those comments and concerns to leadership

**Follow-Up:** Frustration in Alaska with so many users and designations, agency ANILCA knowledge, that's why CACFA is here, has BLM thought of doing things differently, slow things down a little (e.g., not every five years), collaborate more, not just hand us things, so we're not always just reacting

**A:** That frustration really prompted the Planning 2.0 effort, trying to make processes more efficient; don't usually get asked to slow down, not everyone goes through these plans as often as Alaska

**Q: Rod Arno [0:30:46]** – look at filter of ANILCA going through Planning 2.0; plan across landscapes, does that mean plan across other land designations, what does that entail

**A:** Managing for the landscape regardless of land status, not stick to planning areas, equate to wildfire

**Follow-Up:** Does the authority of BLM extend across property owned by others, if managing beyond the boundaries

**A:** No, we just manage our lands, public lands, on a larger scale; will get a better answer, want to clarify it does not mean BLM has jurisdiction over land that does not belong to us



**Q: Kathleen Liska** [0:32:53] – Planning 2.0 is nationwide, is there any Alaska-specific addendum separate from the lower 48 and how planning is done there

**A:** Nationwide, yes, but one of our planners, Serena Sweet, can answer that, will get answer

**Q: Ron Somerville** [0:33:33] – FWS and NPS have changed wildlife management policies, modified plans, are there any attempts to follow that

**A:** Not that I'm aware of

**AGENCY REPORT FROM FWS** – Mitch Ellis, Regional Chief of Refuges, and staff (by phone)

Time stamp on the recording at 0:35:23

Strategic Growth Policy, Land Acquisition – Sarena Selbo, Deputy Chief of Refuges (by phone)

Time stamp on the recording at 0:37:46

- Published on January 15, 2015 in the Federal Register
- Refuge Improvement Act requires growth of the system nationally
- Draft published in January 2014, took public comments
- Lays out priorities of how to establish new refuges and expand existing boundaries; largely biological based, three main tenets:
  - o Recovery of threatened and endangered species
  - o Implementing North American Waterfowl Management Plan
  - o Conserving migratory birds of conservation concern
- In Alaska, do not establish new refuges; Alaska's realty program allows acquisition of inholdings in existing boundaries, ANILCA requires willing sellers, most work is on land exchanges

### Questions

**Q: Mark Fish** [0:40:40] – who are some of your partners

**A:** Work closely with NGOs like Nature Conservancy, Defenders of Wildlife, AFWA and the State, received comments from friends organizations and industry

**Q: Frank Woods** [0:41:44] – is this just on refuge lands, if nationwide initiative is to grow

**A:** Policy is a national policy for national system, so it's how the system expands, but only allowed to do that in the lower 48, will not be establishing new refuges in Alaska

**Q: Charlie Lean** [0:43:14] – primary charge appears to be to manage fish and wildlife opportunities for consumptive uses, hunters and fishers are significant stakeholders, majority of refuge lands are in Alaska, always disturbing to see decision-makers are often remote from Alaska and affected stakeholders, is there any program within the Service to familiarize decision-makers with Alaska issues

**A [Mitch Ellis]:** Service has turnover but there are a lot of employees who have been in Alaska for a long time, e.g., Chief of Realty is a lifelong Alaskan; training programs for management are in place (ANILCA Training Course, detail opportunities to get people out to field stations, attend RAC meetings) to orient new employees; value broad perspectives and diverse skill sets; new Deputy Director of the Service, Jim Kurth, former ten-year manager at Arctic Refuge, has extensive Alaskan experience

**Follow-Up:** is it 85% of the Service's acreage in Alaska, given that distribution it seems like there would be a satellite office here, encourage you to keep trying, number of great employees here, but there are instances of startling decisions (e.g., Unimak caribou are expendable), animals shift their range to new places that are not normal, say an environment is transitioning, making decisions to stop things there need to be discussed with those concerned

**Q1: Representative Keller** [0:49:20] – how do we keep track of lands being considered, inholdings being offered by willing sellers, is there a way to keep informed about that as it happens

**A:** We keep in close contact with interested parties

**Q2:** In Izembek, wasn't the State a willing seller of a lot of land, how does that fit with the policy

**A [Mitch Ellis]:** Good question, because usually land exchanges are very small scale, mostly around villages; land exchange is a large part of the realty program, do equal value land exchanges, do not actively seek out land exchanges, typically; very site specific about need of local communities; Izembek was legislatively mandated study to evaluate public interest in that land exchange, very large scale exchange of lands for the road corridor; it was very unique decision process, not a typical scenario

**Follow-Up:** What criteria were used to say you would not expand at this time

**A [Mitch Ellis]:** Mandate required determination of the impacts and the Secretary would decide if it was in the public interest to proceed; criteria involved wildlife resource values, feasible alternatives to the road corridor, impacts to subsistence, wilderness impacts, gamut of impacts road corridor might have

**Follow-Up:** Was there some legislative authority to say no to the exchange

**A [Mitch Ellis]:** Legislatively mandated study requiring Department make that decision

**Q Ron Somerville** [0:55:00] – Very familiar with Izembek, refuge would be worthless without State-owned eelgrass beds; would the refuge be interested in exchanging beds for that corridor

**A [Mitch Ellis]:** Can't really answer that, but it is a good point that the eelgrass beds are key to the habitat values of that area, why the wildlife come; combination of eelgrass beds and the upland habitat and the juxtaposition of that set of habitats that make it that unique and valuable, especially for migration, focused waterfowl populations; state has done a great job regulating harvest in that area

Proposed Rulemaking for Predator Management on Alaska Refuges – Heather Tonneson (by phone)

Time stamp on the recording at 0:57:38

- Considering regulatory changes, three main components:
  - o Prohibit predator reduction activities with the intent or potential to alter natural diversity, such as artificially increasing or decreasing populations to create harvest opportunity
  - o Identify take practices under general hunting, trapping that are inconsistent with Service laws and policies and as such would be prohibited on refuges in Alaska
  - o Update procedures for closing areas or restricting activities to provide consistency and more effectively engage the public
- Service must maintain natural diversity, biological integrity and health, subsistence way of life
- State decisions have become in conflict with Service management and mandates
- Proposed regulations would:
  - o Clarify existing conservation of natural diversity, biological integrity and environmental health, in relation to predator harvest
  - o Predator reduction activities which would alter that would conflict with refuge administration and could not be allowed on refuges in Alaska
  - o Methods and means for predator harvest would be prohibited, five being considered:
    - Take of bear cubs or sows with cubs, exception for resident hunters with customary and traditional use at den site in specific GMUs at specific times
    - Take of brown bears over bait
    - Take of bears using traps or snares
    - Take of wolves or coyotes during spring and summer denning season
    - Take of bears from aircraft or same day airborne
- ANILCA refuge purposes and Title VIII provide for subsistence, consistent with natural diversity, these prohibitions would not change or supersede Federal Subsistence Board authorizations (e.g., take of brown bears over bait in GMU 25D)
- Still support sustainable harvest of predators; regulations only apply to refuge lands/waters

- Have been holding government-to-government relations with tribes and the State
- Plan to release proposed rule and Environmental Assessment in March 2015, 60-day comment period likely to begin in April

## Questions

**Q1: Frank Woods** [1:04:18] – attended presentation in December on this proposed rule, this would be passed by the Federal Subsistence Board

**A:** No, this is a separate process, reaching out to RACs and updating local communities, would not supersede or affect current or future Federal Subsistence Board regulations

**Q2:** Who is your representative on the Federal Subsistence Board

**A [Mitch Ellis]:** Geoff Haskett, our Regional Director, is the representative for our agency; to clarify, these are agency regulations, they are not federal subsistence regulations and will not affect them, there is a challenge in that because people do their subsistence living under both federal and state regulations

**Follow-Up:** It's almost like we're getting handed and reacting to a nationwide initiative and a federal mandate to protect wildlife, natural diversity, scenic, whole gamut of that initiative, noble as it is, it will impact subsistence resources, we're competing with predators; every area of the state has a huge problem with competition for resources, the Service is doing a good job presenting this, but I don't feel like I have any say, this environmental assessment doesn't go back far enough, the predators have gotten so bad that subsistence opportunities are reduced, state is trying to help, how far back do you go to establish natural diversity for these areas

**Q: Rod Arno** [1:10:01]: on the potential updates, the one on criteria at 50 CFR 36.42(b), looking to add conserving natural diversity, biological integrity and environmental health, equating those with ANILCA purposes, is there a move to amend ANILCA to add these to the purposes

**A [Mitch Ellis]:** In ANILCA Title III, all refuges have a natural diversity purpose, so complying with the biological integrity policy, which comes from the Refuge Administration Act, clarifies that we manage wildlife and habitat on refuges that mimic natural conditions, often know more about what it isn't than what it is, and manipulating predator populations beyond how they would be naturally to provide hunting opportunity is inconsistent, we are clarifying that in regulations; what this means for subsistence users can be a concern, since we have a subsistence purpose and mandate, but predators are a subsistence resource, too; we manage for all wildlife, not just a select few; we do not have a proposed rule yet, I know the NPS has one, we'd like ours to clarify existing mandates on how we treat predators on national wildlife refuges in Alaska

**Follow-Up:** On the January 15 publication, paragraph 3, does not mention non-rural Alaskans and rest of the nation's citizens

**A [Mitch Ellis]:** When there is a shortage, the rural residents have priority; we do have an obligation and our policies and regulations state our "Big 6" priority public uses are facilitated, we treat them as special uses, and it includes hunting; people from all over the country can enjoy those resources, but ANILCA intended to make limited resources available to subsistence users first, dual management, we have an obligation to protect federal subsistence opportunities

