

MEETING MINUTES
CITIZENS' ADVISORY COMMISSION ON FEDERAL AREAS
JANUARY 24 & 25, 2014
CAPITOL BUILDING
JUNEAU, ALASKA

FRIDAY, JANUARY 24, 2014
House Judiciary Room 120

9:00 a.m. - Representative Keller, Chairman - Call to order. It's January 24th, Juneau, and we're having one of our regular meetings down here. We're going to start with calling the roll.

9:03 a.m. Leaphart - Roll Call

Representative Keller, Chairman - The first thing we're going to do is approve the agenda, and if you would, if you haven't looked over it, look over it real quick there. As part of the agenda approval, we're going to need a motion to go into executive session at 3:00 p.m. today to get a briefing from the Department of Law on the various things. It'll be a closed session; it'll be just the commissioners and the staff. And so I'll need a motion right up front to do that so that it's on the record.

Any motion on the agenda or any changes that anyone proposes, and a motion on the closed session?

Leaphart – Chairman, I would like to change, if we can move agency reports up probably to 10:00 instead of 10:30. We had a last-minute addition from Tricia O'Connor, who is the deputy forest supervisor for the Tongass, who is going to be with us. So that wasn't planned at the time we wrote this agenda, but in order to put her on there, we need to move that up a little bit. I think we'll have time. And that will be helped by the fact that some of the stuff that I was going to deal with in my director's report now are going to be talked about by Mr. Steve Cohn, who is the deputy state director for BLM, and that will be this afternoon. So we'll move some of my stuff out of the Director's Report and give us some more time up front.

Representative Keller, Chairman - So we'll ask for a motion to accept the agenda as approved, and for the closed session. And as far as the Executive Director's Report portion of it, as is traditional with the CACFA, you usually get the short end of the stick and get shoved to wherever it'll fit.

Commissioner Arno - I make the motion to approve the agenda as amended.

(Unidentified - Second.)

Representative Keller, Chairman - All approve, say aye. All members - Aye. Opposed? Okay. Well, the agenda is approved.

Commissioner Arno - Make a motion to go into a closed session today at 3:00 p.m. Unidentified - Second.

Representative Keller, Chairman - Discussion. All approved, say aye. (All members - Aye.) Opposed? Okay. Next on the agenda is approval of the minutes. If you'll remember, we have two meetings to approve here. One is the June meeting and the other one is the October meeting. And I found it valuable to go back to the June meeting and have to reread it, so maybe we ought to do that all

the time.

Karrie Improte - The June minutes were only about 30 pages, so we copied them for you in your packet. The October minutes, however, were 209 pages. So they were loaded online. Hopefully, you had a chance to look at those online, and they will be in your meeting CD, which I will get to you shortly. So you'll have a copy of them, but on a CD.

Commissioner Arno - I make the motion to approve the minutes from the June and the October meeting, also.

Unidentified - Second.

Representative Keller, Chairman - Second. Is there any discussion?

Commissioner Lean – Mr. Chairman, I was absent at the June meeting and so when I vote, I'll be just voting in regard to the second meeting.

Representative Keller, Chairman - All in favor, say aye. (All members - Aye.) Opposed? Okay. With that, the meetings are approved. It probably isn't that significant that your vote on amendments for June, but I'm glad it's on the record. Anyway, I don't think we have further action that I want to take on that.

Opening comments by the commissioners; we're going to start with Senator Coghill. I just want to point out that what we're doing here is just kind of talking about what's on our mind, what we've been thinking about in relation to CACFA, in particular. It's okay to include personal stuff if you like, but the idea is no discussion. It's just kind of like information for all of us to know where our heads are at to get us started, and that's the intent.

If you would, identify yourself and what area you represent and that kind of stuff so it's all on the record. Thanks. John?

Senator Coghill - Thank you. Senator Coghill, North Pole, senator and majority leader in the senate. And one of the things that the majority in the senate has taken as a policy direction is to be able to comment on federal issues. So we've leaned heavily on some of the homework and some of the issues that the Citizens' Advisory Commission has brought forward.

So we've commented as an office on federal conservation units. We have communicated with our congressional delegation probably pretty steadily all year long. Chad Hutchison is going to be the one who will probably be able to give you details, if you have questions. I introduced the bill to extend the Commission, so you'll see that bill coming forward and if there are any comments on any modifications or anything like that, I'd be interested in some personal and public comments.

My apologies to the commission; I have a personal issue that I have to deal with, so that means I will be leaving the meeting here around 9:45 a.m. and cannot make it back. I'll be in Fairbanks for a funeral. So my apologies, but it's just one of those things where you don't get to pick the day and time. But both Rynniva Moss, my chief of staff, and Chad Hutchison, the legal staff for the majority, will be able to probably give you some updates on what we have done from the last meeting in CACFA to now, which has been pretty significant and how we've talked about federal issues and how some of the advice from this committee we've taken very seriously.

Also, we are glad to be a participant in the Federal Overreach Summit that was put together in Anchorage. We learned a great deal from that and have put some of that into our own action items, let alone what CACFA is going to do. So a pretty integral part of listening to you as a commission and being grateful to be a part of it. So thank you.

Representative Keller, Chairman - We try not to limit this time, except as the clock demands it, but I think it would be helpful if Rynnieva and/or Chad are ready. I don't mean to put them on the spot, but to go ahead and do that now. It's good for us to have these things in our head, you know, what each of us is doing.

Senator Coghill - Chad probably has a list of the things that we have done. I think we're building a report that we can give to the majority. That probably would be sufficient. If you want, Mr. Chairman, I'll have him come up and identify himself, and he can go through the list of things that we have taken as action items.

Chad Hutchison - For the record, my name is Chad Hutchison. I'm the Senate Majority counsel for Senator Coghill. We've been pretty active with regards to making sure the senate majority is heavily involved with all the comment periods for the Land Management Plans. I can give you a specific list, if members of the committee so choose, but we've also been actively participating with the Alaska Miners Association. We've been on the radio a few times talking about some of the action points that occurred from the Federal Overreach summits. We've done briefings to the senate majority that listed some of the action items that we did want to make a priority with this session.

One of them was insuring that the CACFA Sunset Bill is one of the top priorities for the majority. I've already asked a few of the members if they'd be willing to testify as the bill travels through the senate. I know Mr. Somerville and Mr. Olsen have been identified and so has Stan to support the bill. We have emphasized Pebble Mine as one of the action items that has taken priority. We've talked to the administration about potential legal action if the EPA does a unilateral -- if they de facto do a unilateral taking of the ability to mine on state land in that area.

The legal upon which we're considering is a violation of the Alaska Statehood Compact and it's a de facto taking; it's a compact, it's a contract, there are damages involved. It's entirely on state land, so it would be an unprecedented power move by the EPA if they decide to not even allow the mine to go through the permitting process to analyze the actual science. So that's something that we're giving close consideration to.

I know that other senate majority members have taken up some of the causes that we talked about in the Federal Overreach Summit and one of them was some of the folks affiliated with Red Dog Mine were especially concerned about the Draft MOU related to the state department and to the Russian government that's going to create a potential international park around or by Red Dog Mine. So that has given many of the majority cause for concern and it's an issue that we're heavily reviewing right now.

So if anybody has any questions or if anyone wants a list of the specific items that we've done over the course of the year, I'd be happy to present that to you, but I open myself for questions.

Representative Keller, Chairman - That Park that's being proposed, that's Beringia?

Chad Hutchison - Beringia, yes.

Senator Coghill - Just for what it's worth, we could probably make available to the Commission all the letters that we have drafted on the conservation unit questions. Many of them have been commented on already by the Citizens' Advisory Commission, but we wrote letters to congressional delegation secretaries that were signed by both leadership members of both houses, actually, and drafted by us. But we just didn't come prepared. I didn't think you'd want to see the whole list, but I'll make sure you get that before you adjourn.

Representative Keller, Chairman - Thank you. I'm pretty sure all of us would like to see those.

Chad Hutchison - Yeah, and we've tailored it after the Alaska Lands updates that they come out, so any

of the action items in those updates, we made sure that we followed those closely and made sure the majority and leadership of both houses sometimes were heavily involved.

Commissioner Liska - Kathleen Liska, Anchorage, Alaska. And I thank you for that; that is exactly what I was looking for. So just to follow up on what recommendations have been taken, if not directly by CACFA, influenced by CACFA and what is happening. So I'm looking forward to the next two days and where we go from here, and follow up to the Federal Overreach Summit and also just more discussion amongst us of where we go with recommendations and hearing where everybody is at based on what took place in October and the follow-up with -- well, August and then October. So, thank you.

Commissioner Smith - I'm Susan Smith. I'm from the Copper River Valley out near McCarthy, and I'm an inholder. My husband and I are inholders in Wrangell-St. Elias National Park, so I have some unique perspectives from that angle. And I am really excited to proceed today with the rest of our meeting. Stan, you have done an amazing job with our document that we are preparing so far. It's obvious how much work has gone into it and it's an impressive document. So I'm excited to go on from there and continue with our overreach issues. Thank you.

Commissioner Fish - Yes, Commissioner Mark Fish, Big Lake. One of the things that I'm going to follow with interest in this upcoming meeting is that Beringia, I guess it's called, agreement. I've got some particular questions on it, but I do think it shows a language that is contrary to the interest of Alaskans. And the fact that we are such a small population, resource-rich state, I think our cultural and traditional values get dismissed and ran over by larger, more powerful forces.

So I do think we need to -- I appreciate this commission is somewhat helping to develop an echo chamber to make our voices louder in the state and national arenas. And I do think that we've seen some of that effect in the past and I hope to play a role in adding to it in this session and upcoming sessions in the future.

Commissioner Arno - Yes, Rod Arno. I'm from the Mat-Su Valley and as the executive director of the Alaska Outdoor Council, the council has been a strong advocate for defending the Statehood Compact and we believe that the state has done an excellent job managing its resources and conservation, and making them available to the public. And CACFA, I think, is the right commission to go ahead and to further make that promise to the residents of the state that we will continue to make public resources available to the public. And I just appreciate the opportunity of being appointed to the commission to work on these issues.

Commissioner Olsen - Warren Olsen from the Southcentral area, Anchorage. Two things come to mind. One, I don't know whether the state has lost contact with the replacement for Jon Katz back in D.C., but I'd certainly like to know more of the person that's doing that job. I'd like to see that person back in the state once in a while to relate to us, what's occurring in that position.

I'd also like to see the commission be very aggressive in taking advantage of organizations that have rolled the wheel down the hill prior to us going there, but Stewards of the Range, among other groups, and the Western America have been stair-stepping to a position of authority in regards to federal landowners. They've got the procedures down, they've got the mechanisms down, and I really think we need to take full advantage of that talent.

Commissioner Meekin - Commissioner Mike Meekin from Palmer. And, yeah, this is exciting to be here and have the interaction and the communications. But I'm excited for me to hear from the Department of Law on some of these issues that we've been talking about, where we can go with them or how we could recommend, like the Dutch Harbor/Cold Bay issue, you know, kind of maybe how we could support, or recommendations to support that type of stuff. Yeah, exciting stuff and I enjoy it.

Commissioner Arno - Commissioner Charlie Lean from Nome. And it's an honor to serve. I, too, am pretty concerned about the Beringia Park or Reservation idea, International Park. I see a lot of parallels with how the Bering Land Bridge monument was set up, or Preserve was set up originally, and so I'm going to be following that very closely. The issue of state's rights versus federal overreach is a big deal. And I wanted to throw out one idea just for people to stew on. I'm somewhat surprised that DOT has less participation in our meetings and in the past DOT had a fund to stake trails, winter trails in Western Alaska, and I wondered if on the 14D easements it would be in the state's interest to be proactive and stake those easements. I think they're recognized by both the feds and the state. They're just not put out for public use and so this would be a way to move that issue along. Thank you.

Commissioner Somerville - Ron Somerville, Juneau. First, I'd like at least to say my initial comments, again, thanking Stan and Karrie for doing an excellent job keeping us in touch with the public and the agencies that we deal with. My only comments are I also feel really honored and humbled by the opportunity to work on something that has been part of my family for so long it's hard to remember when it all began. But it's statehood.

My dad, as I said before, was a strong supporter of statehood for the autonomy that the state would supposedly get. And I honestly feel that we're losing our statehood. I mean, that's kind of a hyperbole type statement and people kind of brush it off, but when you look at the list, which I've gone through every testimony we had at the summit and listed them, and it's a phenomenal list of abuses the state is encouraging. And my conclusion, just myself, is what we've been doing is not working. I mean, it's as simple as that.

We can continue to tread water, but we're getting nowhere. And I've worked for the legislature, helped draft past resolutions, and they're ignored by and large, even by our own delegation. I hate to say that. We don't get the attention that we deserve. I'm talking about not just CACFA, I'm talking about all the citizens of Alaska.

And I applaud, frankly, the legislature and many of the members of public, and certainly the members of this commission for the time they spend. Certainly, people in rural areas are just inundated with written stuff and committees, and they're just absolutely overburdened with the problems of trying to deal with bureaucracies, state and federal.

So I'm just saying all these things have not been working. You know, we're losing our Fish and Wildlife management, we're losing our entitlement for state lands; we've not been able to select the 104 million acres we initially thought we would be able to get. In many cases, we've selected for subsurface rights; we're not being allowed to access them either because they're inholdings and/or they're covered by the Endangered Species Act, Clean Water Act, Clean Air Act, whatever.

So in summary, I really feel honored to be able to participate in this process and I certainly challenge all of us to help push it forward. And I think we're on the cusp of either jumping off the cliff or doing something about scrambling back up the hill.

