

CITIZENS' ADVISORY COMMISSION ON FEDERAL AREAS
ALASKA STATE LANDS ADVISORY GROUP
JUNE 13, 2017 | TELECONFERENCE

DRAFT MEETING MINUTES

9:07am: Call to Order

Charlie Lean – CACFA's budget goes away June 30, we're trying to see what we can accomplish in that timeframe. At the end of the meeting I hope we'll have a document to share, considerable effort and money spent and this is a major accomplishment by ASLAG. Push this through and see what we can do.

9:10am: Roll Call

Charlie Lean (Acting Chair), Gail Phillips, Warren Olson, Ron Somerville, Teresa Hanson, Rod Arno, Susan Smith [*quorum*]

ASLAG Members

Mead Treadwell (Chair), Stan Leaphart (Vice-Chair), Scott Ogan, Ray Kreig (no outgoing audio)

Also Participating

Jordan Shilling & Rynnieva Moss (Senator Coghill's Office), Julie Morris (Representative Talerico's Office), Sara Taylor (Senator Sullivan's Office), Walter Thulin (Commonwealth North)

Joined Later

Kathleen Liska, Bill Satterberg, Hugh Fate

Charlie Lean – Call on Mead to participate in discussion. Public comment period at 12:30pm.

Senator Coghill – Floor session at 11, will have to ring off.

Charlie Lean – Would be good if you could come back for the final vote. ASLAG has a tremendous historical perspective and a number of them are very prominent in our state and have been for a long time. I will leave that to Mead to speak to in a minute. We have a number of public people on the line. Stan Leaphart and Sara Taylor have been the directors of this commission and I rely on them for their advice, and hope they are keeping good minutes today. With that, we can move on to the approval of the agenda.

Rod Arno – Motion to approve agenda as written

Gail Phillips – Second

No objections

Motion passes

9:25am: Discussion of ASLAG Report to CACFA

Charlie Lean – Mead, would you introduce the final report and any brief comments you might have?

Mead Treadwell – Thank you, Mr. Chairman, and to my members and your members, and to Susan for help reformatting, and to Rod for his additions. Thanks to John Crowther and Sara Taylor for their help, as well. What we are delivering today is a draft final report. We recommend signing a joint transmittal

letter to the Governor and Legislature urging this petition be lodged for more lands to the State of Alaska. Second recommendation is to have a process for state sign-off/veto on land management plans for lands retained in federal hands. Third, a recommendation CACFA continue to be funded and a long term effort on the part of the State to address these issues. A lot has changed since our creation. We have a new President and Secretary of the Interior that do not support the transfer of public lands; we put this forward regardless. You can change presidents but we are looking for long-term structural change on land management. The report we provide was prepared by Birch Horton, advised by ASLAG, detailing the broken promises. The State is in a better position to manage these lands, take away the patchwork and promote conservation, abundance, access and enjoyment. It is our feeling we should join other states seeking a transfer and tell the government that moving the needle is not structural change. We forward this to you. I support the edits Rod has recommended. If you read the report, it's thoroughly done and goes through promises made and broken and why we seek this, in a way that is different than the ways other states have addressed this. Looks at devolution in other countries, where local government and not national government makes the decision. Senator Cruz several years ago put forward a bill that would have given management decisions to the states. The State may feel it is at the table, such as with NPRA and other areas in the past. With that, we'd like to thank you for the opportunity and ask that you move the report. I would like to speak to one issue where we are divided and that is the Alaska Land Use Council. My reading is the Alaska Land Use Council sunset but the [Federal Coordination Committee] did not sunset, yet the group has behaved as if it did sunset. Our problem with the advisory council and attempts to renew it, including legislation by Senator Murkowski, unless the State has a clear right to consent to a land use plan it really does not do very much good,. The consensus coming out of ASLAG is that, for any lands remaining in federal hands, the State have consent authority on plans written by the federal government. As just a personal example, at the time the US Forest Service was renewing a land use plan in Southcentral Alaska, I was looking to lease land and was told they would not lease land, would not compete with Native landowners. I told them there is no Native land near this geographic feature, which the public would certainly want to enjoy. They said they just made that decision. My input, State input, the decision was left to the Service without recourse. It is time Alaskans had recourse. Management plans outlawing four-wheelers off-trail, the State would have said no from the beginning, but had no traction. That may be part of the conversation this morning. A state veto or power sharing is a one possibility. Thanks to the ASLAG members who are on and hope they can join the discussion.

Charlie Lean – Recognize members of ASLAG. Very much in awe of the player list we were able to get to work with us. My plan here is to tackle the draft final report, working from the Susan Smith draft. Susan, you did yeoman's service in reformatting and make this a readable document. I'll start working our way through this, page by page. Towards the back of the report are the controversial items Mead touched on. Members of CACFA, is there any objection to that method?

Mead Treadwell – To Susan Smith's draft, we circulated a couple changes on Sara's part and my part.

Charlie Lean – Here in Nome we have that draft in front of us, with amendments by Susan, Mead and Sara. Susan's draft is the foundation, and that is what I have set forth here. With that, the first listed change is the title. Suggested changes for that language? [Hearing none] That takes us to the Executive Summary. The transmittal letter kind of serves the same purpose but we are speaking to the Executive Summary. Any suggestions or emphasis?

Mead Treadwell – On the transmittal letter, Mr. Chairman, there were some comments from Rod Arno. Rod, I would urge you to speak to those but I support them.