**Q: Charlie Lean** [1:15:30] – there's been a Lean in rural Alaska for more than 100 years, and subsisting, and several of us on this commission have degrees in wildlife management, isn't diversity a relationship between the predator and the prey, shouldn't it be a proportional thing, not just a population number; the State is mandated to do sustained yield and not drive populations to extinction, shouldn't that be the Service's mandate as well; we maintain predators at peak levels while prey vacillate wildly, is not natural; would like to see a better definition of what is "natural," seems arbitrary

**A [Mitch Ellis]:** It is a difficult concept to define, and we have gotten our partners together and our policies and tried to spell this out clearly – for example, we would define biological diversity as a

variety of life and processes at different levels, a relationship and not a static number, including natural processes; in Alaska, we have an additional obligation to include the human element, and that's subsistence users; we're not saying it's all hands-off, what we're trying to do is stay true to the mandate of managing for biological integrity and diversity and not suppressing any species to unnaturally low levels for our own benefit, we want to have and are obligated by law to have subsistence opportunities, but if we were to practice intensive management on a refuge, where we severely depress the black bear or wolf population, that would be contrary to our statutes; we had numerous discussions with ADF&G about this, they understand that it limits what they can do on refuges; a good example is the Alaska Peninsula, there was a part of it where the State could implement intensive management and they did, removed wolves, and the caribou population responded to some degree; we have different mandates, we respect each other's mandates, the federal and state constitutions have separate standards, if we work together, we can do good things and still respect and implement each other's mandates

**Follow-Up Comment:** I think the Service has taken it much further than the State every though about, using the herd on the Alaska Peninsula as an example, prey numbers in the area where predator hunting was disallowed did not support subsistence, I greatly fear this situation with the Northwest Arctic herd and the cyclic nature of that, I remember the last low of that herd and the impact to subsistence hunters, it was an ugly situation, people were really affected, so were Dall sheep, so were moose, so were predators; things vary wildly, it's an unnecessarily naïve policy

**Q: Representative Keller [1:22:00]** – If you have any other comments that document a conflict with local land use for adjacent communities, certainly we're not the only ones bringing this to your attention, your regulations talk about how you're supposed to monitor how the plans affect adjacent communities; Commissioner Lean just said it very well, wondering if you have additional evidence of conflicts

**A [Mitch Ellis]:** Land use conflicts, for example, Native Corporation lands, RACs, ACs, moose management plans, land use plans in conflict with the refuge mandates or statutes, we generally try to work with those groups, testify at RACs, BOG/BOF meetings, to communicate effectively and implement plans that make sense for everybody; cannot think of any conflicts, off the top of my head, we do get predator reduction requests, and while there is some science that supports effective predator management (trying to reintroduce species or effect short term change), but long-term impacts are molded by environmental factors, including predation; long-term is different than short-term, we use short-term frequently, the State's intensive management is a focused program, done very well at affecting short-term change; the land use conflicts have not been that drastic

**Comment: Warren Olson [1:25:27]** – Your presentation is contrary to our most fundamental rule in the book, which is the constitution of the State of Alaska, where we have a mandate to seek maximum benefits, sustained yield, it's not do we follow this or not, we follow the rule book; I see no need to have the Service out there managing in its position, to be on those refuges, other than a person to keep track of number of people on the land at any particular time, because where you're going is possibly into hundred year cycles, a priority on nothing is nothing, this is a dangerous area; under recorded history and folklore, we have a long history of people having to leave when there's no food, you have to be economic and practical, but you're telling us that, with a national mandate, you're subjecting Alaskans and all others that have a desire to take a picture, walk the land, harvest food, to see this destruction; we have a history in the late 40s in southcentral, we had no moose, the Service eliminated every predator it could and, at the latter part of the 50s, there was a reasonable chance to harvest a moose, your agency did that, it solved the problem, but we don't need what you're doing now

**Q: Mark Fish [1:28:46]** – you mentioned the U.S. Constitution mandate, which part mandates federal wildlife management

**A [Mitch Ellis]:** My intent referencing that is based on when federal reservations are created, the U.S. retains authority rooted in the Property Clause, the Commerce Clause, some other clauses that bind

federal interests, so it isn't to usurp state authority, we defer to the State, the policies read that we defer on national wildlife refuges to the extent practicable and consistent with refuge purpose, so it does not mean we relinquished authority to manage, nothing in ANILCA intended to amend the Alaska Constitution or give up federal rights/authorities, that's where it's rooted; where there are jurisdictional issues, we go back to the Property Clause of the Constitution

**Q: Representative Keller** [1:31:30] – thank you for dialoging with us; there is a fundamental tension, how do you determine when our regulations are there to have a harvestable surplus of a natural resource, which ones alter natural diversity, have you coordinated your agency's planning and management with the land use planning and management of the State, as required by federal law

**A [Mitch Ellis]:** Yes, all our Comprehensive Conservation Planning efforts have had DNR and ADF&G staff on the core planning team, the State monitors and provides comments on our actions and we reciprocate and participate in their planning efforts, as well as other federal agency planning efforts; it would be hard to do anything in isolation anyway, we like partnering, it's routine for us

**Follow-Up:** The fact our agencies have been involved, does that presume we have monitored effects on adjacent communities, do we need to pay more attention on our end to make sure affected vicinities are being heard and their concerns are brought forward

**A [Mitch Ellis]:** Absolutely, we want to reach out to each community and have started conversations with Native organizations, in routine business, not just planning efforts, we are part of the community, our field stations are embedded there, we have Refuge Information Technicians, usually hired from the villages as liaisons, we are working with University of Alaska for more direct hire opportunities for rural Alaskans, we have many but would like more, we should reflect what Alaska looks like, I agree with the concerns and that we need to work together better and listen to each other's concerns

**Comment: Frank Woods** [1:36:04] – thank you for listening, you have great staff on the ground, I don't mean to attack anyone, I think this closure process, I would caution, there is a long-range impact once it is in the law, I don't feel comfortable as a subsistence user and Alaskan that this is going to be any benefit to anyone but the Service; I understand that this is coming from nationwide protocol, you can look at examples all over the country that predators are or are not beneficial, you have a charge, and I appreciate it, but the impact is not looked at with consideration of implementation in Alaska, it's a done deal what I hear and what I see, and I want to caution you, we can't feed the village with refuges as a land base, villages need access to resources and to feed themselves, has the Service looked at the basic needs for subsistence to even determine how much each village needs to feed its residents, do plans look at that, and if not they should; define subsistence and impacts to it, just look at the Alaska Peninsula

### **3:00p.m. Public Participation**

Time stamp on the recording at 1:40:58

*No one on the phone or in the room*

### **Agency Report from NPS – John Quinley, Communications Director**

Time stamp on the recording at 1:41:30

System Overview: National Park System sees about 2.5M visitors in Alaska, spending is over \$1B in impact to state, increasing visitation online, about 9M page views, 300K Facebook "likes," and more traditional outreach. Statewide budget is \$85M, staff in close to 20 communities, hire around 125 staff under ANILCA local hire program. Host a NPS Academy in Seward each March with Alaska college students who then have summer jobs in the parks, making available to high school students.

Operational Changes: opening front country trails in Denali to leashed dogs, WRST upgraded trails to Copper Lake, plowing Denali Park Road earlier than usual, Military Appreciation Day opportunity to drive into Denali after road lottery, Centennial celebration openings of several facilities in Southeast

Outreach: for getting information to Alaska public land users, NPS participates with State Tourism program, ANILCA Team, APLIC Offices

Planning: GAAR GMP will be out later this month for public hearings and open houses; Ambler Road is mentioned in that plan. Denali Gorge Creek Trail EA, comments open for next month. Visitor service provider services contracts in process: lodge and day tour boat in GLBA, Denali bus service and entrance facilities, Denali mountaineering guides

Regulations: Proposed regulations went out for 90 days and a second comment period will run concurrently with Compendia process; CACFA offered lengthy and thoughtful comments, as did a number of others. Very little extra comment during this extended comment period but it does go for another two weeks. Had 112K electronic comments during the first comment period, 2-3K were unique to varying degrees. Intent is to begin analyzing comments on February 15, finalize later this year. Compendia annual process, majority of restrictions are renewed most years and the majority are things like don't smoke next to the gas tank. Some are more substantial; the most commented this year is proposal to prohibit certain pack animals to avoid disease transmission to wild goats and sheep.

#### Questions

**Q: Susan Smith [1:53:20]** – regarding second comment period, I heard there were more restrictions put into the proposed regulations

**A:** No, the proposed regulation is identical to the one released last September. Compendia restrictions are on a parallel timeframe, and restrictions on bears in dens, extended wolf seasons, brown bear baiting, are in the Compendia as well, and determinations of need may be different, but the restrictions are same.

**Q1: Warren Olson [1:54:56]** – ANILCA created more parks in Alaska than all the US

**A:** yes, it roughly doubled the size of the system

**Q2:** NPS puts out an excellent subsistence book, I distribute them a lot, tremendous actual history from 1965 to just after the 1980s. About the preserves, have scrutinized this book many times, concept came from Secretary Hickel to create economy in rural areas, really the push for the big surge in Alaska, have not been able to determine establishment of Preserves, how did the preserve concept happen around the hard core park, or was that a give and take with Alaskans

**A:** I should read legislative history, national preserves are managed as park units with the exception that sport hunting is allowed, it is not generally allowed in parks, was not in the 1970s, and there was interest in finding a way sport hunting could continue even while the land is subject to NPS and its laws

**Follow-up Comment:** If intent is to create opportunity, by creating preserve areas, and having mandate from Organic Act, there's no interchange between preserve and hard park. If you don't have a reasonable harvest opportunity through hunting, without tools to enhance game, you've established something out of touch. There has to be a certain efficiency and experience to harvest, but the NPS has created a nightmare for hunters under the management scheme. Do not follow mandate of constitution, intensive management under statute, manage to increase opportunity for users. Sheep numbers in Wrangell Mountains will be nonexistent under policy. Curious about intent of preserves.