Commissioner Woods - Frank Woods from Dillingham. After last fall's and the spring meeting, we announced that we were going to have a fall summit and all the information that I absorbed into my think tank, I guess, is, number one, the leadership that's here, Scott, thank you and Representative Keller, Chairman for helping initiate that whole process. Because what I realized was statehood was before I was even born and the institutional knowledge that a lot of you have is going to disappear. Before statehood we had certain rights and it was a different time without the regulations that dictate us today.

It started with ANILCA, this group, and what it turned into for me is that, like you said, there's not enough people involved in this process to even keep track of all the things that need to go on. And I think that the problem with that is that we're such a big state and we have so many issues, and we've been -- Stan and Karrie have done a wonderful job at organizing and compartmentalizing each issue as they come in and attack it the way we do it.

I guess for me the work product is so huge. I think at some point we've got to sit down and not just celebrate our progress, but today at 3:00 I think we'll get an update, but that's the last answer. I believe litigation just causes more litigation. It causes more problems. It may get an answer eventually, but 20 years from now, that answer might not be what we want because once it's handed over to the court, there's a whole different level of legal ramifications and it goes into Superior Court and then it becomes the judge's progression. You know what I mean.

I'm going to stop there, but I guess what I'm saying is that we all have a real interest in what happens in Alaska and we're all Alaskans. And without the people that affect -- you know, most of the time we invite the feds here and they're on the defense and we're on the offense, or opposite, they're on the offense and we're on the defense, and, I'll tell you what, on the ground level, the higher we go, this fight becomes really highly politicized and not to be discrediting any of the representatives here, but on the ground level we all get along well. Our biologists that we have to deal with every day that says you can't go hunting in that area because 50 CFR says you can't, and then the state guys says, okay, you can go over there. People just want to survive, especially in rural Alaska.

And I think there's some organizational, maybe restructuring how we operate; is that we ought to have Stan be the commissioner or director -- he already is, but I mean, basically, there's a whole team of ANILCA department workers. It used to be Tina Cuddy, now it's Brad. And to have support that -- I mean, staff does a wonderful job, but you look at our booklets every meeting, you look at the information that pertains to everything that we have to do, that's up to one individual and our wonderful admin assistant, but they're doing executive level work that I can't imagine matching anywhere in the state. And who is keeping an eye on this? Who is holding the pulse? We are. But there's no accountability on the other. By the other end, I mean you guys report this back to your senate and house, but on the federal side, they've got no meat in the game; they have nothing. Stop and think about that.

The second issue is the Native lands. State lands are real important to the people of Alaska. Those lands are chosen for prime subsistence use and the uses of people that selected them. We don't even have them at the table when we talk, and that's going to be a hard sell to the next generation coming up. They're going to demand that you have a -- they're going to have boards just like this, demanding the state recognize that process. And it's going to only get worse. Like you said, if we don't fix it now, it's only going to get worse.

What I'd seen in August is that it's not working, like Ron said. How do we fix that? And I have no idea other than that we just keep charging. This has been interesting for me because I would never have thought in my lifetime I'd be sitting down reading federal law and enjoying the crap out of it. So, anyway, I'll shut up. Thanks. Good morning.

Representative Keller, Chairman - Thank you all for your comments. Teresa. Thank you. Your comments, please?

Commissioner Hanson - Hi, I'm Teresa Hanson of Fairbanks, Alaska, and I want to apologize for not being there again. Maybe pre-deployment leave, you know, they just do what they want, and you've signed your life away and that's my daughter. But I am going to be participating telephonically for the whole thing.

I wanted to just kind of comment on the heels of Commissioner Somerville and Commissioner Woods on the dire state that we're in. I have made progress in the education field, and that's where I see a fix as much of the future as possible. I've had some really interesting contacts and open reception, and so I don't know when the proper time would be to talk about some of this, but if we could schedule that into the work session, I would really appreciate that.

Representative Keller, Chairman - Thank you, Teresa. And thank you all for your comments. It's an honor serving with you on this commission.

Leaphart - I was asked to pass this CD around. This is the document CD for this meeting, so Karrie gave it to me.

Representative Keller, Chairman - Okay. Great. It's been an engaging year; you can tell by listening to the comments around the table. At some level, we've got a tiger by the tail, you know, and I think it's increasingly obvious, though, that we're just part of a visceral reaction, I guess, across the whole U.S. and not just Alaska. We aren't the center, but we are part of an interesting deal.

We've developed a very valuable tool in the summit. We have the information, we have a contact list. Some of this contact list is people that have been engaged for years that have all kinds of information. This tool is huge and it's a very positive thing, and I think we don't have a clue yet to the extent to which we'll be able to use that as time goes on. Like Beringia, for example, that the senate now has initiated, looking at the MOU. And, Mark, you mentioned it and, Charlie, you mentioned it, but it's awfully hard, if you think about it, the scope of the summit. Think about the things that aren't included in our discussion here.

So my point is that we have a tool; it's a powerful one, it's a big one, and it's one that's going to have continued use as we go along. I want to point out if you've had a little bit of frustration about this meeting in particular or maybe the last meeting, I did, frankly, trying to figure out what we're doing, don't feel bad. It's occurring to us, me anyway, and some of us have talked about this, that there's no way we're going to get closure on this meeting, partly because of the size of the tool we've got, partly because we're in a moving environment. We don't know what else is going to happen and what others are going to do, and we just need to continue to commit to being engaged and to press on.

I think the Department of Law briefing this afternoon will be significant in where we go. Another thing I think that is significant that we haven't had yet, really, is interaction with the federal agencies after the summit. They, through circumstances beyond their control, we haven't heard from any of them, really. And so that process is going to go on.

So I guess all I'm saying is, I think that we're part of a history that's unfolding here. Don't be frustrated if we don't come up with a neat little package that drives the nail at the last step. It's going to be a process. This directly affects what we're going to do today and tomorrow; that's part of my comments now. We, I think, have gone in the direction of thinking that we're providing an annual report to the legislature as the law requires and that we're going to include in it a list of recommendations that are going to be engraved for the legislature. And I guess I'm proposing in my comments here that we kind of separate the two; we look for really doing a good annual report as more traditional, we've done in the past, and then really focus our work session on how we're going to use the tool, how we're going to proceed here, what kind of things. Are we going to have extra meetings? What are we did to do.

So, anyway, I think I covered everything I wanted to cover. Just the work session tomorrow, you can be thinking about that. One thing I do want to point out, Senator Coghill, thank you and Chad and Rynnieva, for initiating the extension of the date for CACFA. We stole the way we work here when we work together; it isn't stealing. We have the same bill in the house. In the process of the meeting, I got a note from Charisse Millett, Representative Millett, and she says I want to be prime co on the extension for CACFA. And out of reaction, I grabbed it and I took the little yellow sheet because we had an at-ease and I went running around, I got 13 prime co's extensions on our side. So that speaks well because we've got the speaker on here, we've got the majority leader, we've got both resource Representative Keller, Chairman. But, anyway, that's a little bit of thanks to Charisse who is out for an indefinite amount of time for a medical problem. So we'll be thinking about her.

On a personal note, I'm going to take a little time and tell you what I've been working on. It's not directly related to CACFA, but it certainly is related to -- as part of that, if you heard about it, the Mt. Vernon Assembly which is a group of a hundred legislators in D.C. that came together and started working on an Article V process to make some changes to the U.S. Constitution. We have a very good U.S. Constitution. Those of you that know me, know that I am a prime advocate, but it has allowed us

to get to this point where the federal government can't overreach. It has been something that slipped, I believe, that is a statement that I can defend. I won't bother to now.

So the amendment process is pretty interesting. Article V is back there on the wall; in fact, I'll pass out a copy here for everybody. It's a process in the U.S. Constitution for the people to make changes to the Constitution, make amendments to the Constitution. And that is really significant. It is, like you said, Woody, about being interested in reading federal law. Well, reading the Constitution can be boring. There it is on the back, right, I mean, that's all of it. Hard reading, nobody ever does. But the amendment process is really a fascinating deal because before the U.S. Constitution, there were no written -- I shouldn't say "no." That's when it came into vogue to write down the Constitution like a contract and proceed. Well, if you think about it, giving the people the ability to amend is a very significant thing.

Article V of the Constitution provides two ways for amending. One of them has been tried about two thousand times in the U.S. Congress. Two-thirds of the congress can say we propose this amendment, and then it takes three-fourths votes to ratify. That's happened 27 times. We had 27 amendments, including the Bill of Rights. It's all part of the process.

There's another process that was introduced when the Constitution was adopted and it was based on the amendment that was offered up by George Mason, who, you read his comments, it's amazing. He was fearful of the day when congress would maybe overreach, overstep its bounds, and the people, the states, had to pull back together. So he said there's also a way where two-thirds of the states can get together and they can propose amendments and they can also go then for three-fourths of the states for amendment. Never happened. There's been thousands of attempts, literally thousands of attempts by states to call for an amendment convention and nothing has transpired. We have no amendments that have been brought forward on that basis.

But on that thing I just passed out to you, on the back side, you've got kind of a complicated looking diagram. On the left-hand side, and the only reason I'm bringing this up, I'm not going to go into detail, but if you're interested in this, those are some sources. There's a whole movement of organizations and people looking at how to move this amendment convention forward.

If you're interested, talk to me more. I have been involved in that. I have a bill coming in. We haven't really figured out what the senate version is going to be, but it's a balanced budget amendment and I'm also part of a process that is by the convention of the states. The first one there is making a call for an amendment convention. So that's on a personal note. That is above and beyond CACFA, but I wanted to throw it out there because I wanted you to see. For me, I see what we're doing here is incredibly significant in the State of Alaska. It has to do with our rights, our state's rights, and we're seeing it painfully up close, whatever, but there is something bigger hopefully happening here. Like I say it's a visceral reaction. With that, we're going to go right into the executive report.

REPORTS from the Executive Director -

Leaphart - Thank you, Mr. Chairman. I wanted to pass out a letter that I got the other day from Joel Hard. He's the acting regional director for the National Park Service. Joel is going to join us online at 10:30, but he wanted this statement to be handed out and included in the record. It's in response to some of the things that came up at the summit. He's had a chance to look at the video, read the transcript, and look at the draft summary that Tina Cuning prepared. And I know in his letter here, he addresses the issue of Beringia, the National Park Service Compendium, and things like that. So he'll be joining us by phone at about 10:30.

Since the October meeting and the fact that we didn't get to meet with the federal agencies, I've had a chance to sit down with Joel and Sue Masica before she left. She left at the beginning of this month, and will be looking for a new regional director for the park service. But I had a chance to meet with Sue Masica and Joel, I also met with Pat Pourchot, Bud Cribley is the state director for BLM, and on Wednesday morning I met with Ruth Monahan, who is the deputy regional forester, and briefly spoke with Beth Pendleton, who is a regional forester, and we have hopefully Tricia O'Connor up -- welcome.

Okay. Tricia O'Connor who is the deputy forest supervisor for the Tongass, and she's going to talk to us at 10:00 a little bit about some of those issues.

All the agencies were disappointed that they didn't get to participate in our October meeting. Hopefully, we will see some more responses like the one that the park service has prepared for us. I've asked them to provide those. Ruth and I talked about that the other day and if we do what the Chairman suggested and maybe separate our annual report for the recommendations, we might be able to roll some of their responses or comments into our report. So that's just a thought there. And to point out a couple things I dropped off my report because of a last-minute change in the agenda. We'll have the BLM deputy state director here this afternoon. He's going to talk a little bit about the Central Yukon Plan that's kicking off, along with the Bering Sea Western Interior Plan, and a number of other issues: the Legacy Wells, the NPR-A, and some other things like that, a new placer mining policy that they're working on. So those things I've moved out of my report into agency reports.

Moving back to communications, in addition to the letter from Joel Hard of the park service, just a copy of the letter that we sent to Secretary Jewell at our last meeting, asking her to direct the U.S. Fish and Wildlife Service to reopen the National Wildlife Refuges in Alaska. They were the only agency that actually closed the areas under their management. The decision was made fairly quickly, I think, and I think from our perspective not very wisely. I think other agencies looked at it as we don't -- if you look at the size and the scope of the Alaska Conservation System Units, there really was no feasible way to close those.

Representative Keller, Chairman - Just for the record, that's under the first tab, Communications, that Stan is referring to. The first letter there to Secretary Jewell, dated October 5th. Thanks.

Leaphart - And, as you know, once congress passed the continuing resolution and the doors were reopened, the federal agencies and -- we didn't receive any response to that letter, by the way. The next item we were talking about just a little bit ago, Chad mentioned it, the Beringian Heritage Program that has kind of been kicking around for the last 15 or 20 years that a lot of people are concerned about, I think Joel will address that in his presentation today, and he addresses it in his letter, the programs that they have as part of that. And he does point out that on the American side, if this thing becomes signed into, this Memorandum of Agreement, with the government of the Russian Federation then it would only include existing national park units on this side of the Bering Straits.

So, nevertheless, there has been longstanding and continuing concern about that whole program out there in that area. So this is a letter from the delegation, one from Senator Murkowski and Congressman Young to the Secretary of the Interior and the Secretary of State expressing their concerns about this Beringian Heritage Program and this possible Beringian Heritage International Park Bill that could be designated under this Memorandum of Understanding.

Representative Keller, Chairman - If I could ask a question on that, and maybe Chad has the answer, but that isn't signed, right? Or is it? I mean, do we know who signed that?

Chad Hutchison - It's still in draft form, was my understanding.

Representative Keller, Chairman - Yeah.

Chad Hutchison - This back-and-forth, but there's no state representation as far as we're concerned. That's one of the things that the majority made sure was emphasized, that there has to be some sort of involvement from the administration or some sort of state representative.