Charlie Lean – In my mind, the Executive Summary speaks to the person who would read or scan this and as such should stick closely to the content of the report. The transmittal letter is broader, aimed at being the carrot to get folks to read the report, a little flashier and with higher sex appeal than the document

itself. We are on the document now. Hearing no changes to Executive Summary, we can move on to Background and History. It is what it is; I saw no comments in written form. Anyone wish to comment? [Hearing none] It goes on to speak to ANCSA, well documented events. I saw only one change which added a footnote on page 7.

Mead Treadwell – That is footnote 15. The reason for the change is the State sued when the land freeze was put on in the 1960s by Udall. The change refers to the freeze and state displacement in terms of selections. We wanted to be clear we are not arguing that there was a settlement and that things have ended well, but, in the meantime, it has been the position that the Statehood Act was violated at that time. We are very supportive of Native lands.

Charlie Lean – The report goes on to speak about ANILCA, gives a great history of how President Carter forced the issue and played hardball – if you’re being kind – to push this through.

Stan Leaphart – If I could jump in with one small question, point of clarification? Page 9, the Carter monument withdrawals, states that, as permanent executive withdrawals, only an Act of Congress could change it. This is a question the administration is dealing with now, there are still some questions as to whether or not a new President could alter those monument boundaries or remove a designation. If this statement in here muddies the waters a little on that issue, or whether we need to be concerned about that.

Charlie Lean – The Bears Ears monument controversy, might answer your concern.

Stan Leaphart – I know the Secretary has suggested Congress could make changes to Bears Ears, but they are also doing a comprehensive review of monuments going back to the 1990s.

Mead Treadwell – To Stan’s point, referring to the sentence where monuments were permanent and only an Act of Congress could change them, why don’t we say “asserted” and put “permanent” in quotation marks? So we are not offering a legal opinion as to whether those are actually permanent. Would that be a fair way to deal with that?

Stan Leaphart – That would work with me, it may not be an issue, a little wordsmithing would be fine.

Mead Treadwell – Mr. Chairman, I offer that amendment to page 9, in the paragraph that began “The Carter monuments...”

Charlie Lean – Any objections? [Hearing none] Moving on. When we get to the end of this, we will have an amended document to approve, and that will be one of the amendments. Brings us to page 10, the portion where Susan Smith made the most edits, linking promises made with promises broken and pairing them up. Reading what was said followed by what was not done. I have heard nothing but good comments on that, but is there anyone who feels that formatting change should not have been made? [Hearing none] We will move ahead with the broken promises section. Speaking to wilderness, are there any amendments? I know this is a hot button item in several circles. [Hearing none] That takes us to the state sovereignty and authority portion. Particularly pertinent to those we are transmitting this to, the State Legislature and the Governor. First is navigable waters.

Stan Leaphart – One other minor edit and question. On page 16 under navigable waters, it states that John Sturgeon was cited, second paragraph under promises broken. John was never actually cited, just told if he cranked the hovercraft back up he would be cited.

Scott Ogan – That is correct.

Warren Olson – That is correct, he was never cited.

Bill Satterberg – A citation of arrest was issued to Jim Wilde. We took that to the Ninth Circuit.

Charlie Lean – We could wordsmith that.

Mead Treadwell – Maybe we say barring John from operating a hovercraft, which is what they did. Bill, if you have a footnote to suggest on the Wilde case, that is not a bad idea.

Bill Satterberg – I could crack something out.

Senator Coghill – The amendment is barring John Sturgeon from operating? I think that's good.

Charlie Lean – Thanks everyone, thanks, Stan. That brings us to fish and wildlife management and the number of issues there. Any comments?

Stan Leaphart – Under promises broken with regard to fish and wildlife management on page 18, points out very quickly that regulations repealed state wildlife regulations, should we include a note or statement that the Congress repealed the US Fish and Wildlife Service regulation using the Congressional Review Act, indicating Congress views that overreach as unacceptable?

Charlie Lean – That definitely reinforces the intent.

Stan Leaphart – Add a sentence to the end stating that the Congressional Review Act was used to repeal the US Fish and Wildlife Service regulations.

Senator Coghill – Sara, can you include a citation?

Sara Taylor – I can draft a sentence to this effect and include a citation to the public law.

Hugh Fate – Also a mention to the subsistence regulations. Federal regulatory agencies are using federal subsistence priority to usurp state management of fish and wildlife, specific example is king salmon on the Kuskokwim River.

Charlie Lean – I think that is a good footnote for page 18, not just the Kuskokwim, wildlife as well as fish. Risk is using a specific example, people will focus on that. If the footnote is written, it needs to state this is an example of a widespread thing.

Ron Somerville – The only thing with this section, and I do not have suggested changes, I want to emphasize implementation of subsistence law in general in no way followed what we were promised when ANILCA passed. There was no provision in the law to allow for preemption in many areas the Federal Subsistence Board exercises jurisdiction. Far exceeded what we were promised in ANILCA. All I am saying is they are using that law to expand federal jurisdiction. Unfathomable in western water law, but, in Alaska, they did it. Multiple problems that are unprecedented.

Charlie Lean – I think we all agree but the balancing act is to create a document short enough people would read it. I am not sure what to say.

Ron Somerville – All I am saying is, referring to specific instances, it does not give the breadth of the preemption asserted by the federal government. It is much broader than that, but I have no suggested changes.

Charlie Lean – I have the same concern. Moving on to state water rights, natural resource development, oil and gas. Mead had some comments, I believe. Any comments regarding resource development?

Stan Leaphart – Wondering if we might want to include on pages 22-23, under ANWR promises made and broken, might want to include on page 23 that Governor Parnell's administration approached the US Fish and Wildlife Service with an application to conduct surveys in the 1002 area, an opportunity provided under ANILCA, and it was rejected. Include that as an example of the US Fish and Wildlife Service not following the law in that area?