**Q1: Charlie Lean [2:01:45]** – Already commented on the regulations, but did not bring up this point. Some of the prohibitions on dates when one can hunt bear, or the means, are really more to do with cultural differences between practice and the NPS. In the case of wolves, bear, at least in NW Arctic,

there are harvestable surpluses and those populations are near their historic high. It's a methods and means question as opposed to a conservation question. There's certainly intensive management that is not being practiced currently. Could you comment on the mandate of the NPS to determine methods and means to be consistent with regulations and statute and how would you address the opportunity to harvest? The summer harvests that are more remote from communities is very small for predators, don't often hunt because of the quality of the hide, no need, no reason to.

**A:** Well, one reason would be to reduce the predator population. Important to note these are not new issues, have been before BOG over four dozen times in last 8 years to ask for park area exclusions, if that had been done we would not be issuing proposed regulations, which the BOG suggested is the appropriate means. The number of state regulations which have been preempted number about 4, in my career, one was same-day airborne and now baiting brown bears, extended wolf seasons, and the taking of black bears and cubs in dens with artificial light, which BOG noted was a traditional practice but was open to all state residents. Had consultations, may see proposal to FSB. Sport hunting restrictions we are not suggesting for federal subsistence hunters, who have different needs, just not all hunters.

**Q2:** My comments at the Nome meeting regarding take of caribou while swimming, and who would be a qualified subsistence hunter (state and federal), and enforceability of that rule. When you're hunting caribou, you're often shooting alongside a river, where are the lanes where you can see adequately to place a shot, animal staggers into water, enforcement issue, would you know where they shot? A little bit misleading or naïve, were you to visit someone on the Kobuk, and you live in Nome, we'd both be in violation if he shot a caribou in the water and we were both in the boat, because I would be seen as assisting. By and large, those who take animals in the water, are local; drift guides, generally outsiders, are usually in rubber boats and would have trouble chasing down a swimming caribou.

**A:** I won't prejudge what NPS will do, but there have been other processes where something seemed like a good idea at the time and we've changed our mind based on comments; bear resistant food containers in Yukon Charley Rivers

**Q: Ron Somerville [2:10:52]** – Little history, Senator Stevens asked some of us on the (d)(2) task force to identify park land, fairly clear at the time what the House had identified, and the issue of "buffers" was a big issue. Some of us went around the country, and Texas had the only national preserves, there was one in Florida in the process of establishment, Senator Stevens picked up on that. That was why it came into being. I would say, it wasn't just to allow sport hunting, it was also to provide a difference that allowed for things like access, they were to be managed differently. Seems like a big push to have preserves mirror parks. Anaktuvik restrictions bordered on criminal, made the trade with the community to give them access, I do not think that was the intent, which should acknowledge local uses. Dealing with some of the things like Denali and snowmachines, what types of conditions allow access, I am disappointed where the NPS promised a management in the preserves we do not get today. You have a MMOU with ADF&G and both are adopting regulations in conflict with that because you must abide by state management plans, coming real close to violating that agreement.

**A:** Our intent is not to terminate the MMOU, we believe sport hunting in preserves is to a very large extent managed by the ADF&G and BOG. Very few instances (4), everything else is the same. I am not one of the lawyers in the room, nor do I go back as far with ANILCA, but I do not believe there are different access rules in preserves and parks. Aircraft, you can land anywhere in the system in Alaska, holds true for motorboats, and traditional means; can only write you a ticket for snowmachines in Denali, we have not identified it elsewhere. I do not know if there are access restrictions that differ.

## **BREAK**

Time stamp on the recording at 2:17:58

## **Reconvene**

Time stamp on the recording at 2:23:15

## **Angoon Airport, Planning Update – Verne Skagerberg, Aviation Planner, DOT&PF**

Time stamp on the recording at 2:23:25

- Project has been going on for some time, since early 1980s
- Angoon a small community on Admiralty Island, 4-500 people, Tlingit village, population is largely seasonal, lots of subsistence hunting and fishing, some commercial fishing
  - o peninsula is most of the community's property, ~11 sq. mi. available for development
  - o next to Admiralty National Monument and Kootznoowoo Wilderness Area
  - o largest community in Alaska without a runway
- Year-round scheduled air service provided by seaplane facility; float planes are limiting; ~1 medi-vac a week, hard for float planes; can't land at night; seasonal challenges for amphibians
- Extensive site candidate selection process, maximize instrument flight procedure for runway, clear missed approach and turning missed approach, wind coverage
- Airport master plan (2007), turned over to FAA to start NEPA, USFS on Title XI process
- FAA did additional analysis, favored a previously discounted site, almost as good
  - o preferred alternative (outside the Monument) did not match proposed action
  - o impacts in choosing the preferred alternative, in the aggregate, become rather severe
    - not necessarily "prudent"
  - o proposed action footprint in Monument is 1/20<sup>th</sup> of a %, whereas preferred alternative footprint in land available for development for community is about 5%
- Draft EIS released for comment on Jan 9, Title XI application submitted same day
  - o some confusion over NEPA v. ANILCA processes and precedence
    - is it NEPA for NEPA or NEPA for ANILCA
  - o State is asking to build its proposed action in its Title XI application
- State had to commit to build a road, obvious source would be FHWA money, commitment would require putting it into Statewide Transportation Improvement Plan, which would require State to be Cooperating Agency in EIS, but FAA keeps sponsors at arm's length in EIS process
  - o have decided to wait and pursue funding if proposed action is adopted
- 4(f) prohibits federal money to build roads in parks, refuges, etc., if there is a prudent and feasible alternative; FAA pointed out building in the Monument counts and have determined their preferred action is an alternative; State does not necessarily agree with that, look at Title XI, has very similar language except does not say prudent and feasible alternative has to be selected, analysis in FAA's EIS may not be entirely fitting considering ANILCA
- Two sites that work for an airport, good and bad on either side, either would work, but the process should be followed through and show consideration for where community stands on this (public meeting in early March)

**Q: Ron Somerville [2:50:12]** – you build a road all the way around

**A:** Yes, there were a number of road alternatives to access that site, and bridges, causeways, etc., and still a few to consider if that were to be the final project side

## **Federal Lands Long Range Transportation Plan – Eric Taylor, Transportation Planner, DOT&PF**

Time stamp on the recording at 2:52:30

- Additional information on MAP-21 and Statewide Long Term Plan in the slide handouts, but will focus on federal plan in interest of time
- federal plan came out in September 2012, using State's 2008 long range plan as a template, planning started in 2009, State advised
- plan is set up as an umbrella plan (FHWA) with drop down plans (partner agencies)
- multi-agency planning framework for coordinating; a planner's plan
- need for ongoing meetings definitely came out of the process



- annual face-to-face meetings to talk about upcoming projects and ways to coordinate; funding, timing, shared resources
  - have a standing monthly teleconference between all the agencies
- planning processes are being well aligned, good collaboration, facilitated partnerships, fulfilling federal requirements, increased awareness of transportation issues, increased visibility of transportation needs with national directors
- federal agencies trying to develop performance measures, since they do not have a lot of national highway system routes (which provide and emphasize performance measures thru 2012 law)
  - this will include a visitor survey for all agencies to use
- Federal Lands Access Program, came out with MAP-21, gives ~\$7M annually to Alaska, goes to State or federal agency, standing committee on that
- coordinating mapping and GIS data sets between state and federal agencies, want to make sure those data sets can be overlaid and coordinated into one seamless transportation system
- coordinating bridge inspections, big priority in MAP-21, all agencies have bridges that have to be assessed on a regular basis
- looking at an update to the plan, to start before 2017
  - the 2012 plan was completed under different guidelines; now with MAP-21 in effect, funding mechanisms have been changed

**Q1: Charlie Lean** [3:12:48] – 40 years ago I was surveying roads for the USFS and we had a grand plan for a trunk road to connect to ferry boats all over Southeast; grand plan was being built incrementally. Now we have different agencies with different needs, but is it up to the State to have the grand plan to connect things?