Representative Keller, Chairman - I really hate to do this, but for the record, if you would, come up. I'm sorry, Chad. I know that Karrie would want this on the record, too.

Chad Hutchison - Chad Hutchison, senate majority counsel. One of the key components that we made sure was included in our letter to the Secretary of State and to the Department of the Interior was that there needs to be some sort of state representation, whether it be from the governor's office or some other delegated state agent.

Up to this point, there's been very little to minimal -- there's been minimal participation from the state-affected agents, and so that's one of the demands from the letter was that more state involvement needs to occur. But my understanding is it still is in draft form. They're still negotiating that.

Representative Keller, Chairman - Thank you. Commissioner Somerville?

Commissioner Somerville - Yes, thank you, Chairman. Are we going to have a chance to discuss this thing? I hadn't really seen it until I got a hold of the packet online. Because there are some things in here I think that we need to point out or at least get more information on.

Representative Keller, Chairman - Yeah, Commissioner Somerville, unless somebody guides me different, I will direct that to whatever new business or in that section. But feel free to ask questions, any questions you have for clarification now and, yeah, we'll revisit it I'm sure, as CACFA as a group. Thanks.

Leaphart - The last item under communication, **Mr. Chairman**, is a letter that I sent earlier this month to Forrest Cole, the forest supervisor for the Tongass National Forest, and this is a follow-up to the briefing that we got last February from Hans von Rekowski on the Tongass Sustainable Cabin Program. We had commented earlier or late 2012, on a notice that Forest was considering removing nine cabins from the Public Use Cabin Program and converting three cabins to shelters, and we had some concerns about that.

One of the things that we asked the forest service to do is issue an environment assessment for public review, which they did, and these comments are in response to that. We also asked that because a number of the cabins were in the designated wilderness area that -- ANILCA requires a health and safety analysis to be done and the EA included that. One of the things we asked the forest service to do in our earlier comments was to try to find ways to salvage as many of these cabins as possible. I know one of them got smacked by a very large tree, so I doubt if it's salvageable. Two of them are cabins that we commented on three or four years ago on the South Baranof Wilderness. I think Commissioner Arno mentioned he thinks one of them might have -- they might have been ones that he helped build when they were doing survey work out there, and they were in pretty rough shape. But, nevertheless, our concern was that even though these cabins aren't really on the active rental inventory, they're not on the active maintenance inventory, they do get used sometimes by people for emergency shelter and that kind of stuff.

So anyway this letter just outlines some more of our concerns. I think we point out again that it's our position that some of the problems that the forest service has with maintenance of these cabins is because of what we see as overly restrictive wilderness management policy. I know Commissioner Somerville, being active with Territorial Sportsmen, involved with probably some of those maintenance activities, but that group is no longer active with that forest service and that program because of the inability to use chainsaws and other power tools to go out and do the volunteer work and maintenance on some of those cabins. I know traditionally they focus on mostly in Admiralty Island, and the EA does discuss that, the difficulty even of recruiting volunteers who require training and all that. So these are cabins that are minimally used. I mean, a lot of them have been off the rental inventory for a long time and I think we all understand that declining budgets mean less money for maintenance. But nevertheless we've continued to encourage the forest service to try to maintain and keep as many of those cabins as possible.

Any questions on that? Okay.

Commissioner Woods - I really appreciate all the efforts, especially yours and the park service is here now to listen. Are you going to have a chance to report on some of this stuff? Because what it comes down to is some of -- was it the Recreational and Renovation Committee that was formed, you said are no longer engaged in that process? That's kind of a sad -- you know, that's why we're here to help I guess, to help kind of bridge that gap between administrative problems and what we're faced with now. And that's why I said what I said earlier, is that the Tongass National Forest is a huge program and I believe just like Keller said that we're here to help and if the law isn't working, let's help rewrite that law or help the department or Tongass National Forest help them adjust to it. And if they can't, then it's time to go before congress, and that's a possibility at the end. But this is one of the things that I have a personal interest in because not only are they shelter cabins or what you call wilderness cabins, but sometimes it's survival, safety; education is also a part of that.

Leaphart - I'll be really brief. One of the problems with the gradual elimination of cabins in wilderness or near wilderness is it's a self-fulfilling prophecy: the fewer opportunities there are to visit and make use of the area during all seasons creates disinterest in the end and you have less value for the situation, for the site. So it's disturbing to me. I think it's a well-intended, misdirected rule.

Commissioner Arno - Mr. Chairman, I'd make a comment, just to remind the commission two years ago the forest service proposed to relocate the White Sulfur Springs cabin and I've forgotten which wilderness area that's in, but it's in a designated wilderness area. And along with that cabin, they were proposing to rebuild the bathhouses there at the hot springs. Well, that was the initial proposal. When the first decision came out, the decision was made to move the cabin, but to remove the bathhouse. Well, the commission along with a number of other people appealed that decision and there was a lot of work done in Sitka to gather information about use of that bathhouse for more than just recreational purposes, you know, for fishermen to tie up there and seek shelter in that bathhouse structure and the forest service reversed its decision and decided to rebuild that bathhouse.

They moved the cabin, they rebuilt the bathhouse, that made the whole area a little more user-friendly; people could use the cabin without being kind of having conflict with people who might just be there to use the bathhouse. And I think last time we shared pictures of that bathhouse and it's an impressive structure and I think, really, the forest service ought to be commended for that one. So hopefully they may have a little more flexibility in their wilderness management for some of these other areas, too.

Commissioner Liska - Yeah, this is interesting to me because I see all these campaigns to get America moving, get America outside and get our kids active because of the rise of obesity in our nation, and here is the closing down of incredible opportunities that I experienced growing up here in the state, getting outside and loving the outdoors and staying it.

And so this is just a juxtaposition of spending money in these areas over here to get America moving and yet closing down the very things that help children, young adults stay attached to the land and to the very things that keep them healthy. So there's money being spent over here and yet not over here for this very thing that they're putting money into.

Representative Keller, Chairman - Commission Woods pointed out something that has me thinking. You know, part of it is the funds, of course. We're in declining revenues, federal and state. I wonder if we've done a good enough job getting the word out to the recreational community. I'm just sitting here thinking that, let's say one of those cabins gets taken out and then I can just foresee a situation where somebody will come back and say, well, why didn't you give us a chance to fix it? You know, we would have fixed it.

And I'm wondering if something can be put together to show, you know, what's -- like get it to the various sportsmen's groups and that. I'll bet you everybody at this table has slept in a remote cabin

in Alaska. I would bet there's story after story. The one that comes to mind for me is a log cabin, you know, how the bottom logs rot, and the door gets this high because it just keeps settling in. But the roof was still on it, it was twenty-something below, and I couldn't go anywhere. I crawled in there with the dog and a poor sleeping bag and spent the night. You couldn't build a fire. There was a stove in there. You couldn't build a fire because all the honeycomb of ice would melt. You could get it up to 30 degrees, but you didn't want to get any higher than that.

But anyway the point is, I'm sure we all have stories like that and I'm wondering if -- I've stayed in a remote cabin at least three times that I can think of. I'm wondering if maybe CACFA could have a role in getting a list with user-friendly maps and user-friendly guidelines for what can be done. You know, I know there's restrictions and that kind of thing. Just an idea.

Commissioner Liska - Well, even Eagle Scouts could take it on as projects. I mean, there's all kinds of options.

Commissioner Woods - I see you've got an EA report in here. Do the feds have a map of all them, at least for Tongass? And then we could maybe approach each -- you know what I mean, Karrie? They could describe in EA. Under the EA, there ought to be a map and then digitalize it somehow and then we could put it on a web site so people will start knowing what areas are affected by this.

Representative Keller, Chairman - Commissioner Meekin has a comment, but Tricia if you'd come up and introduce yourself for the record, this is a perfect segue into you being here. And identify yourself and then what we'll do is ask Commissioner Meekin for what he had in mind.

Ms. Tricia O'Connor - Sure, I can do that. Tricia O'Connor, deputy forest supervisor for the Tongass National Forest out of Ketchikan. I'm happy to be here. I'm glad I could make it here to answer questions, and I know there's a couple of other topics you had, but maybe the cabin one would be great to start with.

And I would say that we do -- we started this cabin dilemma. And, first, I just want to share that as painful as you all think this is, trust me, internally in our agency, this is extraordinarily painful trying to weigh all of our recreation program, what we can afford, what we can't. And I'll tell you, a lot of forest service employees have put blood, sweat, and tears into these cabins.

Representative Keller, Chairman - Before you proceed, that's a great start, but Commissioner Meekin?

Commissioner Meekin - I was just going to comment on not specifically the Tongass cabins, but all over the state. It's a safety factor, like you've all commented, but a lot of it is heritage, it's our history. You know, some of these cabins were probably built by trappers that we'd just love to know about what they did and how they did it in 1904. And I think just doing away with some of these things might destroy that heritage. Even if they aren't all in that great of shape, they're just there because they were history.

Representative Keller, Chairman - Great. Any other comments; Commissioner Somerville.

Commissioner Somerville - Thank you. Teresa, I'm not trying to pick on the messenger. I was working for the state in Washington, D.C. when ANILCA passed, or was in the process of passing, and sat there and listened to the agencies testify particularly in front of Senator Stevens about this type of issue. In other words, we're looking at the size of the withdrawals, millions of acres in many cases, of which most, other than the Bob Marshall Wilderness area, the forest service nor many of the agencies had much experience in dealing with. Plus the agencies said on the record, we recognize the differences between the Lower 48 and Alaska; that these large areas have to be treated differently.

There are 13 amendments on wilderness, for instance, in ANILCA itself. There's big debate over things like the cabins and Senator Stevens kept emphasizing these cabins aren't there just so somebody from the Lower 48 can go out and rent them. They're there for emergency purposes. You have a three-million-acre area and you have a cabin on a lake and somebody is in a canoe and they overturn, having a place to go for a safety purpose is very important.

And the forest service promised on the record we will not treat these like the Bob Marshall Wilderness; we will maintain these areas even though it's not economically viable. And many of us tried to convince Senator Stevens to put on the record exactly each one of these exemptions or conditions that he wanted applied in these large areas. And the forest service, park services, refuges begged him not to do that; to give the authority to the regional director or whatever the case may be, to make exceptions that they wouldn't violate these basic agreement. I'm just telling you, by and large, they have done that.

The agencies have just ignored the compromises that were made in developing these large areas. In my opinion, they would have never passed had the senator been able to look forward and see what the agencies have done today to, in essence, have treated the promises that he got when this was passed. And the example used here is the Territorial Sportsmen, for almost 40 years, built, maintained cabins on the Tongass National Forest, particularly on Admiralty Island. We provided outboards, boats, and every year in the spring when nobody was using the monument - what's now the monument - we'd go out and maintain these cabins. We had volunteers to do that. In order to maintain these cabins, we had to use power tools. You can't expect somebody to use two-man bucking saws to cut as much wood as we were required to cut in order to maintain the facility.

I'm going through this elaborate explanation because what we see is a huge violation of the promises and the cabins are part of that. Now, many of the cabins that we maintained are being shut down by the forest service because nobody uses them or they haven't been maintained so nobody uses them. It kind of becomes a catch-22.

So I am one of those people that's disillusioned entirely by what we were promised and what's come out of the promise. So I apologize for the length of that, but I've said this at several meetings and it's one that really irks me.

Representative Keller, Chairman - Just two comments. One is we aren't into crucifying the messenger. We are grateful you're here and we didn't mean to hijack any presentation you had. But, you know, if you have any further comments on the cabin, that'd be great; otherwise, go ahead with whatever you had.

AGENCY REPORTS – Tricia O'Connor, Tongass National Forest Service

Ms. Tricia O'Connor - Well, the only other thing I'd mention -- and don't worry about that, I don't take any of this personally. So I just take it back to my boss, and will do that. What I was going to mention on the cabin, this cabin environmental assessment is that we are under a new planning rule and so now instead of having an appeal process, we have an objection process.

So the way this will all work is that the decision, which is still in draft, will go out for public review. So there will be a draft decision notice about the cabins. That will go out to everybody; you can comment on that. And then if you don't agree with it, you can object to it. And then there's a process that we'll follow after that.

So I just wanted everyone to know that. Right now we have a draft that's going through internal review, so expect that to be out here in the next probably month or two. So that's the status of that, and then we'll be looking at all the comments we got and incorporating those as we can.

Representative Keller, Chairman - Commissioner Woods, do you have a question?

Commissioner Woods - So they came out with a new process of objection? It used to be a process of appeal.

Ms. Tricia O'Connor - Used to have appeal, yeah.

Commissioner Woods - Is that fairly new for the park service?

Ms. Tricia O'Connor - This is brand new for the forest service and this will be one of our -- on the Tongass' first projects. This just came out last fall, so this will be one of our first projects where we've actually gone through this.

Commissioner Woods - It will be interesting to share that process and then be a part of it. Thanks.

Ms. Tricia O'Connor - Yes. So I did understand, and correct me if I'm wrong, that you did want some information about the Federal Advisory Committee? Okay. I can do an update on that.

Leaphart - That'd be good. That was part of my report, but since you're here, you can probably do it a lot better than I can.

Ms. Tricia O'Connor - Okay. I'll quickly talk about what we're planning and then if there are any questions, I can answer them. So we have been working towards -- I think everybody is aware of this, is that the Tongass is under guidance to help transition our timber industry from predominantly old growth to young growth. One of our dilemmas is that we always anticipated that transition, but we anticipated it to be a lot longer than it's going to be and that we're directed to do.