Rod Arno – Unfortunately, I am driving through Canada and fell out of coverage range. I wanted to go on record that Rod Arno approves the petition and whatever the transmittal letter looks like. I would like to be part of the quorum and vote in case I get dropped again, which is likely.

Mead Treadwell – I support that as a text change. On the measure before that, on the NPR-A, I think it would be appropriate to footnote the new order just signed by Secretary Zinke and a also providing for a new assessment of the 1002 area. It did not change the position of the Interior Department on lands transfers but I'd like to see that up to date.

Charlie Lean – This takes us back to the issue of adding examples, these are supportive but they are footnotes. Any objection?

Sara Taylor – I think a number of these changes can be either worked into the text as updates on all that has happened since this draft report issued or added in as footnotes. It might be helpful if the person tasked with incorporating these amendments into the document could decide which and how to phrase it consistent with the ideas and objectives expressed by the participants here.

Charlie Lean – As a request for editorial license, I support that.

Mead Treadwell – And to have the chairs review prior to transmittal.

Charlie Lean – We will need professional writers, and those of us that sign the transmittal letter must pass the mirror test that we support this. We must follow this in concept and do the best job we can.

Mead Treadwell – One fact I'd like to check, page 22 under ANWR promises made, I'm not sure where the 50-50 came up, versus 90-10, but I do not think it is in ANILCA. Sara, could you fact check that?

Sara Taylor – Nothing about 50-50 in ANILCA, but I will fact check that paragraph in its entirety.

Stan Leaphart – Agree, nothing in ANILCA about the split. If I remember right, the legislation that passed in the mid-1990s, which President Clinton vetoed, that would have authorized exploration and development, concern by members of Congress that 90-10 was going to be the split.

Mead Treadwell – State for the record that I worked with Senators Drue Pearce and Robin Taylor to amend the Alaska Constitution to say nothing that violates it is valid, and this would apply. Wally Hickel supported this. I do not want the petition to indicate consent to a 50-50 split. I believe CACFA will survive and that this is an issue to deal with in the next year.

Scott Ogan – I have a procedural question, should there be a formal vote taken to authorize the editorial footnotes and other things, and authorize the Chairmen to accept the editorial work done by Sara and

others and incorporate that into the final version? There was consensus by the Commission but, for that to survive scrutiny, there should be a roll call on that? Gail, does that sound right?

Charlie Lean – My goal is to go through the document, make amendments, have a vote, get approval and do it all in one swoop. In the interest of getting done in a timely way, trying to expedite things that way.

Scott Ogan – Thank you, appreciate that.

Gail Phillips – I concur.

Charlie Lean – Forest and timber is next. Important industry at one time and now hardly exists. [Hearing none] Any comments on mining? [Hearing none] Brings us to access, which is not just industrial but traditional with subsistence or hunting and fishing in general.

Bill Satterberg – I realize it is sensitive right now, the Klutina Road issue, pay attention to that or not?

Charlie Lean – I don't have an answer. Anyone else?

Hugh Fate – Note it is another example of the subsistence issue foreclosing on access. A co-management between a Native Corporation and federal government, leaving out the State of Alaska on both lands. Just a thought, Mr. Chairman.

Charlie Lean – Struggling with how to put that in.

Bill Satterberg – If we want to, and if there is consensus to do that, Sara or I could put this in a footnote.

Sara Taylor – Just to note, this issue is not finished yet, unlike the other examples in this document.

Mead Treadwell – Senator Coghill, has the legislature been briefed on the terms of the settlement?

Senator Coghill – The briefing is not as detailed as I'd like, a couple confidential issues, one thing the Attorney General stated on the record is part of the RS 2477 washed into the river and this was a complicating factor. Is a State and private issue, other than the 17(b) easement part. The settlement is looking for access notwithstanding the washout. I don't know if it fits well into state-federal issues because the lawsuit is between the State and Ahtna. I think the feds are looking over their shoulder but are not necessarily a participant.

Mead Treadwell – I have no problem with a footnote, but it is more state-private than state-federal. If you want to craft something, I have no objection.

Scott Ogan – Traditional uses section, is that where we are? Seems like this and other points are bunny trails, this is about ANILCA access, do not think the Klutina issue is germane to this section.

Charlie Lean – Good point, will give the editors a chance to make it fit in the appropriate location.

Bill Satterberg – Sara and I can work on something.

Stan Leaphart – On page 36, under 1110(b) access to inholdings, it says federal agencies provide access through a right of way certificate of access, but only the National Park Service uses that. Other than calls for US Fish and Wildlife Service to adopt a similar approach, which they declined to do, say something to that effect, that the National Park Service is the only agency to adopt that approach.

Charlie Lean – Easy fix to say that.

Stan Leaphart – The Bureau of Land Management uses a different set of regulations, but the only place 1110(b) applies is those areas managed by the Bureau named in that provision. Park Service actually got out in front, with a lot of pushing by folks like Susan Smith, just want to make that clarification.

Charlie Lean – OK. Takes us to RS 2477 rights-of-way. Any comments there?

Scott Ogan – There is an existing regulation that allows for recordable disclaimers of interest, which was summarily rejected by the Bureau of Land Management. I realize it is complicated, bans on them making final determinations and such, but some kind of disclaimer process might be worth taking another look at. Not sure we want to mention that, it is complicated. Unilateral position that no RS 2477 is valid unless adjudicated by a court of competent jurisdiction, dooms our 600+ RSTs to litigation. I don't know how to articulate that, it is complicated because of the ban on final determinations in a budget bill somewhere. Basically I'd like to see a better process, or just disclaim them all.