**A:** that is why we do a statewide long range plan, have one planning process that is a policy-level plan, strategic analysis of links is usually done at regional or area plan level, there are a lot of factors, chief among them is always funding and whether what you build can be maintained, very driven by federal funding partners and what we can do with the funding they give us, we're getting less

**Q2:** particularly in western Alaska, I can jump on an ATV and travel from Kotzebue to St. Michael on trails, does DOT&PF or any agency try to work at where these unsung highways are, and that would be an evolutionary step in a highway system, indicates where ROWs might be most needed

**A:** with trails, regions have tended to manage traditional use trails, or at least ones that get used, and working with partners for trail markings; defer to DNR on RS 2477s

**Q: Rod Arno** [3:20:10] – in the original, completed plan of 2012, one of the goals was to determine standards for T roads, has that work begun

**A:** the Department has not, that was where the FHWA was going to take the lead and MAP-21 came along and sort of changed the focus, they did not come to a standard

**Follow-up:** has DOT considered looking at standards, less than a regular Class II highway, has there been any effort since 2012 to look at providing access and make some of these trails useful for ORVs

**A:** we're pretty much driven to follow whatever project we have funding to proceed on, if we had a project where that sort of design would be appropriate, we would work on developing standards, funding drives us to other projects

#### **AGENCY REPORT FROM DOL (PART 1) – Mike Schechter, Assistant Attorney General**

Time stamp on the recording at 3:23:55

- works on statehood defense issues
- statehood conveyances under the Statehood Act require that land be surveyed to a certain specificity, surveying in Alaska is difficult and costly, some back and forth about this over the years, but what level of specificity is handled by a 1973 MMOU

- in recent months, level of specificity reduced, very large costs pushed onto the State in deciding what to do with those lands post-conveyance
- BLM surveys being done now are done to that lesser standard, substituting GPS coordinates, doing points every 6 miles instead of every 2 miles, losing corners and lines between townships; at federal boundaries, surveys are done at higher (normal) specificity
- affects a significant amount of land; 20M tentatively approved and 5-10M acres left to convey

**4:50p.m.** – Adjourn for the Day

## **SATURDAY, JANUARY 31, 2015**

**Commissioners Present (all):** Rod Arno, Senator John Coghill, Mark Fish, Teresa Hanson, Representative Wes Keller, Charlie Lean, Kathleen Liska, Mike Meekin, Warren Olson, Susan Smith, Ron Somerville, Frank Woods

**9:02a.m.** – Call to Order

### **AGENCY REPORT FROM DOL (PART 2) – Mike Schechter, Assistant Attorney General**

Time stamp on the recording at 00:36

- General litigation strategy of new administration vs. aggressive position under former: where the Attorney General and the Governor work through these issues, there are many active cases and they are diligently working through them, the general litigation strategy will be shown over time
- Sturgeon case: decision to appeal being worked on, will work with director to address questions
- Waters of the U.S. Rulemaking: detailed comments submitted by CACFA and the previous administration, expecting a final rulemaking to happen in the April timeframe, waiting to hear from Governor on what approach will be, expect plenty of participation in a challenge to the law
- Ownership of navigable waters cases:
  - o Mosquito Fork scheduled for trial in August, preparing for it, will address both factual and legal issues that reach state ownership of submerged lands based on navigability in fact, decision in State's favor should allow federal government to better address Recordable Disclaimers of Interest and support an efficient process going forward
- Tongass Roadless Rule cases:
  - o Exemption was heard in Alaska District Court, three-judge panel of the 9th Circuit earlier last year reinstituted exemption to the Roadless Rule, en banc panel heard argument on December 15, decision could be sometime this year
  - o Challenge to Roadless Rule itself in D.C. court, trial court dismissed State on timeliness, D.C. Circuit overturned and remanded
- RS 2477 cases:
  - o Chicken area (6 ROWs), Judge Beistline had thrown out most of the case under the theory the U.S. had not waived sovereign immunity and was not a party, that is before the 9th Circuit on appeal, the State's brief is due February 4, briefing should be done soon and oral argument scheduled later this year, with decision to follow, rest of the case is on hold until 9th Circuit resolves that fundamental issue on RS 2477s over Native allotments
  - o Dixon case (Iditarod Trail), scheduled for trial in January 2016, in the middle of summary judgment briefing on a number of the issues in the case, difficult to resolve by mediation

- Ahtna case, long section of Klutina Lake Road, State just won a motion to compel, a number of different field work tasks required to understand what was used when, trial scheduled for late (October?) 2016 but may take much more time to complete discovery
- Pebble cases:
  - Challenge to EPA authority to enter 404(c) process to remove area as a disposal site, stop dredging or filling before permit application has been filed, Alaska District Court ruled that, because EPA's decision had not been entered, challenge was premature, that is on appeal to the 9th Circuit (State is not participating)
  - FOIA case for Bristol Bay Watershed Assessment, public records case, whether all the documents were given, all the redactions appropriate, not much "remedy" or impact here
  - FACA case for Bristol Bay Watershed Assessment, 1970s era law to control spiraling costs but also allows unwinding of decisions by improperly designated advisory groups, currently before Alaska District Court, much of it dismissed but some allowed to proceed as some triable issues exist as to whether FACA was violated, has stayed the EPA's entire 404(c) process pending resolution of that issue
- King Cove Road: Secretary issued Record of Decision denying a land exchange, the Native Corporation and village sued the Secretary on procedural issues on whether NEPA was followed and the Secretary acted within her authority to deny the Congressionally authorized land exchange; a number of issues were thrown out under motions to dismiss, those survived, was process conducted and is the decision supported, can the agency make that decision not arbitrarily or capriciously; a properly-show-your-work case
- ANWR Boundary: PLO 2214 initially set up the withdrawal of the Range, process started before statehood and finished after, Original 84 case filed in 1970s took until 80s-90s to complete set the boundary where the State's interest in off-shore areas stops, withdrawal for the refuge extends to the high water mark, the issue is the Canning and the Stains rivers, the original withdrawal went to the Canning River but the boundary map shows the Stains River, west of the Canning on a map, difference is about 20,000 acres with offshore and onshore implications; if that area has not been withdrawn it is open to selection and has been top-filed, Governor Parnell requested conveyance of that area, BLM has said they are looking at it

## Questions

*Interspersed throughout presentation summarized above*

**Q: Teresa Hanson** [21:26] – where is the Dixon case located on the Iditarod Trail

**A:** In the Mat-Su Valley, quite near Iditarod Headquarters

**Q: Charlie Lean** [24:29] – how does DOL work with DOTP&F on the RS 2477 cases, Klutina Lake Road is potentially a state highway, as are others

**A:** DOL team includes both DNR and DOT attorneys, representatives of state agencies cooperate, DOT helps with the field work, road improvements, making it passable for vehicles

**Follow-Up [Representative Keller]:** If you see any slackening on this as a priority, please let us know, we're just getting to know the Governor, encouraged but would just like to know

**A:** Kent Sullivan's full role is funded through DNR to address RS 2477s and related issues, he spends almost all his time on that

**Q: Ron Somerville** [27:14] – has DOL proposed to amend the Quiet Title Act

**A:** That has not been addressed with the new administration yet, from the attorney's perspective that would be great, not helpful for the agencies to delay, would help manage state rights

**Q: Representative Keller** [35:08] – in reading the briefs for the Pebble FACA case, can you get some idea of the groups involved in this litigation

**A:** Amount of interest in Pebble Outside is majorly high; State not a party in this case but you see from the very lengthy complaint that there were a lot of emails going between a lot of groups, scientists, lobbyists, environmentalists, the judge needs to decide whether that created an advisory group and determine what impact that had

**Q: Warren Olson** [37:10] – Judge Holland is retired, has the State ever tried to ask for another judge

**A:** Not aware of any effort to bypass Judge Holland, he's in senior status and still active on the bench with a reduced case load; where we participate, we are only intervenors in the Pebble cases

**Follow-Up Comment:** I should hope we ask to get around Judge Holland in all actions in the future

**Q: Frank Woods** [39:14] – Pebble case is huge, in the early stages the senate and house requested a letter for some sort of assessment, set aside money for hearings and testimony, has that put us in an awkward position in how this falls out; the takings is a huge issue, scary position to be a middle man, who is going to be responsible for the assessment, the money lost, the actual takings part

**A:** I would characterize what is before the 9th Circuit differently, the State has several roles with regard to the mine, it owns the land, it permits, that is not unusual, the issue before the 9th Circuit is, for the State, is the potential permittee getting a fair shake or is the federal agency jumping the gun, where does their information come from, why can't the State and ACOE have the first crack to define the mine, condition the mine, so many processes that have to happen and collect/review information, can EPA say it's off limits before anyone has articulated what is going to happen there, before our robust environmentalist community has challenged these agencies on their processes, none of that can take place because EPA has preempted it for anyone ever under its own defined circumstances

**Q: Ron Somerville** [48:42] – discussed with Governor Parnell the possibility of exchanging eelgrass beds, they make the Izembek Refuge, nothing to prohibit State from exchanging tidelands for that ROW, why isn't that sort of option pursued

**A:** Will raise that with DOL and DNR, would caution that this land would then be in the refuge and then argue the road impacts eelgrass beds, may not solve core issue

**Q1: Kathleen Liska** [51:07] – how many attorneys are employed by the State to work on these issues

**A:** Hard to say; just on Izembek alone, there are Kent Sullivan and I working on unnamed options, assisting DOT attorney with strategy, and everyone has varying case loads with varying amounts of federal issues; Jessie Alloway heads up navigable waters, Anne Nelson works on ANILCA, Arctic, I work on various issues, Kent Sullivan works on RS 2477s, Colleen Moore works on these issues, a core of maybe 7-10 folks that work directly or almost all/significant portion of caseload being these issues

**Q2:** Is there a case history report where we have lost since ANILCA implementation began

**A:** A number of white papers have addressed the history of statehood defense issues, a substantial briefing was offered at the Federal Overreach Summit, my report last year and this year would be an addendum to that, I don't believe there's a numerical assessment

**FEDERAL SUBSISTENCE BOARD CLOSURE UPDATE** – Jennifer Yuhas, ADF&G (by phone)

Time stamp on the recording at 62:40

- Federal Subsistence Board implemented subsistence priority for herring around Maknahti Island, near Sitka, despite a lack of a conservation concern required under ANILCA Section 815
  - o 60-day window to appeal, ADF&G considering a request for reconsideration
  - o Waiting on transcripts to make sure everything we think happened is a matter of record

## Questions

**Q: Frank Woods** [66:06] – will the decision be appealed because they didn't meet the criteria for closure, did the RAC propose this, where did the proposal come from

**A:** Proposal brought by Sitka tribes, a perennial proposal, was supported by the RAC this year, but Board acted outside its Section 815 authority as concerns were demonstrated to be absent

**Follow-Up:** Have to support tribe's request, lack of active management and exploited resources, we see this along every avenue of fish and game management, population growth and increased pressures, just cut off the non-federally-qualified subsistence users ("other" users), want to read more about process