And so because of that, our current forest plan is not set up to deal with young growth. It really didn't talk about it that much. It doesn't talk about how you manage young growth. And so we need to do some sort of adjustment to our forest plan. So what we've proposed to do is pull together an advisory committee to help with setting that direction; hopefully, to help us come up with an alternative. And we're looking at a group of diverse stakeholders that will help do that and will help and form that guidance.

And so a week ago there was a Federal Register notice that starts the 45-day process to solicit membership for that committee. That committee will be 15 members. We're looking for membership from five different stakeholder interest groups, including the timber industry, the environmental community, Alaska Native and Tribe and corporation interests, state, local, federal government interests, and then any other industry representatives or the public at large.

So we're looking to get three members from each of those groups and we're in the process right now of soliciting membership. We're looking for people who have at least some interest in these issues on the national forests in Southeast Alaska, some interest and some knowledge. They're collaborative; they're people who have respect in their community and the broader interests. And right now we're just soliciting interest, and there's an application process. Because it's a federal advisory committee, it's selected by the Secretary of Agriculture. There's a whole process whereby people apply. There's a formal application process that's online that you send in, and then people get recommended and then it gets selected by the secretary.

So we're in that process soliciting good members. I would really appreciate if you know of anyone or can help us spread the word. We really are looking to try to get the word out about this.

Leaphart - Just for everybody's information, the last item under the Director's Report is a copy of the Federal Register notice and it explains the structure of the advisory committee and also just a news release from Ms. O'Connor from last October announcing the intent to modify the Tongass Management Plan and also mentions in there the formation of an advisory committee, as well as a copy of the

secretary's memorandum on sustainable forestry in Southeast Alaska. So you have that for reference. Thank you.

Representative Keller, Chairman - Any questions? Commissioner Somerville?

Commissioner Somerville - Yes, thank you. One question, will this advisory committee make its report and recommendations to the regional forester? What's their role in this process, I guess, and where does it stand?

Ms. Tricia O'Connor - Well, once we get the committee together, there is a charter that lays out exactly what they will do. And what we are hopeful that they will do is actually come up with a recommendation for -- at least the first thing out of the gate would be to help guide us in our forest plan process. So hopefully an alternative to that. That recommendation actually goes -- it technically goes to the secretary, but it would go through the forest supervisor and the regional forester. And then we would take that on. Probably as we go through our NEPA process for the forest plan, we would take that on as part of our alternative process.

So we would still be doing the public process that we normally do with a forest plan. This is just a way to -- our hope is that we actually have this diverse group of stakeholders that maybe can come up with a consensus alternative that would really be wonderful, and that's our hope.

Commissioner Arno - So I assume the membership of the committee would take into account the other significant timber owners in the region, so state and Native groups and how their management plans would interrelate or dovetail with the forest service?

Ms. Tricia O'Connor - Yeah, one of the objectives that we have -- granted, that this is focused definitely on a forest service action, but we all understand that, especially transitioning the young growth, it's all lands. We have to be looking at everybody, including the state and the corporations. So that definitely is part of it. Now, how that gets intertwined with this committee I think is still to be determined, but that definitely has to be part of it, yep.

Representative Keller, Chairman - Okay. Executive director, did you finish up with the letter that you were in communication.....

Leaphart - Oh, yes, I was through, and that was the last item I had on the program.

Representative Keller, Chairman - Okay. So if nobody has any further questions for Tricia, what we'll do is take a 10-minute break and then come back at 10:25. First, are there any questions? Any further questions?

Leaphart - I think we have some more to hear from.....

Representative Keller, Chairman - I thought she was done. I'm sorry. Please, continue.

Ms. Tricia O'Connor - Well, I was actually pretty much done. I can say a couple more things on the five-year review for the forest plan if that's of interest, but that was my only other topic.

Representative Keller, Chairman - Oh, please proceed. You take the time to be here, we're honored and grateful. Please give us everything you had for us.

Ms. Tricia O'Connor - And this is related to some of the committee work, but I think as everyone is

aware, we went through a process the past year in looking at our forest plan, the Tongass Land Management Plan, and did a five-year review to see what things are still working for the forest, what aren't, and what are some changes we need to make. Went out with a pretty large public review process, public comment process on that, and, as you can imagine, we got a lot of comments back ranging from the "forest plan is perfect, you don't need to change anything" to "the whole thing needs to be revised," and then everything between.

So with the help of a contractor last summer, synthesized all of those comments, boiled them down, and we're still working on sort of a product from that so that the public and everybody can see, okay, we gave you these comments, what's the disposition on all of those? We're still working on that and hopefully we'll have that out here in the near future. But I can say that I think from our perspective we feel like for the most part, the forest plan still allows us to do most of the work that we need to do on the forest. There are some places, however, that we know we have some issues that we need to adjust. The young growth was the one that stood out pretty clearly and that's why we're moving ahead on that, but we have some other issues. Hydropower is a good one where there continues to be not clarity about what we can do on the forest, and we want that clarity to be there. So that's one example; there's a couple other ones that we have yet to determine how we're going to move forward, but we are planning to do that. And whether that lines out with another amendment or revision, we'll be determining that as well.

But that was all I had. I just wanted to give a brief update on that.

Representative Keller, Chairman - Questions on that? Comments?

Commissioner Woods - Just a comment. I commend you for public outreach and all the comments that you do. That's why we're here, is that we kind of help synthesize all that information into something that people understand. And I'm sitting here listening and trying to follow along in your procedural aspect and put myself in your job and in that realm of federal bureaucracy, I guess. Because, like you said, you mentioned three different processes, you go NEPA, EA, and then you've got an objection instead of whatever it was before, and then there's a whole list of steps that you have to go through internally that has to meet all those, but that's a separate kind of reality. People aren't familiar with those processes enough to feel comfortable and that public outreach is real important and especially when you get to the testimony and the objection phase of this process, whatever you're in now, that's where I think you need to really focus in on being open and transparent because people get frustrated. Like the rebuilding group that went on to help you. I think without enough communication, I think you can lose all of those services and all the work that you're doing now would be kind of futile attempts in that arena. So, thanks.

Ms. Tricia O'Connor - Well, thank you.

Commissioner Smith - Hi. I guess when we first found out that the rules about the chainsaw use were changed, we had a lot of discussion about that at the time and it was a decision that was made by the forest supervisor at the time that actually changed the policy. And I'm just wondering if backing off on that policy is a consideration at this point in time to solve some of those issues, or if that's a hardcore decision that's going to hold the line through all this.

Ms. Tricia O'Connor - You know, I don't have a good answer for that, but I will say that that is something I will definitely take back to my boss and the regional forester. And the regional forester, Beth Pendleton, certainly is part of that dialogue. And I think it's worth -- especially after the comments I've heard today and at least seeing if that is in the cards or not, and coming back and reporting on that. So I will definitely do that.

Commissioner Smith - It seems like it would take away a lot of the issues that have developed since that time. So I was just curious if it was on the table. Thank you.

Commissioner Arno - Tricia, I know part of the new planning rule involves revision of the forest service directives and I know that those have been under revision. I've seen some of the revised preliminary revisions. Do you have any idea when those are going to be finalized? Tricia O'Connor - I don't know. Now, I know that they had their own federal advisory committee to work on those directives and they came up with a proposal that I know is still going through the process. I have not heard yet when they're going to be finalized.

Commissioner Arno - We're kicking off a revision for the Chugach and also an amendment for the Tongass and there are several other forests, too, and so it kind of seems timely if they could.....

Ms. Tricia O'Connor - This amendment we're working on would be actually under the previous planning. We can still amend our plan because it was done under the 1982 Planning Rule. It would be under those rules. So until we revise it, we don't have to move to those new directives in the new plan. So that will help us in some ways as long as we can do that.

Commissioner Arno - So you would use the existing directives then as part of that?

Ms. Tricia O'Connor - Yes. Yes.

Commissioner Arno - Okay. Thanks. That's all I had. Thank you.

Representative Keller, Chairman - Okay. Thank you so much. With that, we're going to take a break until 10:30, if that's okay. Still coming is we have an 11:30 public participation, but we also have Joel Hard. You may call him, right?

BREAK

Representative Keller, Chairman - Tricia, if you'd come back up to the mike, Commissioner Arno has a question or a comment and it's partly to put it on the record so that we all -- if you're bringing this back to your boss, we want to make sure we're clear as we can be and this is something that got left out. Go ahead.

Commissioner Arno - Tricia, thank you for being here. I'm a little slow about trying to catch up with all the process here because, as we've been involved with the revision plan. And then the question, you know, that we first had is because of the new forest revision plan that we're seeing going on in the Chugach right now being the first under the new ruling.

So when we commented back on the Tongass plan it was whether or not this was just going to be a five-year review or whether it was going to be a full-blown new process. And so do I understand from you that that still has not been decided yet?

Ms. Tricia O'Connor - Well, what we've decided is that we don't plan at this point in time to do a full-blown revision. At some point we will because every forest plan has to be revised, but we aren't prepared nor do we have funding to actually revise the Tongass Land Management Plan at this point. So what we're proposing would be likely an amendment or some other -- you know, probably an amendment to the current plan, which does not kick you into the new, the whole revision piece.

Commissioner Arno - Okay. Well, then, with that in mind, were you going back and using the 2008 forest plan and you're saying that that allows you to go ahead and come up with the stakeholder

committee to look specifically as I understand it as transitioning from old growth to young growth. So at what point, then, does the public get to put in, or the state, put in the comments about the economic impact of that transition? You know, the subsurface resource impacts, roadless rule? All of this transition from old to new growth, I think, in my mind would constitute looking at a complete revision, not a five-year update.

But you're using the 2008 to put the stakeholders' process together. So could you explain that to me a little better?

Ms. Tricia O'Connor - I'll try. Because we're going to try to keep focus on just transitioning to young growth, we feel that at this point in time, granted, we haven't gone through all the data and all the analysis yet, but we feel like we can keep it focused and amend the plan to allow us to begin this transition until we revise it. Because we do anticipate we'll have to do a full revision some time within the next five to ten years.

So it's not that we won't be doing a revision and dealing with all of that, but this is to help us in the interim to move forward in, say, the next five to ten years. And my time frames are still -- we're still working on that.

Commissioner Arno - Thanks. So my question, in my mind still out there, is that why wouldn't this constitute just a full revision and go for it right now? And what you've told me is, well, it may be a matter of finance. But there are so many of these other impacts that I would feel uncomfortable about having the forest service look at the recommendations of stakeholders as opposed to allowing the full public participation and a full-blown review.

Ms. Tricia O'Connor - This federal advisory committee will be moving forward, hopefully coming up with a proposal for us for an amendment. In the meantime we're still going to be working on our normal planning process that includes extensive public involvement in terms of the same issue. So we're not just going to be relying on this group to come up with comments and input; the public also has that route. And the public in some ways will have two routes this way. Anyone on that advisory committee, they can provide input, but they'll also have their normal way.

So we aren't going to limit it. I want to make that clear. This will be a public process. And it will be similar to the process we did in 2008 where we amended the plan and had all that public process.

Commissioner Arno - Thank you.

Representative Keller, Chairman - Thanks so much for coming back up. Before you go, Teresa, are you back on line?

Commissioner Hanson - Yes, I am.

Representative Keller, Chairman - Okay. Did you have any questions? Don't hesitate to jump in. Sometimes it's hard because if we're talking, you're blocked out. Just keep trying. We'll know what it is if you have something. Do you have a question or comment?

Commissioner Hanson - I do actually have a question. You mentioned something to the effect of looking at hydropower. Is there something in the plan that disallows hydropower?

Ms. Tricia O'Connor - Our current plan does not disallow hydropower and it actually allows for hydropower, but in several of our land use designations, it's been not the clearest of language as to what our process is and what kind of hydropower we will allow and what we won't. So we definitely know we need to clarify that.

Right now, though, the plan does allow for hydropower and we've been moving forward with projects, some of which are in roadless and we're still moving forward with those because it is allowed.

Commissioner Hanson - Okay. Thank you.

Representative Keller, Chairman - Thank you, Commissioner Hanson, and thank you, again, Trish for coming. We have Joel Hard, deputy regional director from National Park Service on line to talk to us. Joel, just for your information, the commissioners just got your six-page letter and so we haven't gone into it, read it in detail or anything like that. So please emphasize the parts you want to emphasize. Are you there? If you would, introduce yourself and go ahead with your comments.

Mr. Joel Hard, Deputy Regional Director, Alaska Region, National Park Service - Representative Keller, Chairman and commissioners, thank you so much for the opportunity to testify. My name is Joel Hard. I'm the acting regional director for the National Park Service here in Alaska.

I presented that letter and am here today to speak about the Federal Overreach Summit. The earlier shut-down in October prevented earlier testimony from the National Park Service. Since then, regional director, Sue Masica has been reassigned to the Inner Mountain Region in Denver, and her position is now vacant. Her replacement hasn't been named, though I suspect a new regional director will be selected and in place by May. Since you have the prepared written statement, I won't read it, but I will highlight some of the points and take questions at the end if you like.

Let me just begin by saying the National Park Service has a long history in Alaska. Sitka National Historical Park was established in 1910 and in 1917, '18, and '25, Mt. McKinley, Katmai, and Glacier Bay were all added to the national park system. In 1980, as we all know, ANILCA created 10 new areas and expanded existing areas significantly, but since then the federal/state relationship has shared many goals and our understanding has progressed under, I think, mostly positive, cooperative atmosphere; though, we sometimes have objectives that misalign.