Sara Taylor – If they accept the petition, they will disclaim them all.

Mead Treadwell – There has to be a way to clear up the process on RS 2477.

Charlie Lean – I hear you, I think Sara's point is well taken. This and navigable waters are things fundamental to the whole petition. We need to emphasize these, maybe, in the summation.

Warren Olson – There has been active participation by the Bureau of Land Management, a former state employee, Christopher Estes. I was invited to give instruction to Bureau employees on navigable waters. They are getting beaten up by the federal courts. I still believe in basin-wide adjudication as a solution.

Ron Somerville – I tend to believe that, if this goes forward, that is for the delegation and the Governor's Office. Both navigable waters and RS 2477s require an expedite process that is not now available in law. It will take hundreds of years to resolve this way. Other than mentioning here the enormous burden on the state and the federal government's refusal to cooperate on these things we received at statehood, there has to be a process where we can submit lists and have it be up to the federal government to show they do not qualify. Should be a follow-up to the report to that effect, as long as we document what we were denied at statehood. This is to help with that follow-up.

Charlie Lean – The last two comments go to the discussion we will have at the end, and to the transmittal letter. I am going to push on here. A miscellaneous section, what Rod and Ron were speaking to, any comments there? [Hearing none] I have a comment on page 39, large swaths of land. The point being, at statehood, three big things were committed to, transportation routes, navigable waters and RS 2477s, and X numbers of acres in a timely manner. Those things have not occurred and we are going on 60 years. To me, that is the closing statement for this issue here. The rest of this is specific items within those three broad classes. I think that needs to be conveyed over and over.

Scott Ogan – On RS 2477, valid and codified by the state, a rebuttable presumption that RS 2477s are valid and waters are navigable unless proven otherwise. Ask for a "valid unless disproven" policy.

Mead Treadwell – I support that, not sure we put that in the body here or at the end. We have talked about this quite a bit, it is a way to transfer more land to the state, is within our mandate, could be made here or a separate argument made by CACFA.

Scott Ogan – It will be lifetimes of work by teams of bureaucrats in this broken system.

Charlie Lean – The idea is a good one, new to me, trying to figure out where we can put that.

Scott Ogan – Under RS 2477s, put in that as a policy change. We made the points, we can move on, in the interest of time.

Sara Taylor – Just to point out the theme of this document is the transfer of land, which would resolve many of these concerns and negate the need for these policy shifts. As to putting the suggestions into the document, we do not want it to sound schizophrenic in its objective.

10:30am: BREAK [to resolve technical difficulties with teleconference]

10:38am: RECONVENE

Charlie Lean – We were having a discussion about transfer of navigable waters and RS 2477s unless otherwise disproven. Sara was trying to relay that, if the mission here were adhered to, they'd all be transferred anyway, having the discussion of putting it into the text somewhere.

Ron Somerville – Into the letter of transmittal as a way to speed up this process of giving the State what was promised at statehood.

Charlie Lean – Good point. That will come up again, don't let me forget. Moving on to transfer of federal lands, page 41, enhancing state and local role in land management. Any comments here?

Mead Treadwell – I wanted to add “Dammit” to the end of every paragraph.

Charlie Lean – I felt the same, appreciate your considering the idea. Page 43, multiple use lands and the tendency to move away from that. Next page, US Fish and Wildlife Service and National Park Service. Already spoke to the US Fish and Wildlife Service having their decision reversed recently by Congress.

Warren Olson – Comment on our favorite federal inholder, the National Park Service, all my years with CACFA, more than anyone else on it, we always talk about navigable waters and the Park Service. The National Park Service is not compatible with the Alaska lifestyle. I firmly believe the community will one day ask them to leave. We have all seen evidence by the think tank in Colorado of their style of management, feast or famine, the whole purpose of having professional people is to enhance resources for distribution of users and the Service has not one lick of interest in that purpose. I am totally opposed to statements saying the State envisions national parks will remain intact. I think we have to point out that this agency, in this area, with the history of Alaska, that we are a resource state, maximum use for sustained yield, emphasize the Park Service is part of the huge problem for Alaskans using the land.

Charlie Lean – I think the text here speaks to preserves and that they are not being managed as intended. But you are saying all park units have problems. Does anyone else care to speak to that?

Susan Smith – I do not like the first sentence (“The State envisions”). I also got a note from Ray Kreig, who is online in McCarthy but cannot speak, and he is not alone in this view, that the parks should not be retained. That is the only statement of its kind in this document. I would rather leave the statement out than say that.

Teresa Hanson – At the American Lands Council meetings we attended in Salt Lake City, it was part of the discussion of devolution of all lands. The public would not swallow giving up national park lands. It was an area they did not want to touch to appeal to more people.

Warren Olson – We got a generational change that is apparent in the CACFA, in the government, only driving force that will get land back is we are busted and going broke. We will see drastic cuts in federal ranks in all directions, that is the only thing that will force the agencies to move lands back to the states.

Charlie Lean – We have heard both sides of the issue. Susan suggests deleting the one sentence as a compromise.

Ron Somerville – I so move.

Susan Smith – Second.

Hugh Fate – Friendly Amendment Should also delete first word of second sentence.

Ron Somerville – Accepted

Charlie Lean – Any objections?

Mead Treadwell – I would suggest we consider language as to whether or not National Park Service lands remain in federal possession, the preserves should go to the State. What Teresa mentioned in terms of practicality, we are recognizing we are asking for something very impractical to begin with, I think the argument flies better when we say we will keep the crown jewel national parks. Just want to stay on record that is how we got to where we got. Can drop the first sentence and say nothing about the parks or you can just ask for the preserves.