**A:** Also closed to state subsistence users, other nearby users who consider themselves subsistence herring fisherman but they are also closed; similar to Red Sheep Creek closure, big process issue

**Comment: Ron Somerville** [70:33] – this is not a subsistence issue, this is a state sovereignty issue, this is state waters, if the Board has the authority to close the fishery here, they have it everywhere over submerged lands; this is a crucial issue, can they extend their jurisdiction to close down, for instance, False Pass, we should not be pulled into this being a subsistence issue

**Comment: Warren Olson** [71:41] – good reference here is Totemoff v. Alaska, plain and simple, as Mr. Somerville said, on seaward control of navigable waters, state is in control on sovereign issues

## **BREAK**

Time stamp on the recording at 74:34

## **Reconvene**

Time stamp on the recording at 87:35

## **REPORT ON PENDING U.S. FISH & WILDLIFE SERVICE RULEMAKING – Sara Taylor**

Time stamp on the recording at 88:14

- National rulemaking for the entire refuge system to manage oil and gas development on refuges
- Issues Outside are that it has not been managed on a consistent basis; Alaska does not have those issues, since ANILCA provides a mandatory process
- State tried to advocate for an Alaska exemption commenting on the Advance Notice of Proposed Rulemaking; Service representatives stated the regulation will apply nationwide, no exceptions
- Proposed rule purportedly scheduled to come out this year, not sure when

## Questions

**Q: Senator Coghill** [92:58] – any idea of scope of impacted inholdings in Alaska, can we point to them and how do we encourage other comments, who can w

**A:** It's actually quite rare to have subsurface inholdings in a refuge in Alaska, which is very much a product of ANCSA, the concept of split estate in Alaska is very unique, unlikely D.C. decision-makers will grasp it; it happens in Yukon Flats and in the Kenai Refuge, possibly elsewhere, some adjacent areas could also be at risk and we would not be aware of them as inholdings yet

**Follow-Up:** Doyon had some interest in the Yukon Flats area in inholdings and the buffer zone areas, and it seems it might have an impact both ways, will ask some Doyon landholders their opinion, anything in the northwest Arctic you're aware of

**A:** There are significant inholdings in the northeast and northwest which could provide access to non-federal subsurface resources; significant subsurface inholdings in the Kenai Refuge; Yukon Flats Land Exchange fell apart, inability to consolidate for Doyon left them a land holdings mosaic, this rulemaking will impact their ability to develop separate inholdings

**Q: Ron Somerville** [97:27] – some concern should be that these things morph, may not be parks now but could be later, will BLM pick it up, even; approach might also impact transportation of oil and gas across refuges, Alaska Peninsula has span of refuges which could block access to Bristol Bay

**A:** This could have implications for access in any respect when it comes to oil and gas; there was a similar effort by the NPS but they exempted Alaska, but we couldn't "reverse morph" the exemption

**AGENCY REPORT FROM DOL (PART 3) – Mike Schechter, Assistant Attorney General**

Time stamp on the recording at 101:30

- ANWR 1002 Exploration case: is now in Judge Gleason's hands, had oral arguments two weeks ago; question of whether or not the State can submit, and the USFWS accept and review, an exploration plan for the coastal plain, Interior believes authority to accept and approve such plans expired with its submission of a recommendation in the 1980s, the State believes ANILCA Section 1002 requires the Service to review plans with no end date pending Congressional action
- Triple hit from administration in last few weeks, recommending Wilderness in ANWR and foreclosing oil and gas leasing opportunities in Arctic and Bristol Bay offshore areas

Questions

**Comment: Ron Somerville** [110:00] – recommend amending Quiet Title Act; exempt State from FACA as government-to-government; Maknahti Island action by Federal Subsistence Board is a jurisdictional issue, sometimes attorneys use everything possible and it creates dangerous situations giving courts a chance to go beyond the issues and I would hope we don't get into the conservation issues, should be simply that there is no jurisdiction; need resolution on this to solve the subsistence, transportation, submerged lands, and all other issues, get the courts to focus

**Comment: Rod Arno** [113:40] – the public has spoken, amici have spoken, groups have spoken, donated, we want to get to the end of the Sturgeon case, no matter what the percentage of success, we have to get to the end of this jurisdiction issue, been doing it for decades, don't just look at the odds

**A:** Spoke with Sturgeon attorneys on timing, the State's petition is due March 16, attorneys working very hard with leadership to inform the Governor and ensure full and complete information is brought to bear on whether or not to petition; I will ensure they have CACFA's concerns included in the dialogue

**Comment: Warren Olson** [117:30] – having been through this a number of times in 35 years, I would request the trustees get together with the administration, we need a policy in the Attorney General's office that, upon announcement by the Governor that the State is joining a citizen suit, it will be straight through to the Supreme Court; the Department should not be mulling over whether to do so in the seventh inning, we expect nine innings, a lot of people invested in that last inning, it should be a policy; Park Service regulations violated the sovereignty of Alaska

**Q: Kathleen Liska** [121:28] – is DOL working with DNR on budget cuts and all the background that DNR provides, continue to move these cases forward and advance new cases; CACFA cannot do the research, we are volunteers

**A:** Those discussions are underway in terms of coordination, how litigation is addressed in the future

**Q: Frank Woods** [122:56] – are the federal lands in the Chicken case Native Corporation lands

**A:** The State is a plaintiff, asserting that there are six RS 2477 ROWs traversing a number of different lands, there are pre-statehood allotments, some corporation land and some federal land

**Follow-up Comment:** Jurisdictional issue Commissioner Somerville was talking about, we might get what we ask for but it might not be what we want, been going on since statehood, came to light in

ANILCA, trench was formed, still fighting in that trench, I hope we're not mulling over the same issues in another 35 years; there is progress, thank you for the update, for your Saturday

**Comment: Charlie Lean** [126:47] – Arctic policy refers to healthy communities, I have the longest tenure of any fish and wildlife manager in the American Arctic, this document is the view of an airliner flying the circumpolar route and I've been on the ground looking up, the regulations and policies being set are directed at large industry, lose track of people living out there and making a living; closing commercial fishing, little artisanal fisheries close down, too, there's other examples; one size does not fit all and opportunities should be available to the local public to make a living; policy is well intentioned and addresses view from space but misses fine details that make sustaining a local economy possible

**Comment: Ron Somerville** [130:22] – Endangered Species Act litigation usually deals with processes, but there is no one piece of federal legislation that will have as great an impact as that act; maybe we're in a good position in 2016 to make changes to the act, which is required for relief, we've come close

**Motion Rod Arno** [131:40] – encourage State to take all action necessary action to support the John Sturgeon case to the U.S. Supreme Court

**Ron Somerville** – second

No Objections

**AGENCY REPORT FROM PUBLIC ACCESS ASSERTION & DEFENSE UNIT** – Scott Ogan, Unit Manager  
Time stamp on the recording at 133:25

- Staff review BLM conveyances as they come in, review historical documents and photographs, to find where 17(b) easements might be asserted; very important function, ounce of prevention saving decades of expense, efforts, ill feelings and anxiety (which we've seen first hand)
- Icy Straight case, lost the Glacier Bay Park part but found State owns tidelands in Tongass, withdrawal was for forests which are not in the tidelands
- Skagway River, bed load so intense have to keep river from going into city, brings gravel down
- Mosquito Fork, not trying to get an answer on its navigability so much, more about standards for navigability, solid case law to build other cases on, going to trial August 2014
- Overview of PAAD missions and day-to-day, significant consequences of not doing this work: impacts to mining, pipelines, resources in/under those beds; access conflicts; witnesses suffering from natural attrition; locked-up lands in ANCSA selections/conveyances, need to protect access, RS 2477s can be over when it's over; litigation support, technical expertise and funding
- Fog Lake down by Iliamna, worried state lands are being erroneously conveyed by BLM, creates conflict; even if they do own it, public trust doctrine allows for access to waters by the public
- Stikine River, going on four years waiting following win in IBLA appeal

**Q1: Ron Somerville** [158:30] – drivers of submerged lands litigation are industries like oil and gas, mining, gravel extraction, but fisheries jurisdiction is important, also

**A:** DNR not usually involved in fisheries, but we all know about the reserved water rights doctrine

**Follow-Up:** DNR drives the litigation, have to include ADF&G's interests in fisheries

**A:** Will consult with attorneys on that

**Q2:** Where will the Mosquito Fork litigation set a precedent not set by the Gulkana case

**A:** Quite a bit actually, have to be careful discussing litigation strategies, but this is a comprehensive look at watercraft, poling boat discovered in Chicken, documenting a different standard than Gulkana; lowering the bar on what is navigable based on available boats

**Follow-Up:** Federal agencies frequently ignore Gulkana, even though we point to it as precedent, are we taking the right tact because we're not gaining much ground

**A:** Gulkana is being systematically removed from their files, not just ignored

**Q: Rod Arno** [164:22] – remember ANILCA hearings and having people say these units will not prohibit our access to public lands, had this hope Title XI was not going to be a problem, it's wired in, you'll have access, has PAAD spent any time looking as using Title XI to get access

**A:** Yes, we do look at that, paramount in other areas, as well; ANILCA Implementation Program so important in letting regulators know what the law means; State has been reactively commenting, not getting in early, State should do more proactive approaches, head but it takes resources

**Q: Warren Olson** [168:10] – in the newspaper recently, had article on collecting ice for summer use from frozen lakes in the winter, responsibility for the State to identify these watercrafts being licensed and recognized, not an activity for the federal government to be engaged in; need to change state statute to include the five months of that water when it's frozen in a navigability/commerce analyses

**A:** State definition in statute on navigability would not stand up in federal court for ownership, too broad (Daniel Ball case, some 10th Circuit cases); different navigability for title and for public trust, worthy exercise to include ice uses but might not help much in federal court