Having watched that, I remain optimistic and believe this relationship can continue to work well in spite of those complexities. The key is being respectful of one another's mandates. Personally, I've been around for a little while in both state and federal positions. In the early 1980s I was deployed to Eagle as a young trooper to maintain a visible law enforcement presence because of the threatening sentiment of locals towards new park employees initiating their work at Yukon-Charlie Rivers National Preserve. Later when I worked and supervised the eastern region of E Detachment from Tok, I frequently traveled to Slana where locals similarly opposed officials of Wrangell-St. Elias National Park and Preserve.

Those assignments really did influence my appreciation for how difficult and intimidating federal bureaucracy can be for independent rural people. Clearly, ANILCA was not a perfect piece of legislation. It was the result of considerable compromises. The bill assured all people would have opportunities for connection to and enjoyment of undisturbed natural landscapes. But unlike the parks of the Lower 48, people, their cultures, commercial activities were all recognized as integral to these landscapes. Rural subsistence lifestyles and access to private lands were guaranteed. Snowmachines, motor boats, and aircraft were all allowed even in designated wilderness. Sport hunting was allowed in preserves honoring Alaska's long and rich hunting heritage.

These compromises were considered by many in the environmental community to be too accommodating. I completely disagree. They did make managing resources more sensitive and much more challenging. Over the years, from my observation, people have developed entrenched positions sometimes based on preconceived notions, different interpretations of ambiguous language, inadequate understanding of laws, but mostly perhaps on the manner in which they've been treated by federal officials.

After many years in law enforcement in Alaska, I've come to understand that how government goes about its work, the attitudes and demeanors of its professionals are often the key to achieving and

even losing public understanding and acceptance. We've seen a little of that. Professional conflicts and disagreements from ANILCA, though, have occurred from the beginning and I think must still be expected. But I do hope the overreach summit refocuses how we navigate those disagreements.

Sometimes, and this isn't a good or bad thing, state management is premised on a different legal and policy framework than those that direct the National Park Service. We have to understand when that happens and undertake efforts to mitigate it in a thoughtful, professional manner. I want to specifically, though, address two primary concerns I heard during the summit and they're captured in a statement that I prepared for you. One is law enforcement and the other is wildlife restrictions by compendia.

Improving our approach to these very issues are the reasons I moved to the regional office. I know from my own many mistakes that learning and refining a successful approach to rural law enforcement takes time. To be fully successful, the ranger must develop his or her skills, knowledge, and discretion - most importantly discretion, I think - through years of experiences. There will be mistakes along the way as there are in all such law enforcement agencies, but it's important to remember they are isolated problems and, given the opportunity, we will address them. Without the broad support of the public, we can't be successful in this organization.

The leadership I know and represent want to know when we fail, when we make mistakes, and when what we do undermines the fundamental mission and goals of the organization. We expect constant improvement and respectful professional performance. I continue to communicate those expectations to the field and particularly now as I sit in this acting role.

With respect to wildlife, the few hunting restrictions we have imposed were accomplished following the closure provision provided in ANILCA Section 13.13. The confusing reference to compendia is only important in that the compendia is the document in which a park finally notifies the public of specific park restrictions. It's really not a process itself and it certainly doesn't allow the National Park Service to circumvent closure processes established in ANILCA and federal regulations. We'll endeavor to make that more clear in the future.

I want to be clear, too, that through the acceptance and incorporation of the vast majority of hunting and trapping regulations on park lands, the National Park Service reaffirms the basic and primary role of the Alaska Department of Fish and Game in fish and wildlife management. We don't question Alaska's existing authority to establish annual harvest regulations for fish and wildlife on federal lands and we recognize our actions have contributed to strained relationships. But I do think in our long history together ADF&G, the Board of Game Management, and we have enjoyed a largely productive and cooperative approach to managing wildlife on park lands. There have only been a few conflicts. We generally respect our differences and hope to restore mutually beneficial relationships and the favorable efforts we can build from them. There is a lot we have in common and a lot we can work on together.

Certainly, there's been some controversy in these restrictions; they amount to overreach. While we restricted the use of light to take black bear cubs and sows with cubs, we preserved the state's three and five black bear bag limit year-round. We also engaged the local communities to understand if a limited subsistence opportunity should be presented to the federal subsistence board for consideration. We also preserve the state's ten-wolf-per-day bag limit and unlimited coyote bag limit for nine months of the year. Baiting of brown bears in units of the National Park system we simply can't reconcile with human food habituation and safety concerns, and the very, very long-term messaging against these things that we've undertaken. Even the state has cautioned against this practice historically.

For many decades, though, Alaska laws and federal objectives were largely in agreement. Few conflicts resulted and subsistence and general hunting have been vigorously supported by the National Park Service. We mean not to interfere with the state, but we're obliged by other laws and policies on park lands. As a policeman, I understand that. As a National Park Service employee, and particularly a manager, I've tried to make certain that our actions are as narrow as we believe are necessary to maintain compliance with federal laws and policies and, by no means, are our actions intended to supplant broad

state authority. We have reluctantly imposed modest restrictions to state allowance, consistent with ANILCA and other laws.

Let me close by saying I'm convinced Alaska will continue to stand apart by the lands and balanced opportunities created and assured by ANILCA. The crafters of ANILCA, I think, understood that. They assured all interests, Alaska and the nations, were represented in the legislation. They knew that cooperation would build over time. We've had some recent difficulty, but from my observations over the last 30 years at the field level, I think cooperation has built over time. But, certainly, there is more work to do and we're committed to that kind of work.

Representative Keller, Chairman, that concludes my remarks and I'll let my statement support the record as well. Thank you. Thank you, Joel. We have several questions. Commissioner Smith?

Commissioner Smith - In listening to your comments, I think the one thing that stands out in my mind is everyone puts a lot of time and thought into this process, but when the park service, for example, in Nabesna, creates an ROD by formulating a brand new alternative and no public comment, then the public loses faith and respect when you don't follow your own process. For example, in Nabesna, the original lawsuit was for recreational use only, but the park decided to bring in subsistence and inholder use and they were both affected by the Record of Decision. I think when you have changes to the game retrieval for subsistence use, when there are certain restrictions to inholder access, those were things that were brought into the mix unnecessarily. I mean, I can see why, if you're putting up a plan for the trails, you have to consider those alternatives, but we were assured at the time that they wouldn't be affected by it, but they are. When a trail reroute is thrown in there as saying, well, since it has no traditional use, then your recreational use stops at that point because you can't go further, because that section of the reroute has no traditional use. So, basically, the trail ends.

We only have three trails available, open, in the Nabesna area right now until improvements are made. How long is it going to take to get the money to make those improvements? So, basically, by not having the money to make the improvements, the trails are closed. These are some of the things that really kind of made it a "not in good faith" process in my mind. I'm just sharing that with you because when things like that happen, then it's really hard to work with the public and gain their respect and support.

Mr. Joel Hard - Thank you, Commissioner Smith. I won't respond except to say that, you know, the way we communicate with the public has to be open and sincere and sometimes that's difficult, but it shouldn't be. Obviously, Wrangells and the trail Records of Decision is a difficult and long process that involves many, many different interests, and I'm not prepared to speak exactly to the Record of Decision and how they came to their conclusions based on an alternative created by a combination of varying alternatives. But in order for the public to understand what we do, we need to communicate in a way that they understand and can understand our rationale, and there's always room for improvement in that. Not only in this instance, but probably in many others.

Commissioner Somerville - Thank you, Mr. Chairman. Yes, Joel, I guess one comment. I do agree with you, having worked in the state system for 24 years. There have been some positive relations, as I've mentioned to Teresa, from the forest service. In many cases, we've had a better working relationship on wilderness areas and some areas with the park service than we've had with the forest service. But I look at things like Kantishna. Do you really think that the people who crafted ANILCA anticipated what has occurred at Kantishna was the intent of those people? I just can't believe that. I mean, the access to the mineral rights that supposedly existed when ANILCA passed was to be essentially eliminated via the park service's process of dealing with those people, access and/or rights of exploration, et cetera.

I'm just saying I'm well familiar with what's happened at Kantishna. I don't really look on it as

being very positive.

Representative Keller, Chairman - Did you want to respond, Joel?

Mr. Joel Hard - Well, I can try a little bit, just not perhaps in specifics, but maybe in my approach. You know, ANILCA is the law and it's not always as clear as it could have been. And it's not the only law when it's not clear and controlling that we're obliged to look at. And so there's always a balance in the National Park System when those things aren't as clear as they could be. I frequently find myself going back to congressional records, both at the house and senate levels, to understand what Congress intended to the best of my ability and I think that's a continual learning process, particularly when you have new people that come to the National Park Service that don't have a long history of ANILCA and understanding of that important legislation.

So the extent to which we can inform our actions based on ANILCA, the other laws, and Congress' intent specifically with respect to ANILCA, we need to try to do that. With respect to Kantishna and the difficulties of that, I'm only aware of one circumstance right now where there is a difficulty with somebody exercising access and contemplating their mineral rights, but they're not a clear Kantishna inholder and it's a little bit more difficult because of some state decisions on traditional access or at least communications on traditional access that have made that one circumstance a little bit more complex. I'm just coming up to speed on it in this seat because I don't typically deal with or have dealt with Denali in my role at Lake Clark.

Commissioner Arno - Thank you. Hello, Joel. It's nice to see someone that's been around a while in a leadership position. When I and my friends read the compendium ruling in the Wrangell-St. Elias Preserve about backing away from three shelter cabins, we were unclear of what that meant. And just to be on the record, I know people who have worked to maintain those cabins on the side without park service support. They've replaced windows, they've replaced firewood, they've even patched the roof. And they depend on cabins that are very remote and therefore expensive to maintain, but those cabins, to put it in a vernacular, are in a blow-hole and are their survival ace-in-the-hole when they're out and get caught in a fall storm or a winter blizzard.

And I guess I would encourage the park service to consider not impeding the use of shelter cabins that are in such remote sites. It's part of the Alaskan heritage and, obviously, there is public support; they spent their own money to fix those cabins. Thanks.

Mr. Joel Hard - Thank you, Commissioner Arno . I want to be clear that as a safety shelter, those cabins are available and they would not be unavailable for those sorts of things. When you've established a reservation system for public use cabins, you have to manage that, and I do think there are other ways to manage them, not solely on the requirement of Federal Park dollars, that agreement could be established between friends groups or user groups and those sorts of things to help to assure the condition of those.

There isn't a wealth of them in the national park system here in Alaska. When I was at Lake Clark, we recognized that we had a resource available in terms of older cabins and we undertook a GMP amendment to begin the public process to establish whether or not they would be authorized for public use. And that GMP has just been presented for public comment. So it is something that I recognize and others in the National Park Service recognize as being important. And there are many different ways to approach the management of them.

The fact that they're closed or proposed for closure, and Wrangell-St. Elias is a reflection of their condition at this point and the need for certain response mitigations from the park, and then funding problems as a result of sequestration and many other influences, but I know the park is committed to those public use cabins and they're certainly committed to the safety aspect of those and the importance of them to the public.

Representative Keller, Chairman - Follow-up, Commissioner Arno?

Commissioner Arno - Yes. Well, speaking from experience, I don't believe that that's been a standard process through all the units and I know of a number of cabins in the Bering Land Bridge that have deteriorated to the point of uselessness, and I find it frustrating. It's something we need to strive for. Thank you.

Representative Keller, Chairman - Commissioner Olsen?

Commissioner Olsen - Yes. Joel, thank you very much for participating with us today. A couple of clarifications: ANILCA identified by Judge Holland in federal district court remains a scheme. All legislation is a scheme until proven by time or court. And the reason I say that is that ANILCA, since November of 1980, has continually been under attack or in the court in constant court situations.

Last July approximately there was a board or a commission or people that came together maybe in Colorado to make some determinations on how the park service would handle sustained yield maximum benefit in regards to fish, water, and wildlife on park property, and the report that came out was rather drastic. Under the conditions that the report was submitted, there's no possible way that Alaskans can expect a reasonable ability to harvest food for their table.

We hire biologists to bring up the lows and take down the highs sometimes in those cycles. The park service, evidently, doesn't believe in that philosophy. It's very clear from that report that came out that the park service is not going to cooperate with the Board of Game. They're not going to cooperate with the State of Alaska department and sustain game, wildlife. And I'm just wondering what your comment was on that specific report or if additional information has come from that circumstance.

Mr. Joel Hard - Thank you, Commissioner Olsen. I think the report that you're talking about is a review of the 1960s vintage Leopold Report in the framework of looking at how jurisdictions and climate change have affected wildlife and refines the policies of the National Park Service, perhaps in how we're to manage under a changing nation. It's a report.

As I said earlier, I get my guidance from the law, congressional intent, the policies of the organization. And I know there's a lot of concern that people don't believe that the National Park Service supports the Board of Game or supports hunting and, from my perspective, nothing could be further from the truth. What we try to do, what I try to do, is balance the expectations of the law and policy to the extent that I can do that.

The National Park Service didn't create necessarily the policy that we wouldn't disrupt natural conditions. Let me just briefly read a paragraph from the congressional record in the house committee that contemplated ANILCA on November 12th. It says Congress intends that the secretary shall manage national park system units in Alaska to assure the optimum functioning of entire ecological systems in undisturbed natural habitat. The standard to be met in regulating the taking of fish and wildlife is that the preeminent natural values of the national park system shall be protected in perpetuity and shall not be jeopardized by human uses.