Charlie Lean – Any objections to the motion from CACFA?

No objections

Motion passes

Sara Taylor – Considering the time (11:48am), Mr. Chairman, I was wondering if Senator Coghill might have any comments on the rest of the document since he has to leave for the floor.

CALL DROPPED (briefly)

Senator Coghill – I have one copy that is redlined, good information as to the thought process of the committee.

Susan Smith – Are you referring to the red edits I put in the cooperative management section? I suggested deletion of the language in red because it was an alternative to transfer and I did not think we should provide an alternative.

Senator Coghill – Different section.

Mead Treadwell – The Senator is referring to the transmittal letter, we decided it was long and wrote the terse page and a half. Two documents here, the final report and a section provided by Sara on milestones. We are happy to transmit both, did not intend to have milestones in final report. Senator Coghill, it has good information, but was not circulated with the intention of including in report.

Senator Coghill – I found it good to know, the committee’s thought process. The information in the final report is dense, and the transmittal letter gets to the point. Probably the only other thing I would bring up is the request from the state legislature might have to be formulated on both funding and authority for federal issues, and I am not too sure how to do that. Got an email from Mike Fox today talking about the substance of authority identified a little clearer, which might be more a legislative question than a CACFA question. Want the information in the final draft as an addendum, not to lose it. I have to leave, you have my approval of the final document as we have been discussing it.

Charlie Lean – We have this line until 1pm, and we are just getting to the part of the report that will generate a lot of discussion. We have public comment at 11:30 in the agenda we approved, and another public comment period at 12:30 as that was put out state-wide. Back to the report, we are getting into the precedent for transfer section and Arctic devolution. This was reworked significantly since the original drafts were circulated. Several people weighed in on this and I will open the floor to CACFA comments on Arctic devolution.

Mead Treadwell – In the draft we sent around, we made one change on page 45 that related to Greenland and because the language talked about mineral and oil rights supporting the economy, I do not believe the statement was entirely accurate, has the “potential” to support the economy. Then, on the next page, page 46, we changed “provinces” to “territories.” On page 49, where we talked about a footnote. When we were studying this issue, the State was missing an Attorney General. Our state is shown as signing off on a report saying there is no legal precedent asking for land, I think we should disconnect ourselves from it.

Charlie Lean – Page 46, most of the page was rewritten to better describe Canada’s process, which was a major improvement.

Mead Treadwell – Yes, I recommend Sara’s draft with the minor changes I just mentioned.

Charlie Lean – If you’ve read page 46 and top of 47, there is a reworking on Canada pertinent to the argument.

Ron Somerville – I liked the suggestion by Sara and minor amendments by Mead. Move to approve as modifications.

Charlie Lean – I was thinking of a blanket motion at the end of our work through.

Ron Somerville – I agree, Mr. Chairman, I offered that because there are several suggestions, I wanted to make sure this gets included in the final product.

Charlie Lean – Yes, I would like to vote on the state consent part, but if we are all of one opinion, let us move on. Any objection to new language on pages 46-48?

Warren Olson – Devolution, the first I heard of this was when we selected ASLAG to get into these grievances and the possible transfer of lands from federal ownership to state ownership. I am really uneasy for CACFA to support this in this report, the argument for devolution. This should have come before CACFA for a longer period of time. The distinct view of sovereignty in relation to the federal government, this is business that would be handled at that level. I firmly believe the participants that put this together have some excellent documentation, but would like more public participation before CACFA has an opinion on devolution and the extent of it.

Charlie Lean – I have a comment. In the Statehood Act and at the convention prior to statehood, many of these issues were discussed, that the State be able to develop its lands and make its decisions for fish and

wildlife and transportation. This is endorsed by the Statehood Commission and endorsed by Congress. One of the reasons attempts for statehood failed was because we'd be a welfare state and a drag on the national economy, exactly the issues Canada and Greenland ran up against and solved, and many of these ideas are Alaskan. I think the text here speaks to those ideas and I do not think any reasonable person would say we have to do it the same way but that here is an example of how it could be done, and that it has been done and there's been no meltdown. I like the language.

Mead Treadwell – Responding to Warren's comments, as someone who has had two premiers tell me with a wink in their eye that they intend to jump ahead of us, they see this as a competitive advantage they have over us, particularly in minerals. I am not saying there is a legal precedent, more that there is a moral precedent. All decisions be rendered nationally, like saying we need to keep the King Cove road on the Senate floor, the argument is people in Canada say you can have local control *and* protect the environment. Not everything is peachy keen, they have not settled land claims with predictability, but local control over leasing, they have a leg up on us.

Charlie Lean – Any further comments? There does seem to be some discussion, so I accept Ron's motion to accept or delete those portions of the report.

Ron Somerville – Motion to include the devolution section, as amended by Sara and Mead, as presented in the draft report.

No seconds; roll call vote

Susan Smith – Yes
Gail Phillips – Yes
Teresa Hanson – Yes
Warren Olson – No
Ron Somerville – Yes
Charlie Lean – Yes
Kathleen Liska – Yes

Six in favor, one opposed
Motion Passes

Charlie Lean – Brings us to the section on page 49 on cooperative management and the Alaska Land Use Council. Open comments. Susan, do you have a comment?

Susan Smith – As I read this, alternative concepts, I do not like the fact we are offering an alternative. Suggested deleting the first paragraphs in red.

Charlie Lean – Any other comments?