**Comment: Frank Woods** [171:30] – see groups injecting themselves into the process early, have CACFA write letter to Governor's office to inject itself at every state level before scoping, throughout the whole process, in favor of being proactive instead of reactive

**Comment: Sara Taylor** [173:00] – ANILCA Implementation Program is the means by which we engage throughout the process; as just one example, we have a huge body of comments submitted throughout the entire ANWR planning process; relies on federal agency willingness to share things with the State, the ANILCA Program could not be more open to that; if it looks like we're falling down, it was probably sprung on us

### **11:30a.m. Public Participation**

Time stamp on the recording at 146:48

*No one on the phone or in the room*

### **LUNCH**

### **Reconvene**

Time stamp on the recording at 00:15

### **PROPOSAL FROM REVOLUTION MEDIA – Kathleen Liska & Susan Smith**

Time stamp on the recording at 01:02

- responding to President's recent overreach in ANWR, #thisisourAlaska, everything that is happening from State, Congress, feeding videos into this; window of opportunity to add input and not just emotional response, ride that wave and back it up with 3-minute ANILCA video
- checking in last night, they've uploaded the "Broken Promises" video from 1990, developed by Wally Hickel as background for the compact court case
- within first 36 hours, 800 hits, people "liking" it, another 1500 by yesterday afternoon
- hoping Revolution Media will help us put together at least two viral videos from summit footage, put on CACFA's website, link it to #thisisouralaska as it builds momentum
- concern the wave and momentum have a clearly defined target, get public educated



**Q1: Ron Somerville** [04:40] – this “This is our Alaska” is a website?

**A [Kathleen Liska]:** it’s a hashtag

**Q2:** Is there still an issue with DNR and our website

**Follow-up [Representative Keller]:** heartfelt drive in doing a better job and reaching out, not tying together with “This is our Alaska” just tying into it

**A [Sara Taylor]:** when it comes to media going through DNR, still discussions to be had, very optimistic of favorable resolution, I don’t think issues with our website can’t be worked out, and quickly

**Comment: Mark Fish** [07:15] – if we have content to provide, we can provide links to our existing site to any social media that is out there, can take notes from #thisisouralaska and provide links; I look forward to providing our own site and control of the message more

**Q: Charlie Lean** [08:39] – read through proposal, speaks to informing Alaska but not the US; any decent media presentation we make will be found by some national interest, can anyone speak to going for a larger audience

**A [Susan Smith]:** specifically asked to scale it back to Alaska for now, get our citizens informed, as we go further into viral videos and documentary, then will go more national

**A [Kathleen Liska]:** we need at least a 3-minute ANILCA so that what is going on in Congress can be informed of these issues, get votes that are lost now, do this in multiphases

**A [Teresa Hanson]:** American Lands Council will take what we have and that’s all western states

**Q: Frank Woods** [11:25] – will there be a revised budget or the one presented yesterday

**A [Susan Smith]:** page 8 of the proposal, propose to spend \$1200 to get the media plan, get an experienced firm to point us in the right direction; spend \$1500 to set up social media sites, will have to be approved by DNR but want the site built and then give it to them for approval; spend \$3500 to get 2 viral videos and \$3650 for website development, they will look at our site and tell us how to organize it to take digitized archives, blog information, easier to get through, make good improvement suggestions; after expenditure of these funds we could plug things in and consider other contracted work with them, decide on how to move forward, pay for advertising and syndication costs; initial outlay of \$9850

**Comment: Representative Keller** [14:45] – authorize up to \$10K for subcommittee and Executive Director to work with Revolution Media on a media plan, instead of getting into the details of this resolution, not make it so much like a contract

**Comment: Ron Somerville** [15:50] – should include more than that, because there are monthly costs

**Follow-up Comment [Charlie Lean]:** I came up with \$16,000/yr including monthly and fixed costs

**A [Susan Smith]:** monthly fees do not kick in until we pass the planning stage

**A [Joshua Matrisciana]:** this proposal outlines a starting off point, heard concerns and interests in a lot of different areas, these will be much more clarified in the actual media plan, you will receive a detailed document with our recommendations for further services, line items, that will influence monthly expenditure; at this point, just maintaining social media and website, there are some solid monthly costs, managing database, there will be additional options to go through then, not to exceed a certain amount per month, will be up to commission’s discretion/budget

**Q: Sara Taylor** [19:20] – would like assurances website and all these products will be capable of termination on delivery or will there be a proprietary interest if we opt out of monthly services

**A [Joshua Matrisciana]:** would like to train someone at DNR, build the house in partnership and show different steps to take, there are a lot of services we are very capable of going ahead with, however there is the option to hire own staff and make this successful, and we can fill in for them

**Q: Ron Somerville** [21:10] – digitizing existing files will be a monthly fee

**A [Joshua Matrisciana]:** I might only have partial information, there are almost 200 videos you have

**A [Susan Smith]:** yes, 170+ videos from the summit; digitization project is not connected to this

**Follow-up Comment [Representative Keller]:** \$10K is peanuts in this field, it's not going to be well defined, the company has an interest in working with us, a personal interest, see where it goes

**Q: Frank Woods** [23:27] – you're a production company in business with a license

**A [Joshua Matrisciana]:** we have a lot of experience, delving into social media, high quality visual presentations are our forte, distributing them among the people is what we are working on now

**Follow-up:** I am not in favor of the \$10K and then going from there, there may be an opportunity here for a documentary through the subsidy program maybe, but leery that we are under Governor, Commission, are there media restrictions we are under

**A [Sara Taylor]:** I don't want media restrictions to interfere with what we are doing, those are the conversations with DNR that have yet to be had

**Comment: Senator Coghill** [25:45] – I like the idea, on the maintenance issue, the ability to include other partners in this, it might be somewhat restrictive under DNR, I like us compiling information to go out to Alaskans through media, but I would hate to not be able to share this with people; how do we structure this to become an entity with a life of its own, which it could be under different conditions; how do we get our story out to other states, don't want it to be incapable of being shared

**Q: Sara Taylor** [28:50] – I agree fully with these concerns and there are a few things, I apologize to Joshua for not having read this, but I am very concerned about CACFA staff control over the content, there is a significant charge placed with Revolution Media to script, message, distribute; \$500/month for media management is nothing, it would cost more if I did it; one advantage to having the director be a DNR employee is accountability, we should be mindful of our message, this commission will need control over content, how much time would it take to do these things ourselves, or how much would it cost for Revolution Media to simply administer this effort on my part?

**A [Joshua Matrisciana]:** we'd be most comfortable with a level of screening, everything should be signed off on before it goes out, the machine's purpose is to get information out, and it needs to be approved information; setting up an approval system is very important, we would provide suggestions and additional campaigns on a separate topic, then get approved, easy to just say yes I like that or no

**Comment: Rod Arno** [32:12] – media advisory plan amount seems rather insignificant amount of money, then there's mailing list management which is more money than the advisory plan, hard to look at this and it seems like such a small amount to really get something going, feel uncomfortable until I see a clear media advisory plan as to what we spend the rest of the money on; until this rises to the level where we can get this information out to the nation, I don't think we'll be successful just in Alaska

**A [Kathleen Liska]:** PR firm was going to charge us \$5000, so we wrote our own plan and submitted it to the PR firm and it dropped to \$1000 because we'd done so much; this \$1200 is right in line based on what we have already built; the strength they bring to the table is they have done national campaigns, supplementing and adding to what we have done; online databases that will capture online information from people that join/"like" things and build the mailing list, that's why that cost was there; also, on content, this media organization does not know what we know or have what we have, what's been built, all content will come from us, they can wordsmith and brand so public can understand it; Joshua, can you answer Director Taylor's question about how much time it will take her to approve things?

**A [Joshua Matrisciana]:** the system we proposed to set up for this, it would be as simple as logging in somewhere and going through bits of information, say approved or keep as draft or say no, whenever you feel like doing it

**Comment: Mark Fish** [40:25] – I’m a bit of an amateur at this myself, labor intensive; all our information is public already, nothing proprietary; how do we lock it down and make it ours, look up term “general public license,” several versions, template legal binding document for open source content that allows anyone to download and use how they want as long as they refer to the originator of the copy; price seems reasonable, lot of bang for the buck, it’s global, easily shared, I will be supporting this

**Comment: Ron Somerville** [43:21] – supportive of concept, in response to Commissioner Arno, some of this we’ll be able to look at quickly, delivered to all of us, commissioners can dissent at any point; a little uncertain as to what is intended, outreach subcommittee was to look at several things; we all decided on priority on how to get summit information out, many legislators do not understand the problem we have before us, don’t read the report presented last year, first priority is educating legislators and the Governor, second part is getting to influential people, some of whom came to the summit, who can impact the policies of this state, give support to administration taking our recommendations, and the remainder of the public as best we can; millions of dollars spent to get into ANWR, everyone was lined up, and it still did not work; for video, maybe 5 or 10 minutes on the “problem” we have, how much statehood has changed

**Response: Susan Smith** [49:01] – we did not select the mailing list option, we have a start to one on our own and can build to it; we agree that a documentary film of some type, and this group is uniquely qualified, but that is also not included in this motion, costs could be substantial, maybe out of our budget

**Response: Teresa Hanson** [50:38] – we’re hoping for another staff person who can be trained to shoulder the social media work

**Motion** **Frank Woods** [52:07] – for \$10,000 for the Executive Director and the Outreach Subcommittee to move forward on this proposal and the \$10,000 is to come from federal overreach project funds