That's what Congress said. And they say that in the senate record as well, and it's said in other parts of ANILCA. What we simply try to do is balance those expectations with what the board has decided to do in terms of elevating prey species for higher human harvest at the expense of maintaining predator populations at a lower but sustainable level. We believe strongly that the national park system was established to create vestiges from those very manipulative pressures. And I know it's controversial, and I know it's concerning for people, but it's not a policy that we cooked up. It's professionals in the federal service looking at what Congress wrote and doing their best to balance sometimes very conflicting languages, and it's not always very easy. Nobody wants to take food off the plates or off the tables of Alaska residents. Having devoted more than 30 years to public service in

Alaska, I don't want to do that. I've been a rural subsistence user in the past; I understand the importance of that and the people that work for me understand the importance of it. But we're obliged to follow the law, too, and trying to do that in a way that everybody understands and supports is a challenge sometimes.

Commissioner Olsen - Superior law is the Alaska Constitution. It lays down a mandate for the trustees and legislators to follow, and the Board of Game, of course, an extension of that responsibility. But the policies of the park service are such that people will eventually give up trying to seek those resources from the preserve areas and, of course, they'll gang up on state properties. And, of course, that causes problems for all of us.

So the effort to put the park service in the eyes as a good neighbor, I have a very difficult time following that. I see no mention in the report of any thought about the Constitution of Alaska that lays down the mandate and the police powers belong to the state as in all other 49 states. Alaska is the exception, and that came right out of Congress. And I agree with you; it did come out of Congress. But the law still remains a scheme and probably will be challenged forever. Thank you very much.

Commissioner Woods - Joel, thank you for your testimony or letter to us today. I started out with something positive. I read and listened to your report that the Department of Interior kind of backed off on OPM's stance, the local hire issue. Can you update us on that?

And then the second question I have is, under ANILCA and the Federal Overreach Summit that we had in August, it pointed out what you just got done expressing, is that under the rule of thumb federal law overrides state law and then the state law says they override their sovereign rights to manage your own resource. The hard part is that we've lost the communication gap and that lands committee that was mentioned in that summit, one of the answers later on in this meeting or the next day or two, and that will come up again, but that communication barrier is gone.

My point is that I really appreciate your efforts here and your perspective. How do you communicate that on a hierarchy of bureaucracy that kind of undermines the public input and our process? And you understand that perfectly in your testimony. I think that you're in a perfect position to help and I appreciate your testimony. And maybe if you could answer my first question, then the second question will answer itself throughout the meeting. Thanks.

Mr. Joel Hard - Commissioner Woods, thank you through the Chairman. The OPM had constrained the department bureaus from using the local hire provision in ANILCA a couple of years ago. And not that they had a problem with the law, but I think they believed that the department hadn't adequately created an implementation of that ruling, even though we'd been doing it for some 25 or 30 years. It probably affected other bureaus differently, but in the national park system when they took that approval away, I was sitting in Port Alsworth trying to do a hiring and it was tremendously difficult; difficult to communicate with local people. And so through Senator Murkowski's office and Senator Begich's office, we worked hard to revitalize that ruling, get around and become compliant with OPM in a way that was rationale, but it was really through the help of the congressional delegation that the legal and legislative mandate was revitalized. And since that time, we've re-implemented the local hiring process here in Alaska. Last year I think we hired 130 people off the local hire search.

It's absolutely critical for us in terms of staffing for the summer season, but more than that, it's been critical in hiring key professional positions in the park system. We have a superintendent at Bering Land Bridge, we've got anthropologists and archaeologists, rangers, permanent employees populating most of the national parks here in Alaska with good qualified extraordinary Alaska residents and citizens that help us as we communicate with local people.

I was aggravated to see that OPM required that process be revisited, but I'm glad that we have and it looks like it's strong and healthy now and should be an integral part of what every park does each year in terms of its hiring.

Commissioner Arno - Joel, this is Commissioner Arno. I long for the days when you were just a brown shirt and I was just a guide on the Alaska Peninsula, but here we are now.

My question is, as the National Park Service is one of the players in the Federal Long-Range Transportation Plan, we haven't seen too much movement on that nor have I been able to get any updates on where funding that was made available I think as early as 2011 has been spent on that. But a clear example of concern to us in the Wrangell - St. Elias, in the preserve there is, in particular, the Copper Lake and Tanada Lake Trails. Those were access to sheep hunting not only for subsistence users, but for all Alaskans up to Goat Creek as you're well aware of and Jacksina Creek. But where we're seeing the stop is that, well, okay, you know, these trails are here, yes. They have a history of use. No, we don't have the funds to raise those trails to a sustainable level that federal land managers have decided that this is the minimum standard. Now, I realize those trails do go through wetlands, so that's something that where we accessed those in the past and concerns with the environment and then, of course, the lawsuit that got us into having to do anything about those trails.

Could you provide to the commission an update on the Federal Long-Range Transportation Plan as far as what the park service in Alaska has utilized any of that funding for, or prioritized any projects?

Mr. Joel Hard - Commissioner Arno, I'm not prepared to do that specific to that fund source, but I can go back and research it and present a written report for you or I could have somebody at your next session talk about it with some specificity. From my very peripheral understanding of that program, most of those funds generally are occupied by the parks that have transportation infrastructure, things like the Denali Park Road or the Road to Exit Glacier in Kenai Fjords and those sorts of things. But with respect to trails in Wrangell-St. Elias and what proposals have been presented for funding in that fund source would take me a little research to do that for you.

Commissioner Arno - If you would, communicate with our executive director, Stan, as you have information for us and he will propose a plan to get it to us.

Mr. Joel Hard - Very good, sir.

Representative Keller, Chairman - Thanks, Joel. Joel, I really appreciate your experience, your history as an Alaskan, and I'm glad you're here today to talk to us. Very grateful. You commented several times about the lack of clarity in ANILCA and that you saw your role a little bit to balance the interests and the expectations of the various parties. In that context, I would just first of all point out that ANILCA is extremely clear compared to some of the more recent acts that have gotten passed before they were read, obviously, to learn what was in them. And, of course, it's got quite a history and everything.

The only reason I bring that up is that as an Alaskan, as one of us, I invite you - in fact, I'm asking you, will you let the CACFA know when you see an area of tension? Because sometimes the answer is not purely a matter of enforcement; sometimes, you know, sunshine solves a lot of problems and may prevent litigation. So when you see tensions between the U.S. park service management in situations and Alaska management, if you would bring that to us, please.

Mr. Joel Hard - I most certainly will and I'll make an observation for you here today, that it might help people if they see actions of the national park system -- or park service in the future and that's relative to this wildlife and hunting restriction issue.

Just this month we presented to the Board of Game an agenda change request asking them to perhaps reconsider the actions on preserves that we had temporarily closed, hoping that they might use the discretion in their state law to insulate the preserves from those so that restrictions would be unnecessary. In the past, the park service has been criticized for using the temporary restriction process to address those, with sort of an admonishment that that should be a rule-making effort.

I can tell you as an Alaskan and as a National Park Service manager and employee, by using the temporary restriction; it preserves the ability of the state to use their process to address these. If we don't use the temporary process and go right to a rule-making, then that ability doesn't exist any longer or at least there's a federal rule that is controlling. And what I have tried to do is preserve the integrity of the state process to the extent that we possibly can and when the Board of Game looked at that agenda change request just this month and decided against it, it suggests now that we will have to follow again with the temporary restrictions and there will be another, I think, round of statements that we should go to rule-making, and we'll have to consider that, too. But I just want to put that out on the table, that while these temporary restrictions to some people can look abusive, the intent is not to be abusive; it's intended to preserve the ability of the state to use their own lawful discretion provided by the legislature to resolve these based on land management concerns. So just an observation, sir.

Representative Keller, Chairman - A very helpful one, if I could follow up and say, keep reminding us of that. I need to be reminded. Commissioner Somerville has a comment.

Commissioner Somerville - Thank you, Mr. Chairman. Yes, Joel, I served on the Board of Game for five years and I appreciate some of the points you're making from the perspective of the National Park Service, but I would really like to point out that the sections that you referenced in ANILCA legislative history provided by I think Senators Jackson and Udall were from their perspectives. There are also other sections in the hearing records that give a slightly different perspective as to what was expected from ANILCA. And also built into the law, as you keep saying, is the controlling factor: one of the primary purposes of providing for the preserve was to maintain the subsistence activities. But the board in many cases, trying to work with the park service, got very little or no consideration for mechanisms to help preserve some of those subsistence activities, whether it's predator management or other types of access provisions.

So I'm saying it's not as simple I don't think as what you've kind of portrayed. And I understand you have policies, but it seems to me that the law is the overriding consideration. Some of the policies that have been developed by the park service are in violation of that. We need to have a long dialogue on this issue and I'd be more than willing to debate some of it with you some time, but I think we can do that in a friendly manner. Thank you.

Representative Keller, Chairman - Teresa, did you have a question before we finish up this section?

Commissioner Hanson - No, I don't.

Representative Keller, Chairman - Okay. Anything else from the commission? Well, thank you, Joel. We look forward to a long communicating, open relationship with you. Thanks for coming and talking to us.

Mr. Joel Hard - Thank you, Mr. Chairman, and thank you, commissioners. Have a good day.

Leaphart - Thank you, Joel.

Representative Keller, Chairman - We are rapidly approaching the public participation time. I haven't seen any lists, but I would assume there's somebody in the room. Karrie, do we have any.....

Karrie Improte - No, sir.

Representative Keller, Chairman - Nothing?

Karrie Improte - There's nobody on line and nobody in the room.

Representative Keller, Chairman - Okay. Scott, are you ready to talk to us? Because this is a spot in the agenda that fits and, if you are.....

Commissioner Somerville - Just a quick question of Stan. You said in here in your report there was a copy of the Register which referred to the advisory committee for the forest service. I couldn't find it.

Leaphart - Oh. If you look at the back two items behind the executive director's tab, there's a January 13th Federal Register Notice on the advisory committee.

Representative Keller, Chairman - Just before the agency report. The next to the last two, three pages there.

Commissioner Somerville - Federal Register, Volume 78 begins with.....

Leaphart - January 13th, 2014 is the notice and then followed by that is a print-out from the forest service announcing their intent to modify. You got it? Okay.

Commissioner Liska - Also, I didn't see in the binder, and maybe because I overlooked it, the legislation, the senate bill, and the house version of the extension. Rynnieva just gave me a copy of the senate. I'd love to see.....

Representative Keller, Chairman - It's in my binder.

Commissioner Liska - Is it in yours?

Representative Keller, Chairman - Yes, and I have a copy of the house version, if you want it. It's the same, except it shows the sponsors. I'll give it to you here in just a bit.

Commissioner Liska - Okay. Thank you.

Representative Keller, Chairman - Okay. With that, Scott, if you would introduce yourself for the record, and we look forward to continued dialogue with you. Thanks.

AGENCY REPORTS – Mr. Scott Ogan

Mr. Scott Ogan - Thank you, Mr. Chairman, members of the Commission. It's indeed an honor to be back testifying before you folks. You see me often, and I appreciate your interest in our efforts at DNR and in my unit, in particular.

I've decided to not do a Power Point this time, but just give you a little overview of some of the major highlights of cases we're working on and some of the things that the ANILCA shop, Sue McGee is behind me with the ANILCA shop, and they work on some of this stuff, too.

We have two sub-units in my unit. I'm the manager of the public access assertion and defense unit, which is in the Division of Mining, Land, and Water which, of course, is in the Department of Natural Resources. I've been at the job about seven years now. I find it a very rewarding career. I'm fortunate to have a great job that I look forward to coming to work every day, and we appreciate the support of the legislature, this commission, the governor's office, our commissioner's office, the attorney general. We're all working together as a team, because it's a great team.

Having said that, we had success with a permanent injunction we got on State versus Lonewolf, a

gentleman in the Chickaloon area that was physically obstructing a road that provided some access to some potential coal development. So we went to State Superior Court on that and got a permanent injunction. The State versus the Department of Interior, the RS-2477s in the Chicken area, the big development is that's on hold for now - at least further work on those particular RS-2477s - because a recent decision regarding portions of the RS-2477s traversing two Native allotments has led the state to pursue an appeal to the Ninth Circuit. This is causing delay and further action on those RS-2477s.

I'll try not to go into too much detail, at the coaching with my attorneys, so I'll just leave it at that statement. If you have any questions about that, I'll be happy to try to answer them. Ahtna versus the State is probably one of the biggest things on our radar screen. We were in negotiations with Ahtna to try to settle the suit. We couldn't come to agreement on that and this is a very historic, well-documented trail that was used by the miners to access the Copper River Valley, starting in the late 1800s. It's interesting history. I didn't realize when we got into it what all went on out there, but thousands of miners came from Valdez over the Valdez Glacier into Copper Center, and they called it Klutina City right at the mouth of the Klutina Lake. There was probably a couple hundred makeshift structures out there. So it's a really fascinating area. We're working on setting trial dates and cooperatively discussing how much time each side needs to research the cases to prepare to go to trial.

We have a 17B access improvement project that legislature was kind enough to make an allocation to DNR and I've been delegated that project to try to improve some parking access and public access across Native lands on 17B trails and the one we're focusing on is the ANA- controlled (ph) use area, working closely with DOT. We have a project in concept. What we'd like to do, and we're discussions with Ahtna to try to cooperatively figure out how we're going to accomplish it, there's a few technical things like possibly realigning the easement and things like that. But it's an unsafe situation with trucks with horse trailers mostly because it's a horse back-hunt area that are just parking in the borrow ditch and there's big 18-wheelers coming down with double trailers on them, just flying through there. So that's not the best situation. Once we get the numbers on that, then we have a couple other projects we'd like to look at to try to improve access, to improve hunting primarily.