Mead Treadwell – We changed the title to call it “State Consent.” We referred to the Alaska Land Use Council as a possibility and then said we wanted concurrence several different ways. Added language on the Cruz bill. Accepting Susan's red-line, I can go back to the arguments we had with Jay Hammond during ANILCA. I was concerned State was ceding sovereignty, which it did not. I do not think of this as an alternative, more as an interim. I would like to see us change title tomorrow, but I don't think it will happen tomorrow. The possibility now, Senator Murkowski is working on a new energy bill, Secretary Zinke will involve states with sage grouse, it is time and necessary that we ask for a state consent provision on major federal land use actions. If we were private, we'd have zoning power, how can sovereignty mean we have nothing to say? I urge thinking about this as interim rather than an alternative.

Charlie Lean – You go along with deleting the red language and adding things?

Mead Treadwell – Yes.

Charlie Lean – Did the Cruz bill pass?

Mead Treadwell – No, but will show our legislators. Basically it said energy decisions are state decisions. Whether it would even be considered bolsters what we are talking about. There have been several times Congress has considered the idea of handing over decision authority and we did not get into it, in depth, but hearings were held, there have been other discussions. We think this is a good way to bring it up.

Susan Smith – One other thing, in concept, if we are not even saying, technically, we are giving up the parks, we are leaving other things on the table for state management. Even mentioning federal cooperative management as a tool seems inappropriate, considering what we are going after. I am happy to just delete the first paragraphs, accept the other edits.

Ron Somerville – I assume what we are talking about is deleting the red and adding in the green. If that is the case, I so move.

Susan Smith – Second.

Roll call vote

Kathleen Liska – No

Susan Smith – Yes

Gail Phillips – Yes

Teresa Hansen – Yes

Warren Olson – Yes

Ron Somerville – Yes

Charlie Lean – Yes

Six in favor, one opposed

Motion Passes

Ron Somerville – Deletes section on alternative to lands transfer as well, is that correct?

Susan Smith – Yes.

Charlie Lean – Top two paragraphs are deleted.

Sara Taylor – According to Mead’s edits, as accepted, the section would now be titled “State Consent.”

Ron Somerville – Just want to make sure the red is deleted, I do not like the alternative.

11:30am: Public Participation

Mark Richards – Resident Hunters of Alaska, calling from Fairbanks

Thank all the ASLAG and CACFA members for the work on these issues. We have one more issue, hard to add to the document, concerning wildlife special action requests put forward by the Resource Advisory Councils and approved by the Federal Subsistence Board. The Board has much more authority than what was expected. These recent actions concern us and mention of that would be a good thing.

Charlie Lean – We did discuss this earlier today a little bit, and I think we are speaking more to the same issue just as to kings on the Kuskokwim, but we agree.

Mark Richards – Thank you.

Scott Ogan – Bring a separate subject to people’s attention.

There is a great travesty of justice going on by the State to Carey Mills. He won in the Ninth Circuit on Teddy’s Fork that it was a valid RS 2477. The Department of Law put a ban on him having discussions with anyone. The court said all he has to do is get the state surveyors to identify the route and the State has acquired a Quiet Title Action, litigated by a private citizen, at no expense and small investment in a field survey saying here is where it is. Counsel has been retained, I just want to bring it to people’s attention. Carey Mills should be the John Sturgeon of RS 2477s. He represented himself and convinced the Ninth Circuit there is an RS 2477 trail. If CACFA could advocate with the administration, it is a procedural fix and the State gets a free RS 2477.

11:35am: Discussion of ASLAG Report to CACFA (cont.)

Charlie Lean – Just concluded reviewing the ASLAG document. A number of smaller changes we seem to approve in general. I would like to hear discussion and eventually a motion to approve the draft final report as amended today and earlier and the more controversial amendments we voted on. Does anyone wish to speak on the report? This is the last chance to make substantive change. First, any CACFA comment? [Hearing none] ASLAG members present, any final advice?

Hugh Fate – Done a wonderful job. As a member of ASLAG, I am very proud of CACFA and the way this was handled. When completed, only come part way. The rest of the journey is to get this to the principles in Congress, other venues, and to the public so they can understand this, no more power than the public. One of the best documents I have seen historically and from the State and people should be aware of it. Thanks, CACFA.

Bill Satterberg – I did the footnotes for Jim Wilde and the Klutina Road, will send those to Sara shortly. In reference to Dick Randolph, who delegated the public uproar portion to me when he resigned from ASLAG, Dick always felt civil disobedience should be considered an option. Don Young and Senator Murkowski talk about building the King Cove Road on a bulldozer. As this is a petition, this is possibly a bad flavor to put in there, but it is one option we looked at that is not in the report.

Mead Treadwell – Bill, I think we were looking for your creative ideas on civil disobedience. I want to just say this, it is not in the petition for the reasons Bill mentioned. It is part of the interim report we issued earlier, and in the milestones document. We are in a good place with the Secretary on King Cove Road. He will not be back up until end of summer where he hopes to make announcements of things that have been done. Happy to add any paragraph Bill might like to add on that subject.

Bill Satterberg – I did send a diatribe to Sara last year. I do not want to get confrontational with an ex-Navy Seal but maybe we could get someone to do it.

Mead Treadwell – Could have a hunting party go out to Unimak Island. Don Young suggested I should have gone to jail for the King Cove Road when I was Lt. Gov. This is something we looked at in the body of work, did not belong in the petition. If CACFA wants to discuss at some point, we could do that.

Charlie Lean – I worry about how to present this. My concern is taking incredibly hard lines. If it's all or nothing, then we'll get nothing. I also do not believe in making idle threats and we really need to think about civil disobedience as a point, and that it is always an option, but one of last resort.