**Mark Fish** – second

**Senator Coghill** – object

### Discussion

**Mark Fish** [53:40] – have to get information into hands of policy makers, credibility and momentum to get that from multiple sources; part one is content, addressing here, and where content is targeted to would be next step; contemplating getting content to target, it doesn’t mean it can’t already be out there seeking paths and trails on its own; I see this as preliminary planning of content to allow sharing to the point it does influence policy makers

**Sara Taylor** [56:06] – point of clarification, we are not initiating work, just authorizing a not-to-exceed amount of \$10,000 and director and subcommittee will work together to decide on initiating work

**Frank Woods** [57:22] – we’re asking for a plug and play webpage that we control and a plan for an ongoing process

**A [Joshua Matrisciana]:** yes, we’re installing the cable box and then we talk about the TV that will broadcast through it, this is setting up the machinery

**Representative Keller** [58:10] – what Director Taylor is asking for is what this motion entails, whether the wording authorizes work, we each have a different concept of the result of this; I’d like to see a video, but we’re saying none of that is specified in this motion, we’re just telling them to work with you

**Kathleen Liska** [60:05] – we proposed specific requests from the proposal, media plan, social media, two videos and website development, that's to authorize this amount of work, this specific work, deliverables based on that \$10,000 we're asking for; have a great packet we took to Salt Lake City and we're printing them up to give out, we have things ready to hit the ground, and in it is a general sheet on CACFA itself and what we do, entire one on the summit, and also fact sheet on Nabesna ORV plan; purchased a video camera to get stories out and begin to build content, which takes time; you can track measurable results through social media, impactful movements come from social media

**Ron Somerville** [64:48] – complimentary of what has been done, but measurable results in our case is what happens in Congress, what stances decision makers in the state take, go to these places and take a message with you: we are losing statehood; that does not take a \$250K production, why can't we do this

**Sara Taylor** [67:10] – just want to make sure I was clear, this motion does not authorize work; this is more for Revolution Media, it does not mean please get started, it means you can discuss initiation with us; painfully boring business details need to be ironed out, I would like the authority to make them  
**A [Representative Keller]:** that is a given

**Frank Woods** [68:46] – call the question

#### Roll Call

Olson (Y); Smith (Y); Liska (Y); Lean (Y); Keller (Y); Coghill (Y); Fish (Y); Arno (Y); Hansen (Y); Somerville (Y); Woods (Y); Meekin (Y)

#### Revolution Media Motion Passes

Time stamp on the recording at 70:07

#### **ALASKA STATE LANDS ADVISORY GROUP**

Time stamp on the recording at 70:50

- extend nomination period
- commissioners have collected names, do round robin to see if anyone would like to add to the list, and will read in names that have been submitted to the commission so far

#### Nominations

Mead Treadwell

Ray Kreig

JP Tangen

Paula Easley

Sally Gibert

Steve Borell

Craig Fleener

Scott Ogan

Stan Leaphart

Reggie Joule

Wayne Heimer

Craig Compeau

Tina Cuning

Senator Cathy Giessel

Rex Rock

Crawford Patkotak

Herbert Kinneeveauk  
Bill Satterberg  
Hugh Fate  
John Shively

## **BREAK**

Time stamp on the recording at 77:23

## **Reconvene**

Time stamp on the recording at 90:00

## **ALASKA STATE LANDS ADVISORY GROUP (CONT)**

Time stamp on the recording at 90:55

### Subcommittee & Executive Director Proposal

- membership: 8
- Executive Committee make final decision
- have Executive Committee come up with 8 names and 2 or 3 alternates, then have a teleconference with the Executive Director and subcommittee to discuss
- leave nominations open for another two weeks

**Motion** **Mark Fish** [93:42] – ASLAG be limited to eight appointments, three alternatives, made by the Executive Committee, and that nominations be open for two more weeks

**Rod Arno** – second

### Discussion

**Charlie Lean** [95:22] – nomination is just the name?

**A [Sara Taylor]:** if you are not on this commission, you can nominate someone using the form on our website; that was the protocol I established but I will accept a different approach

**Follow-up:** number of names of people I do not know, could not comment intelligently on, would be helpful to have some background, which the application/bio does

**Friendly Amendment** **Charlie Lean** [97:00] – require application with biography for each nominee

**Mark Fish** – accepted

### No Objections

## **NEW BUSINESS**

Time stamp on the recording at 97:55

## **AMERICAN LANDS COUNCIL REQUEST – Representative Keller**

Time stamp on the recording at 98:06

- ALC will be in D.C. to meet with Senator Murkowski, wanted CACFA representative there
- Director Taylor has an unused ticket to D.C.
- is someone else going anyway or is there a concern?

**Comment: Senator Coghill** [99:28] – Murkowski will be speaking at a hearing in Juneau on the 18<sup>th</sup>; if she is going to be in D.C. after that, there are things we could do here; Secretary Jewell will be in Kotzebue on the 17<sup>th</sup>; there may be some things we could help here, send information if Director Taylor will be there in D.C.

**Comment: Sara Taylor** [101:20] – I will be speaking to the Alaska Miners Association on February 20, I see that as a priority for my position, to share information and be available to them; I will also be meeting with a trapper who has BLM issues, it may be an issue if they want me to go on February 20

**Comment: Senator Coghill** [101:56] – there are other people I have tried to get before the Senator in D.C., we were waiting to see what this meeting would produce to develop a strategy

**Comment: Frank Woods** [102:20] – federal agencies do not have a CACFA entity, we are in a system where we are reacting; time for legislature or Governor to have the federal government start a commission, or come and diligently testify with us; this is like a gripe session that never ends, what is the federal government doing, that would be my question to Murkowski

**Comment: Sara Taylor** [104:10] – similar to what we did with the meeting with Governor Walker, have commissioners pose their top three issues, develop talking points for D.C.

**Q: Rod Arno** [104:59] – has CACFA joined ALC?

**A:** no

**Follow-up Comment:** encouragement, nothing against AMA, but I believe, if we are moving forward on state sovereignty issues, it will be in D.C., I encourage our Executive Director to go

**Comment: Susan Smith** [106:43] – the person who is going from ALC is Doug Heaton, he was here a few weeks ago, on his own, contacted the Alaska Policy Forum, Ray Kreig set up an impressive schedule for him and he did a lot of networking with key people, he made some solid contacts and got very involved with our issues, this is an extension of what he did when he was here

**Comment: Representative Keller** [108:05] – this isn't a motion or anything, but the Commission is saying they would like the Executive Director to go if her schedule allows, or for someone to go

#### **ENERGY PRODUCING STATES COALITION – Senator Cathy Giessel**

Time stamp on the recording at 109:08

- group of legislators from energy producing states to develop plan of action
- I am chair; Alaska Idaho, Nevada, North Dakota and Wyoming make up the board
- staff time supplied by Consumer Energy Alliance
- monthly newsletter, sending letter on ANWR shortly
- Alaska Arctic Policy Commission formed by Alaska Legislature to let feds know who Alaska is
  - o go to [www.akarctic.com](http://www.akarctic.com) to download final plan
  - o call federal government out to be aware of us and come here to understand our issues
  - o developed by subject matter experts and public during hearings
- federal government divides our state into Arctic and non, but all of Alaska is Arctic

#### **NEXT MEETING DATE**

Time stamp on the recording at 115:30

- June 5<sup>th</sup> & 6<sup>th</sup> proposed
  - o conflict for Commissioner Liska
- June 12<sup>th</sup> & 13<sup>th</sup>

### **3:30p.m. Public Participation**

Time stamp on the recording at 116:55

**Pat Matrisciana** [117:20] – principal at Revolution Media; watching federal overreach across the country, has great appreciation of the vastness of the knowledge of CACFA, watching meeting very intently and taking notes, sees a great resources in this commission; thinks in sound bites and issues, feels, as a group, we should come up with the most pertinent issues and develop sound bites on them, so we have it set in our minds if we are called in for talk shows or similar; this is a very, very necessary commission, very impressed, know what we have to go through (bureaucratic necessities); suggest we pick issues and points for these issues

**Scott Ogan** [119:50] – not representing DNR; thank you for the nomination to ASLAG, suggests we put together the playbook for the next administration and possibly task some of the members with tracking administrative orders and policy changes for the last six years that have hurt Alaska, have that list ready to present, build coalition of like-minded states who also have a list, meet and get agreement on those issues, leverage through various groups and relationships, and put on next President's desk, who will hopefully see fit to undo these injustices; this idea was his main takeaway from Bill Horn's speech at the overreach summit, and now is the time to do it, if you wait until the next administration to start you will be already behind the power curve

### **ELECTIONS**

Time stamp on the recording at 122:25

#### **Nominations for Chair**

Time stamp on the recording at 123:00

**Charlie Lean** – nominates Wes Keller

**Mike Meekin** – second

**Ron Somerville** – move nominations be closed

**Warren Olson** – second

**No Objections**

#### **Nominations for Vice-Chair**

Time stamp on the recording at 124:05

**Rod Arno** – nominate Mark Fish

**Warren Olson** – second

**Ron Somerville** – move nominations be closed

**No Objections**

#### **Nominations for Members-at-Large on Executive Committee**

Time stamp on the recording at 124:45

**Susan Smith** – nominate Charlie Lean and Rod Arno to stay on

**Senator Coghill** – second

**Ron Somerville** – move nominations be closed

No Objections

**Ron Somerville** [125:53] – volunteer for outreach subcommittee

No Objections

#### **COMMISSION PRESENCE WITH ASLAG**

Time stamp on the recording at 126:44

- do we want a member of the Commission on ASLAG?
- only have 8 people
- we are probably all welcome at the table already, ASLAG is going to recommend to us on the issue of whether we should take action, demand back management of the land or pieces of land, has to do with recommending things TO us
- we could just have the Executive Committee decide who amongst them will attend the next ASLAG meeting; or we appoint the Director