Dickson versus the State: a private party filed a court action against the state in 2012 regarding RST-118, which is a segment of the Iditarod Trail in the Knik area of Alaska by KGB. The action was filed in regard to the public's use of RST-118 and so we're in a very interesting discovery process with that. At this point, we've filed over 12,000 pages of disclosure associated with that discovery. So there's just a whole lot of history we have to research and we don't control what they request us to provide, so that's one of the reasons these things take so long.

We did start a new RS-2477, which we want to report to the legislature. It's in the Chitina Cemetery Road. A private person has blocked access to the Cemetery Road. We feel we have good evidence. It's in the administrative appeal process; it's been there for quite a while. And we had a department-wide RS-2477 summit in April of this year, which was attended by almost 110 people within the Department of Natural Resources. So there's a heck of a lot of interest. These things affect a lot of people in a lot of different disciplines within DNR.

On the navigability side, the Stikine River, the Recordable Disclaimer of Interest application was denied by the Bureau of Land Management. Interestingly enough, the Bureau of Land Management has the authority to issue the Recordable Disclaimer of Interest even if it goes through forest service lands. Forest service objected; that was the reason for their denial. We won in what's called the Interior Board of Land Appeals. That's like an administrative law judge panel that adjudicates appeals for the Department of Interior. We won a remand. They remanded it back to BLM and they're working on it. We just had a little bit of a set-back last week. We found out that the person that works on all the navigability stuff in the solicitor's office for the Department of Interior is moving on to another job. So there's a whole new training process there for somebody else getting up to speed.

The Mosquito Fork litigation, BLM declared most of the Mosquito Fork non-navigable. I think you guys have been briefed on this a number of times. We believe the non-navigability determination is incorrect and we filed a quiet title action. We're in extensive discovery on that litigation. You know, we

both have a long history of records and different things that are buried in various people's file cabinets and so we're doing an exhaustive search on everything we can to make sure we sufficiently meet that discovery request. And that's a consumer of staff bandwidth, is the latest thing, to say the least.

Kotsina River settlement status: Ahtna did sue us over the ownership of the Kotsina riverbed. It's important because that's where the fishwheels are; they're in that big delta. What I can say is that we're currently in settlement negotiations and the state is optimistic that we'll reach a settlement on that, so there are some positive things going on there.

Hans versus Alaska. That's Mr. Hans, who lives in Skagway on the Skagway River. He claimed that river is not navigable and that he had the right to mine gravel on lands that BLM or the United States purportedly conveyed to him. The state's position is that those navigable waters were held in trust for future state. We reached a settlement, in principle, but we're experiencing challenges getting that deal closed.

Sturgeon, as you well know, the U.S. District Court ruled against Mr. Sturgeon in the State/Sturgeon case. The state challenged the authority of the National Park Service to enforce federal regulations on state-owned land located in national parks and preserves. The Nation River is adjudicated by the Ninth Circuit to be navigable for title purposes. It's one of the few rivers that there's no dispute of the navigability. The state has filed a notice of appeal with the Ninth Circuit. Sue McGee's shop was the lead, who is in the back of the room, on that particular litigation.

We've got a case going on here in Juneau, Lacono (ph) versus the State of Alaska. It's on Lemon Creek, and the plaintiffs are appealing the U.S. District Court's finding that their action is barred by the Doctrine of State's Sovereign Immunity. So we have to waive our immunity in order to be sued, which we weren't willing to do on that case, so that's being appealed.

And Public Trust Doctrine Access is something that continues to be an area ripe for conflict. Notwithstanding the ownership of the Smures' (ph) lands, the public has a right prescribed in our constitution as defined by the legislature to access waters navigable, defined by the legislature. And so I've talked a little bit about this before, before this commission, but those continue to be thorny issues that we try to resolve through negotiation and work in public information and working with the landowners.

And then we just do the rest of our stuff with the myriad of navigability determinations for various purposes. It seems as though gravel seems to be the thing people like to fight about in rivers and that usually draws us into the firefight on navigability stuff. So it's a job that keeps on being interesting and a gift that keeps on giving. If you have any questions, I'll be happy to answer them.

Representative Keller, Chairman - Do you have anything that you want us to watch for in the Department of Law briefing that's coming that we should particularly note?

Mr. Scott Ogan - Well, I haven't been briefed on what the Department of Law is going to brief you guys on today, so I'm curious about it, too. I will say that I really appreciate the efforts of the commission. I think the summit was very, very informative. It was an impressive group of folks that came and testified. I think it got a lot of attention from a lot of folks. So I salute you all for doing that; I know it was a lot of work. On a personal level, I have a great interest in the statehood act and how that affects Alaskans. And, like all of you, I've seen a lot of things out there that makes me continue to follow that. So I'm real anxious to see what the Department of Law is going to say today.

Representative Keller, Chairman - Commissioner Olsen?

Commissioner Olsen - Thank you, Scott, for participating with us this morning. Do you have any additional information or ongoing information in regards to the State of Utah or any of the other western states in their efforts on sovereignty with the federal government and movement on the land issues?

Mr. Scott Ogan - Well, thank you, Commissioner Olsen, through the Chairman. We've been tracking to some extent what Utah is doing. I believe they -- I'm not prepared to give a specific answer. I wasn't anticipating that. But we do communicate with them on occasion. I don't get so much into the results of their cases, but more the techniques and what methodology that they're using to provide evidence for their cases. That's something that my unit has an interest in and we cooperate on some of that.

I think they've had some challenges with procedural motions. As we know the federal government solicitors are very good at looking at procedural issues and exhausting those before you get to merits of a case. And so I think they've had challenges with those, and so we're trying to learn from those to try to avoid some of those. And, frankly, we're pretty pleased that we've gotten answers to our complaints, with exception of the issue on the Native allotment. We've had pretty good success at clearing some of the potential procedural motions.

Commissioner Arno - Scott, first of all, do you work with DOT on these right-of-way issues to any extent? And then, secondly, my suggestion of actively staking 17B sorts of easements that are most clear-cut as a means of advancing that public use, does that have any merit in your mind?

Mr. Scott Ogan - Yes. Commissioner Arno, through the Representative Keller, Chairman, the 17B project, I think there's a lot of concern and Commissioner Arno, in his organization that he works, which has been an advocate of the state being more proactive with working on some of those.

We have our plates full with trying to manage RS-2477s. There's been a significant increase in staff over what it's been in the past, tasked with dealing with those issues. The easements are reserved to the United States, and so the state's position has been it's the United States' responsibility to manage them. They're reluctant to manage them. They would just as soon we do that. And so we don't have necessarily line items, and I support the governor's budget, but we just don't have positions dedicated to managing these easements.

So we're straining to new ground here, and testing new grounds and I'm asking the policy questions of my bosses. Where do we draw the lines on making improvements on these easements? In my mind, for public purpose, if we're making improvements on state land or possibly on Native lands in order to facilitate the public's access to other state lands, we're not necessarily improving somebody else's land. But that's a policy question that's on the table in my department right now. Where do we draw those lines?

And right now, the approach is we're improving the state right-of-way and state jurisdiction in order to provide parking and we're trying to get cooperation from the property owners, Ahtna in particular, that we're going to have to maybe relocate the trail and might have to abandon or terminate a trail in one section and move it over to another section, and then BLM is going to have to do the paperwork to do that. BLM is saying you work it out and if you guys agree, let us know; we'll shuffle the paperwork.

So I think there is a thing going on with our department and Ahtna meeting on a regular basis, the leadership of department and trying to work these kind of things out. There's a better dialogue going on, and there's an MOU, so we're trying to solve some of those issues. Did I sufficiently answer your question?

Commissioner Arno - Well, no, I don't think it's answerable. I guess just for a point of....

Mr. Scott Ogan - It's complicated. They're all complicated.

Commissioner Arno - Point of comparison, I work for a company, we're trying to get access to a water source for a fisheries project. There's an old trail going in there that's both 17B in portions and RS-2477 overall, I guess, and it's interesting to work with that. The two easements have different widths and since it's a motherhood-and-apple-pie kind of project, people are generally receptive to utilization of that

trail. But even that took some people by surprise. We need access to this water source and there's an existing route, and there were some that were reluctant to acknowledge it.

Mr. Scott Ogan - Well, Commissioner Arno, through the Chairman, RS-2477s are two completely different animals and there's two completely different standards of allowable uses. Most 17Bs were nominated many years ago. I see some that were nominated 20, 25 years ago. The opportunity to appeal those nominations when they were first put on the record has come and gone and 25 years later we're getting a decision where they're finally conveying the land to a village corporation or Native corporation, and sometimes we're scratching our heads going, you know, who was asleep at the switch? So not a lot of planning has gone into these.

They're a liability to a Native corporation and the village corporation because it provides an access, people aren't respectful of it, a lot of times nobody really knows where they are, and it creates a lot of trespass issues and land management issues for the corporations. And some of the corporations are better at it than others at trying to get ahead of that power curve. And the uses are different. Often, depending on the designation, if they're a 25-foot easement, fourwheelers, vehicles under 3,000 pounds, those kind of things. If it's a 50-foot easement, it's more like a road. There's actually 17B easements that are specifically for runways and things like that. And often RS-2477s overlay the 17B easements, and that's the case in Klutina. And Ahtna's contention is the RS-2477 is invalid; the 17B is. But you look at the different uses, we consider a RS-2477 a highway. While it's not a constructed highway, it's a legal highway under the definition in the statute in that greater uses are allowed and we're allowed to do some improvements on it and maintain it, and do that kind of thing. It's a property right that vested because it was there before the land was withdrawn and conveyed to someone else, whether it be a Native corporation or private individual. So we don't do it as a taking; it's a valid, pre-existing right.

So the bundle of uses is much, much greater with an RS-2477 and therefore I think the state has an interest in pursuing those because, frankly, they're the future of access in Alaska. And the problem is where the route is. So if the RS-2477 kind of went on the path of least resistance and often went across wetlands, and then if you try to get a permit to build a road on it, or maybe some of these things are winter access only and things like that for bigger equipment, and it's all very, very complicated and each one is on an individual basis. Some files are great; we've got a lot of material in them. There's very little question of whether or not the RS-2477 is valid. Others are a sheet of paper with an old USGS map on them with a line on the paper as the justification, so it usually doesn't get brought to the forefront unless there's a conflict and then we have to peel back the layers of the onion, doing historical research.

So they're all very time-consuming and complicated issues and it helps if everybody has got a common alignment, where they need water and everybody is in the same boat, okay, so we're not going to resist that one. It would be really nice and I guess in a perfect world, it would be great to have -- and, again, I support the governor's budget, but it would be nice to have resources - which I don't because they're diverted to litigation and other things - to identify some of these things and get signage put on them, work with the underlying landowner to get agreement on where some of these issues are. And we're starting to tackle that. You can eat an elephant one bite at a time, so we're getting a couple of bites at the elephant here. And maybe if we get some momentum going, we'll be able to provide better public access across some of these 17Bs and everybody will know where they're at, clearly marked with kiosks, people will know what the rules are, and it mitigates the exposure to the village or Native corporation, or the underlying landowner.

Commissioner Woods - Quick question. In townsites, where does that fit into 17B and RS-2477? There's an overlay factor, I guess maybe. So we've got RS-2477 and we've got 17B, and then we have townsites. Where does that all fit in with this -- just for a simple explanation for me.

Mr. Scott Ogan - Well, I'm not sure I understand the question.

Commissioner Woods - We've got RS-2477 designations all over the state.

Mr. Scott Ogan - Right.

Commissioner Woods - And then say, just for an example, at Dillingham, an RS-2477 comes in the post office trail and the existing trail that they have marked on the map and there's a line on the map that says they have access to the post office in Dillingham.

Mr. Scott Ogan - Right.

Commissioner Woods - On top of that designation are Native allotments all over the place, checkerboarded within people's claims, and then that 17B comes in right on top of that. Right? Am I correct?

Mr. Scott Ogan - Well, 17Bs aren't valid on a Native allotment.

Commissioner Woods - Okay. Maybe I'll talk to you after. So RS-2477 supersedes 17B?

Mr. Scott Ogan - Sometimes.

Commissioner Woods - And then on top of that layer, a townsite itself got put in with statehood, right?

Mr. Scott Ogan - Right.

Commissioner Woods - So what overlays what? Just a simple fact.

Mr. Scott Ogan - I think the simplest way to explain that is chain and title: what was there first.

Commissioner Woods - Okay. Thanks, yeah. Thanks.

Mr. Scott Ogan - RS-2477 are valid if there was use or development by a public user or the state of unappropriated federal lands; in other words, lands that weren't conveyed to anybody, they weren't in a homestead. And the idea was, editorially, back when the federal government actually promoted resource development in a very active way and they wanted to -- because of the 1866 mining law, the miners need access; if they're going across this land, then that's a right-of-way. It's twenty-some words; it's real simple. There wasn't any formal acceptance, there wasn't like an EIS or an EA or a decision or anything; they were just used. It goes back to chain and title; what was there first?

Commissioner Woods - Thank you. That's clear to me now. Thanks.

Representative Keller, Chairman - Before we go any further, is there anybody else in the room who was hoping to testify before we take our lunch break? No? Okay. Any other questions for Scott then? Thanks.

Mr. Scott Ogan - Thank you again, Mr. Chairman.

Representative Keller, Chairman - Will you be around this afternoon some? In and out?

Mr. Scott Ogan - Yes, sir.

Leaphart - I have a question.

Representative Keller, Chairman - Sure, Stan.

Leaphart - It's not directly related, Scott, to what your shop does, but I know you and I have spoken about it. This new generation of USGS maps, what we've discovered and what's been brought to my attention by some members of the public, and I've verified this in a case that I'm very familiar with, this new generation of maps has dropped a lot of the trails that appeared on the older maps. As an example, the Big Delta Quad which runs up around the Salcha River where I have a cabin, winter trail, went up the Caribou where the dredge was; I'm getting ready to use it next weekend, and it's used by thousands of snowmachiners every year. It's no longer on that map.