Scott Ogan – Great form of civil disobedience is for the state to act sovereign, notwithstanding the federal government's policies. I went to Kodiak Refuge surveying a river and the refuge manager said we'll take a helicopter down, it's just us landing on state riverbed. I said, hey, we have to apply well in advance to do the same thing and he said it's no problem because they're just landing on state lands. I think we should encourage the administration to act as a sovereign and take action on issues where there is a legal right to do so instead of kowtowing to the federal government. Would be an appropriate legal form of civil disobedience, but not sure this is the document to say that.

Mead Treadwell – Have to move to another phone for a noon event, just want to say thank you. Love to work on press conference or some other way to get this report out. Thank my fellow ASLAG members for all their participation and great ideas. Really appreciate the chance to work with you guys.

Charlie Lean – We have benefitted a great deal, too. Looking for a motion to approve the document as we have it edited now, understanding that editors will make some additional changes, then the chairs will sign a transmittal letter that endorse the document.

Ron Somerville – Motion that CACFA approve the document, as amended by vote, and with instruction given by the Chairman.

Gail Phillips – Second.

Rynniva Moss – Friendly Amendment Per Senator Coghill's suggestion, can I ask you consider adding the other documents as addenda?

Charlie Lean – That was Senator Coghill's wish.

Ron Somerville – Accepted.

Gail Phillips – Second.

Susan Smith – Will there be a final vote after the edits, or are we approving editors to proceed?

Charlie Lean – For them to go forward and for Mead and I to approve.

Ron Somerville – That is the intent of my motion.

Senator Coghill – I have joined back. Appreciate the amendment to include appendix.

Charlie Lean – We are down to about three weeks to get this out. We need to move it ahead so I am asking for your approval to trust Mead and I, in adherence to the advice today.

Roll call vote

Rod Arno – [Yes]

Kathleen Liska – Yes

Susan Smith – Yes

Gail Phillips – Yes

Teresa Hanson – Yes

Warren Olson – Yes

Ron Somerville – Yes
Senator Coghill – Yes
Charlie Lean – Yes

Vote is unanimous
Motion Passes

11:45am: Discussion of Transmittal Letter

Charlie Lean – Thanks everyone for hanging in so long. That brings us to the transmittal letter. Rod had circulated comments on the transmittal letter and I think we heard from Mead that he basically agreed with those. Open to discussion here, does anyone want clarification about the letter? [Hearing none] The transmittal letter is to be signed by the Chairs and we would like to include the names of CACFA and ASLAG members. A blue ribbon quality to those names, we'd like to see those on there. The letter is intended to be an Executive Summary and hit the high points. Mead made it short but flamboyant. We have heard a couple comments on the final report, any emphasis needs or omissions?

Warren Olson – The second page, about five paragraphs down under summary, says three key recommendations. Under 1(a) we recommend conveyance of land in Alaska except parks and refuges, I would like to strike that exception. I think we have proven over and over again, striking that brings that organization into discussion by multiple users on their operation. We could do the job.

Charlie Lean – Any further comment?

Susan Smith – I agree, I say we put a period after Alaska and strike the last five words.

Charlie Lean – I think that is in keeping with the action on the report.

Ron Somerville – Transmittal letter is going to a wide variety of people, including state government. I honestly feel the point is lacking that the State is remiss in defending its own sovereignty, leaving it to the citizens. I am not sure we emphasize that enough.

Bill Satterberg – I have to echo that statement. John Sturgeon spent over \$750K. Even though we donated time to Jim Wilde, he gave over \$100K. The State has to be more aggressive as opposed to a cheerleader.

Mead Treadwell – On the third recommendation, where we say CACFA ought to continue to exist, we could add a sentence that it is discouraging citizens have to take this up without assistance. I appeal to Senator Coghill to keep CACFA going. I know it was tried by Senator Dunleavy and, frankly, the second half of a headline is to fight this battle continuously.

Charlie Lean – Another line we have not finessed. Express intent to add something there, figure out how to write that well.

Mead Treadwell – I guess I would put it this way. The Governor's Office asked us not to embarrass the administration for not funding CACFA, and I say the embarrassment is on everyone at this point. Saying this process should go on is important to say and do, that is not meant to embarrass just state reality. In terms of referring to the Wilde and Sturgeon cases, we could do that. I'd be happy to work on language to that effect. If there are suggestions, let's get them.

Charlie Lean – Any comments on Rod Arno's edits to this?

Susan Smith – I think they were excellent, based on solid evidence and he made the whole statement more impactful, I'd like to accept all of them.

Charlie Lean – I did not see anything I disagree with, I thought his grammar wasn't quite correct in one. I would like to preserve a little editorial right without watering it down.

Susan Smith – Sounds good.

Charlie – So we go with Rod's edits, delete part about parks and refuges, add line in final paragraph to encourage state to act as sovereign and more active participant with regard to state sovereignty issues. Any other comments? We will also put everyone's name on here. Do I hear a motion to accept these amendments and to give Chairmen authority to speak to the details?

Ron Somerville – I so move.

Gail Phillips – Second.

Roll call vote

John Coghill – Yes
Ron Somerville – Yes
Warren Olson – Yes
Teresa Hansen – Yes
Gail Phillips – Yes
Rod Arno – [Yes]
Susan Smith – Yes
Kathleen Liska – Yes
Charlie Lean – Yes

Vote is unanimous

Motion Passes

12:05pm: Closing Comments

Charlie Lean – That concludes our agenda for today with the exception of public comments in a half hour. That will give us a little time, if CACFA members would like to make a statement or ideas for the future.