#### **BASINWIDE ADJUDICATION – Warren Olson & Chad Hutchinson**

Time stamp on the recording at 129:28

- Idaho used McCarran amendment to take issues to state court to resolve user conflicts
- Took 27 years and some deep analysis, expensive proposition for the state but made resolutions with respect to water rights issues on the Snake River
- Thinking we could use that here with navigability and water rights issues in Alaska
- 1995, had Babbitt case, two major conclusions were that dependency on navigability and the existence of federal water rights
- 1997, report from legislative audit, state should consider accessing those two things using the state courts and the McCarran amendment, keep them out of federal court, not just resolving water rights but also making navigability determinations, collateral estoppel for future cases
- DOL has come to conclusion they just want to use McCarran amendment for water rights

**Comment: Ron Somerville** [133:38] – DOL runs for cover with respect to this issue, mainly because of timeframe and cost to get a solution, I question whether you could get them to change their position

**A [Warren Olson]:** we have 20 rivers, unlimited rivers to go, has to be looked at by new administration, new AG, high fast one right down the middle

**A [Chad Hutchinson]:** analysis may be different with Walker administration

#### **COMMENT ON USFWS RULEMAKING – Ron Somerville**

Time stamp on the recording at 136:00

- we have this overriding state regulations, some context as to what is happening
- taking lead from NPS on predator management, says it violates policy or statute
- some of us pleaded with Senator Stevens to take natural diversity out of ANILCA, you can see where some of us saw where it was headed
- when I was on BOG, USFWS wanted to use poison to remove rats and we were reluctant to give it to them, there was a secondary impact on raptors



- now they're willing to have a short term reduction in our national emblem population to support refuge values, example of inconsistency
- they are not really here to cooperate with you, only if it fits their objective
- MMOU #7, USFWS agreed to adopt plans including provisions for predator management in substantial agreement with state plans unless formally inconsistent with the refuge purposes, and #8 is to follow state process to the maximum amount allowed under federal law for taking of fish and wildlife on federal lands; saying "please exclude our lands," BOG could not do that

#### **CORRESPONDENCE WITH THE COMMISSION**

Time stamp on the recording at 143:00

**Q: Warren Olson** [143:56] – correspondence from Mark Wayson, is there anything that we could do in addition to what we have done to help him down the road on his jousting with Denali

**A [Susan Smith]:** we can interview him

**Comment: Rod Arno** [145:05] – no public that said to Tony Knowles, don't kill CACFA because we need it; always felt a little responsible for that, why didn't we get the citizenry to know this commission was here for them; Mike Kelly got us going again, and I do not want to make the same mistake twice; getting public support is tough, we have three correspondences in here, we have public participation periods without a real flow of comments from public through the commission to know they're heard; individuals have complaints, there were more in the beginning of CACFA because people were living on the land more, seems like the Alaskan public who goes outdoors have been beat down, they are not seeing that CACFA or the State has been effective at diminishing impact of federal government on them

#### **COMMISSIONER CLOSING COMMENTS**

Time stamp on the recording at 148:12

**Warren Olson** [148:23] – John Sturgeon is in his case, as of today, with dollars from the public, his attorney is working on the case, has hired an attorney in D.C.; what is State going to do? Hope to get word to AG that they should contact other states to file amicus to back State on sovereign issue with the federal government, hopefully we'll have other states by the end of the week

**Susan Smith** [149:46] – thanks Executive Director for help and dedication; thank Executive Committee for accepting nominations, consistency in next phase is very important; thank commission for supporting the subcommittee

**Kathleen Liska** [150:56] – ditto Susan's comments; thank legislators for coming and for their work; excited to see ASLAG appointments; thank you, Commissioner Arno, for comments, testament to why we are here but what our job is, hope our plans in the subcommittee will be effective, we'll be able to go to allied organizations and point to things right on their phones; we've been propelling things forward; we are a repository for the facts, need to connect them with the movement; great to see DOL and DNR here, this is really a cohesive effort CACFA is a part of; wealth of experience on this commission

**Charlie Lean** [153:36] – thank you, Wes and Sara, for carrying the water, outreach committee is doing great things, I need some of those packets, too; Rod Arno brought up a subject I have thought about as well; friend of mine is a miner, works hard, this fall he and his significant other promised to go to Serpentine Hot Springs and have a soak, couple days to themselves, within an hour or two of getting there the NPS flew in again and again and again and it was overwhelmed with NPS employees and they worked on the bathhouse, friends very upset, words exchanged, they were so upset, those people have not formally commented to us, they did not formally comment to the NPS, they are going to fly under

the radar, they don't want to relive the experience and get in a match they feel ill-equipped to deal with, potential for reprimand, they didn't do anything wrong but they don't need the hassle; just an example of where the public has reached the point where they do quiet civil disobedience as opposed to address the issue formally, we need to bring these things to light, we have a role, I almost never hear a negative comment on what we do, it's usually sympathy

**Representative Keller** [157:52] – honor to serve with you all, as public servants extraordinaire; want to get the ball down the court even further; move to get into social media, I am envisioning getting something like John Sturgeon on video, can be played and used in numerous situations, Susan's story, we all know it but seeing it in video format, most of the information is passed around that way

**Mark Fish** [159:55] – been listening to federal agencies for a long time, the same stuff, need to strip things down and get to the basics, we cannot even agree on the definition of words; like, what is the public? Individuals? The public to them is a mushy cloud you can squeeze and manipulate to fit their needs, but they have to protect the rights of the minority, and the smallest minority is an individual; state v. federal constitutional mandate, look at the property clause as it was written and the intent was to dispose of newly acquired property, the disposal, not regulation, maintaining of it, cannot use the property clause as a right to preserve public land, obligation to transfer it to states and private owners; when agencies have "partners" they are preservationist groups, not development groups, and what are these partnerships, these groups provide the research and proposed drafts and regulations; challenge them on the basic premise of what words means, the original definitions, what was intended by them

**Senator Coghill** [166:02] – how do we get the people of Alaska an opportunity on federal lands, promises we expect to be fulfilled, many in this building trying to figure out the web they have to work through; public sentiment is a good start, it has to get good information to stand, drama is going to be a part of it; public lands in Alaska are federal 60+%, interest is conservation to preservation, the land the State has to work on is from production to conservation, and our ability to produce has been constrained by the preservationists, the public interest is ruled from the East Coast, and that is where our battle is, we need to start the media issue, President poked us in the chest on ANWR and got a little public display out of that; agree with Scott Ogan that this is a long term issue, and we're frustrated by that, I'm not giving up, the last quarter is still an open game, the last ten seconds can be a whole game; I'll, have Chad continue to write comments, work with AG, work with other senators; personal stories are important and I hope they go viral, other platforms help us pick that up; we are a diverse people, need to be presented almost simultaneously; need to make our case for equal footing, appeal to good sense instead of being turned off as complainers; put our best foot forward, we're willing to work but some of the promises need to be kept; oversight hearing in Congress on statehood compact, need to create a case that includes places we have worked together and where we have gotten run over, struggled to fit, need to make a case that is both emotional and practical, work with Congressional delegation

**Rod Arno** [174:38] – we are here because we all support the Alaskan lifestyle, it's not reality TV, it's what we've done on the ground, whether your ancestors got here 10,000 years quicker, there's a commonality we have as we come together, you live here to be out; public access is for the public that is here, preservationists should even acknowledge that's legitimate; I know Alaskans are grateful, I spend 30-40 days a year greeting the public, they're glad we're here, they care, but they're frustrated this is futile; I'm still optimistic we are going to be successful in the end

**Teresa Hanson** [177:48] – thanks to Sara, subcommittee, leadership team, this is really gelling, this teamwork is becoming very constructive; I've had a vision that Alaska is going to lead the nation in things that will shake up the nation, I can now see that; education has been my focus, get the word out; stepping into new waters with social media, first step and we'll go a whole lot further, be effective

**Ron Somerville** [179:43] – having lived through (d)(2), I should be more jaded than most; one issue that came up with Congressman Young and Senator Stevens, we were lamenting what we were getting out of the House from Udall's committee, people were saying they had to protect Alaska from Alaskans, it was a common theme; kept talking about thousands of acres, we had to remind them it was millions; kind of a self-fulfilling prophecy, what they were doing to Alaska would fulfill that, if we have to develop and prepare our economy with what's left, we have to destroy more land, go farther to get to ice-free ports, refuge on Alaska Peninsula was to block access; our legislators have to develop what we have left instead of what is available for our economic livelihood; people are being buried by bureaucracy and people have given up, no one is listening to them, either state or federal government; clarify that I am very complimentary of the subcommittee's work at the work session; the \$200,000, I hope Sara has the office support she needs, she should not be doing this stuff herself, use her to the maximum where she can do the most good, I will vote to use money for that purpose

**Frank Woods** [184:06] – thank subcommittee; be careful with new administration, new session, budget crisis, we just passed outreach motion, we do listen, we rarely celebrate our successes, as we go through this process, we miss the boat somewhere that there is a positive reason we do all this, this is the first meeting where I'm walking away with a lot of hope; we have the media proposal, we listen to the agencies and we react to their proposals but never have a chance to be proactive, thank you for sharing that the legislature is working on things, BLM representative working on fixing this problem; thank the elders in the room, Warren and Ron, I never lived that life, I learn so much, when I go back home I need to get more young people engaged, this is not glamorous, but we need to get them involved

**Mike Meekin** [189:09] – I am always amazed at what I learn in this room; I think the biggest take away this time is the awesome work of the outreach subcommittee, excited about seeing what it does

**4:40p.m.** - Adjourn