Scott Ogan – Thank everyone for taking time out of busy summer schedule to get this done. I know I was pushing it pretty hard, I am really glad we didn't sunset without completing this report. I want to echo Bud Fate, this is one of the better documents I have seen, I volunteer to get this message out. The Secretary is coming back up, people are traveling to DC. Honor and a privilege to be a part of this esteemed group of Alaskans. Thanks for all you're doing for Alaska. Thanks for making this happen.

Ron Somerville – As I have said before many times, I do not want this report to sit on people's desks. I wish we could think of some way to fund and prepare a plan as to how we can put pressure on people to implement these recommendations and the ones that came out of the summit. I just don't see that, other than people who have political connections, which many of us do, I do not see a concerted effort to push this report and I worry about that.

Charlie Lean – I think we share that concern.

Susan Smith – I want to thank you, Charlie, you've done a great job today with a difficult task. Want to thank everyone for accepting the edits I made. The first time I read the report, I thought it was more effective to organize things that happened before just changing topics. Thanks to ASLAG members, you are truly an esteemed group gathered to create a remarkable document. Thanks to Sara for her continued involvement and thrilled this is finally going out.

Charlie Lean – I was hesitant to mention there are eight of you, and you could have voted me out.

Senator Coghill – I think there are some ways we can highlight this in the legislature as we get into the next session; public hearings and a resolution to highlight it. I think we can get it noticed and I think it could also fall into the discussion of funding CACFA. We have photos of the overreach summit we could forward to incorporate, show that this is not just something thought lightly of, but a long history legally with ANCSA, ANILCA, Statehood Compact, and some incredible people.

Charlie Lean – Those are good ideas.

Hugh Fate – Thank Sara Taylor, tremendous job, wonderful rewrites. I believe this thing could go viral if it were on the Internet, this should be part of Alaskan's history lesson. Very proud of how today was conducted, really addressed my concerns. Look forward to seeing what happens, hopefully with Senator Coghill we can get funds for CACFA to continue.

Charlie Lean – You are definitely one of the blue ribbon members of our committee, thank you for your participation.

Stan Leaphart – Echo what everyone else has said, thank everyone for their hard work. Even spending all these years working on these issues, I learned a lot these last couple years working on this. Archives of CACFA going back to 1982 were boxed up, happy to announce they are now en route to the archives in Juneau. The work of the Commission and all the people over the years will be preserved in those archives. We were concerned they would disappear. Give Sara kudos for being persistent about that happening. Represents a lot of work by a lot of people. Thanks to everyone for your hard work, the opportunity to serve the Commission as staff and as a member of ASLAG. I am available to help finalize this thing, if I can, but I have a cabin that calls me often and I have to go check on it.

Charlie Lean – Want to say thanks to a lot of people. I never realized I could be the Chair. Thank you for your confidence. Without a whole bunch of people, this would not have happened. Sara, Stan, how would we have ever functioned without you? We're about to wrap up, I will stand by until 12:30 to see if anyone would like to speak.

Sara Taylor – I just want to say today we got through so much, so seamlessly, and got so much accomplished and I think that has a lot to do with a great job by Charlie.

Charlie Lean – I'll let you know tomorrow.

Bill Satterberg – What happens to our charter?

Sara Taylor – It expires in a few weeks and you'll all be discharged.

Teresa Hanson – Thank you Charlie, Stan, Sara, want to note the CACFA archives have also been digitized. They have to be perused by DNR to open to public. It would be nice if we could get that done and post on CACFA's site for the public.

Sara Taylor – Just to that point, the archives contain public information and need to be reviewed by the Department of Law to ensure we do not disclose things. The law has changed since the Commission has been in business, and people that submitted things in the 1980s and even the 1990s may not have been aware their information could be disclosed. To protect their right to privacy in that information, in what was my job to uphold the Alaska Constitution in that and all other respects, and for the laws we have now against disclosure, it was my call to have those records placed on hold pending a content review. My idea at the time was to work with Department of Law to have a summer intern do a document review. Not free to the State but interns work for no pay and they would get an awesome history lesson. I just hope this idea, or something like it, can work in the future. Though my new position complicates it somewhat, I and maybe others can even push for it notwithstanding defunding.

Hugh Fate – Does the archive include all those early management plans?

Sara Taylor – It does not, but those are almost all, if not all, online. There is a digitization partnership effort between Google and academia called the [Hathi Digital Trust](https://www.hathitrust.org/) that has been scanning and posting those old management plans, and many other federal documents. I have created multiple databases (“collections”) within that effort for Alaska-related items, I will include links in the meeting minutes.

- Follow-up: <https://www.hathitrust.org/>
- Searchable and readable documents; cannot be downloaded as a whole but pages can be
- “Collections” I created (7): Alaska History; Alaska Wilderness Reviews; ANILCA; BLM Alaska; NPS Alaska; USFS Alaska; National Petroleum Reserve Alaska

Hugh Fate – Good, because I have all those documents from the 1980s during my service to the Alaska Land Use Council, boxes and boxes, and I can burn them now.

Sara Taylor – Mr. Fate, you can have an epic bonfire.

Kathleen Liska – The website is missing things from the summit, historical documents and links.

Sara Taylor – Let me know what is missing. I am doing one last huge website update, have assurances from the State that someone will help me finish the ASLAG page and “lighthouse” the website.

Stan Leaphart – Let me look at my notes, too, as to what is not on here, will coordinate with Sara.

Kathleen Liska – I think some of it was what Mead brought to our attention. It was on the website at some point, scanned documents, like the Statehood Commission report(s).

Stan Leaphart – Sara and I will work on that and see what might be missing.

Kathleen Liska – Thank you.

12:26pm: Public Participation

No one on the phone

Gail Phillips – Move to adjourn.

No objections

Motion Passes

12:27pm: ADJOURN