And I'm wondering if you've had any feedback from any of the agencies about that or heard from the public or if you guys are -- I'm concerned about it and I know the archive and the USGS web site still has copies of the old maps, but I'm not sure how long that situation is going to exist. So I'm just interested in your thoughts on that subject.

Mr. Scott Ogan - Well, thank you, Mr. Leaphart, through the Chairman. I'm personally very concerned about it and I think as a department I know we're concerned about it and from just as an Alaskan and a user of the resource, it's certainly nice to know if there are trails out there and cabins and things like that. I think it's a matter of public safety in some cases, you know.

Professionally, I've been out in the field and spent a fair amount of money and resources and time looking for some of these things that are purported to be on the ground, and I want to tell you, they're pretty hard to find. Fortymile, for example, I know it very well. Probably better than the average Alaskan. Maybe not as well as the BLM folks that work out there, but I've spent a fair amount of time and resources out there looking for some of these places. You know, which game trail do you want to pick? I mean, some of them are pretty ambiguous, these lines that were on maps and some of these areas were very, very heavily used. Like the WAMCATS line. There was a telegraph line in 1905; it was functional; it went from Valdez up into Fortymile station there near Eagle, then a spur to Eagle, and then out down the Yukon River to St. Mary's.

I've been out there with teams of archaeologists and you can find evidence of human activity out there, but it's concentrated around the cabins and we've actually found some standing poles still and a few wires. But they were out there maintaining those things with pack animals and they were brushing the game trails. So a lot of these things are, in a practical sense, helpful, but finding the actual location of these things and nailing that down is a very labor intensive job and those tools are a good reference.

It's kind of like our mapping system for the State of Alaska. It's not always entirely accurate. You know, it's what you find on the ground, it's the witnesses that you talk to, it's the old photographs that were around. Fortunately, most of the state was photographed in 1955, or a significant portion of it was, and some of these things showed up. The cartographers took those photographs and they drew the maps and they could see those lines on a map and they tried to represent them the best that they could.

A big problem we have, and it was a problem with Jack Coghill was working on this stuff, was that the witnesses are aging, they're dying. I mean, we had a witness that we were hoping to talk to on one of our litigation things that the week we found out about him, well, you should talk to this guy, he'd have a lot of knowledge and would have been a key witness, and he was in the hospital on his death bed. He was gone in a week. So all these people are gone.

So the short answer: I don't know if my commissioner's office has taken a formal position on it. I know I've briefed them and they're very concerned, and I can back with you with what their position is. But I know we're very concerned about it. You know, we can scream and shout, but will they listen to us? I don't know, but I hope so.

Representative Keller, Chairman - Okay. With that, we're going to go to lunch. Be back at 1:30.

LUNCH BREAK 12:00 p.m. to 1:30 p.m.

Representative Keller, Chairman - Welcome back to CACFA, January 24th meeting in Juneau. We're doing pretty good today. Tongass and USGS and now BLM. Thanks for coming. Steve, if you're ready, we'll just have you jump right into it. Mr. Steve Cohn, if you would introduce yourself and come on up. Before you get started, Teresa, are you back on line?

Commissioner Hanson - I am.

AGENCY REPORTS – Steve Cohn, Deputy State Director for Resources with the BLM

Representative Keller, Chairman - Wow, you're right on the job. Okay. Thanks. Go ahead.

Mr. Steve Cohn - Hello. I'm Steve, and I'm deputy state director for resources with BLM here in Alaska, based out of Anchorage. I work in our regional office primarily dealing with programs related to energy and minerals and all of our natural resource programs; forestry, fisheries, wildlife, and recreation, as well as land use planning.

Representative Keller, Chairman - We have a public participation at 2:30, which is one hour from now, and we'll stop for that. If you're still going, then we might say, okay, well, let's wait a little bit and come back. But we have between now and 2:30.

Mr. Steve Cohn - Okay. Well, thank you, Chairman, and thank you, commissioners, for allowing me to come here and speak today. It's the first time I've been in Juneau in about 25 years. We did a couple of spins around before we landed, but it's exciting to be here.

I've got about a half dozen issues on my agenda to cover, but I'm also very open to answering any questions you all have on any other issues. If I don't know the answers, I'll let you know and we can certainly get back to you. I'm relatively new to the state in this position; I've only been here in this capacity for about seven months. So I'm still getting up to speed on all of these, and the state.

The first issue I wanted to talk about is just kind of an update on where we are with our land conveyance program. We completed a strategic plan for the remainder of the program, looking for ways that we can accelerate the process. We have come up with a new approach that we're proposing to use for the conveyance of state lands, an approach that's consistent with the Statehood Act, somewhat different than the practices we've been using for the last 30 or 40 years; a more streamlined process and more reliance on the use of GPS data.

So we'll be putting less markers on the ground, but we'll be taking more data points using remote sensing and that kind of new technology. The basic difference is that we'll be, at this point, surveying the external boundaries rather than placing the monuments at every two miles. We do feel like this will actually provide better information in the future for where the exact corners are. We have briefed the delegation in Washington on this new approach and it was favorably received. We have also met with the state in discussions and I would say that they didn't like the idea; they preferred us to continue with the existing method, and we do have an MOU that dates back to the seventies that outlines that method. We're still in discussions with the state in answering their questions on that. But it is something that we're fairly certain we're going to move forward with, really, as a cost-saving measure and also it will save literally decades of time to convey the land using this method.

We did receive a considerable increase in our conveyance budget in Fiscal Year 14. We're up to 22 million this year, an increase of just over 5 million from last year. Most of that funding will be available for contract work and mostly for ANCSA-related conveyances. With that funding we hope to get pretty close to finishing our commitments there. So I would say, overall, the program is really moving along nicely and we're accelerating the pace and we're saving money at the same time.

Another issue that has been also around for a long time is the Legacy Wells issue in the National Petroleum Reserve. These are abandoned wells, or orphaned wells, that were drilled mostly in the forties and fifties by the US Geological Survey and the Department of Defense. There are about 130-some-odd wells in various conditions. For the last couple of decades, we've been proactively going out, trying to plug and abandon wells and surface clean-ups and remove features that need to be taken out, but because of the location and the cost associated with mobilizing equipment into that really remote area - all these wells or virtually all of them have no road access or they're really difficult to reach - it's been a slow process.

There was an act that was passed last year, the Helium-Stewardship Act. One of the weird things about the Bureau of Land Management is we manage the nation's helium reserve in Amarillo, and through that act we're going to be selling off some of that helium and some of the funds from that have been earmarked specifically for Legacy Well clean-up on the North Slope to the tune of around 50 million. We think that will help us to get through somewhere in the order of 20 to 25 of our high-priority wells, the ones with the greatest risk for significant environmental issues, and so those are the ones that we're focused on first.

We have an existing contract with the Army Corps of Engineers. We've got work already underway this winter, based on some funding that we had last fiscal year that we carried forward. We're going to be plugging four wells in Umiat and removing an additional set of well heads in the Barrow and Simpson areas.

Moving into next year when the funding will be available through this Helium Act funding, we're going to be accelerating the pace of clean-up work. We're going to be plugging wells again in the Barrow area, an additional four well sites. Going into the winter, we'll be plugging and abandoning seven wells on the Simpson Peninsula. And then into 2016 also doing additional solid waste removal on an additional four wells in the Simpson area.

One of the advantages of the language in the Helium Act was that the funding is available on a no-year basis; so, basically, we have the ability to kind of spread the spending of that money in a strategic way. We don't have to try to spend it all in three years or something like that, because it is a considerable amount of money to try to get funneled into contracts and to get work done on the ground. So we do feel confident that we can get through quite a bit of the high priority work. We're coordinating very closely with AOGCC on that and the Department of Environmental Conservation and North Slope Borough on that. So I would say overall it's good news that we're able to move forward at a much faster pace than we have over the last decade or so.

Any questions on either the land conveyance or the Barrow wells?

Representative Keller, Chairman - I see none.

Mr. Steve Cohn - Okay. Also in the National Petroleum Reserve we are currently processing our first application for permit to drill for production purposes. This is the greater Moose's Tooth Unit, well number 1. It's an extension of the Alpine Unit and with T-in directly to the CD-5 well that's currently under development west of the Colville River. So this would really be the first set of wells drilled in the Petroleum Reserve to the west of the Colville River. This is a high priority for the bureau as well as the department, and so we're putting all of our efforts into getting this processed. It's really very important for us. This lease was issued over a decade ago and there's been a number of exploratory wells that have been drilled, and so this is really over a decade in the making that we've been on this particular action.

That said, I would say this well is of interest at a national level because it is the first production well in the National Petroleum Reserve. So we have a very active public participation process. We have a number of stakeholders that are involved. We're coordinating with local government entities, tribal entities, corporations, industry, the North Slope Borough is very actively engaged, the Village of Nuiqsut is very actively engaged. So a whole host of governmental and non-governmental entities are very involved in the preparation of this Environmental Impact Statement leading to the two decisions to

make here; one is the permit to drill and the other is a right-of-way off-lease to access the area. I could get into a little more detail, if people are interested. I'm not sure if there are specific questions about that.

Representative Keller, Chairman - Do you have a time, projection at all, when the drilling will start?

Mr. Steve Cohn - Well, looking at our schedule, I know our goal is to publish a Final Environmental Impact Statement by July of 2014 and sign a Record of Decision by August of 2014. That said, it's a complicated issue. So that is our goal. We'll see if we're able to meet that deadline. We are attempting to publish the Draft Environmental Impact Statement soon. Our initial schedule was to publish that in February of this year. We're working hard right now to see if we can keep to that schedule. It's just a matter if we can get everything done to the satisfaction of the department that they'd like us to move forward with, with the impact statement.

Commissioner Arno - I'll probably jump back a little bit in your presentation. Thanks. So the land advance and all the mapping that goes with it, many of us are using those data in the future for hunting purposes or access and so forth. So it's really important that there's a USGS mapping layer put into that data so that the public can find more value in the product you produce. I just wanted to urge you to think about that. Thanks.

Mr. Steve Cohn - And the lands program is one of the areas that is not my area, so I'm not too up on the technical information on that, but I will talk to Ron Dunton, who is my counterpart as our lands deputy state director, and if you'd like I can have him get back to you on that.

Commissioner Arno - Yeah, you know, I'm kind of a dinosaur, but I know that when I get a hold of data and land mapping in particular, it's often a box on a white page, corner 1, corner 2, corner 3, and there's no landmarks, and I throw it in trash. I mean, because it doesn't do me any good.

And GIS data talk, there's layers and one of the metadata layers would be the USGS map. I've had similar conversations with park service employees about maps like that that include preferred access routes, either agency-sponsored trails or historic trails and other highlighted areas that are dangerous to cross, or things like that.

So I see that as a service that could be easily incorporated into your everyday mapping and it would really go a long way to helping the public.

Representative Keller, Chairman - Ron, did you have something? Commissioner Somerville?

Commissioner Somerville - Thank you, Mr. Chairman. Just a quick question, and it shows my ignorance, I guess, in dealing with production wells. Is that solely for the purpose of determining what sort of field might exist or do you actually then sell the lease to that production well? How do you deal with a production well? I'm curious.

Mr. Steve Cohn - Oh, sure. So we lease the area. Lease tracts, basically, large areas and there are certain stipulations in the lease about sort of the pace of exploration, how that would occur. We do sort of a site-specific analysis, environmental analysis, when somebody wants to move forward with the exploration phase in terms of working with the operator to pick the right locations for where the wells should be drilled relative to other service issues, environmental issues. You know, avoiding certain things or the best places to put the wells. And then all of the conditions under which the operation will occur.

When they move forward with an interest in development for production purposes, then we receive an application for a permit to drill within that lease tract and we'll do a more intensive site-

specific analysis, because the idea is that these wells, once they're developed, they'll be in place for decades, literally decades, as well as all the associated infrastructure: pipelines, power lines, air facilities, everything that goes along with the development of that particular set of wells.

With the current technology each pad could have dozens of wells associated with that pad. So we're kind of looking at the full impact of that proposed drilling site and then working with the proponent and then through this public process to figure out the best way to access that and connect it to the existing infrastructure.

Commissioner Somerville - Quick follow-up. Thank you. In the past, at least, the environment groups have been really opposed to expanding drilling in the petroleum reserve. Is that still a potential impediment to this, or is this far enough along that the EIS process will avoid that? Or can't avoid court, I guess.

Mr. Steve Cohn - I think this has gone through sort of progressive stages. We completed a Land Use Plan for the whole National Petroleum Reserve just last year that established kind of the side boards for how development will occur in the reserve. That was done through a public process. And the area that's currently under application for drilling was identified as an area that is available for that activity.

There is a whole series of stipulations, sort of best practices that were put into that Land Use Plan and also put into the lease stipulations when that was initially sold to ConocoPhillips. And so there is a whole series of things in place already that sort of precede this individual decision. In essence, the bureau made the decision to lease the area over a decade ago for exploration and ultimately for development. That said, it's still a question of is this the appropriate place for drilling to occur within that lease tract and under what conditions should that be done.

And so that is still very much a question on the table and that's what's currently being considered. So we look at a range of alternatives. One of those alternatives would be to not process the permit. That's part of the analysis that we go through and then we have a whole series of alternatives. We look at where we would permit the development, but in different ways. You know, whether there would be a road connecting to the Alpine facility or whether it would be remotely accessed by air with just a pipeline connecting the facility. Those are kind of the range of alternatives we're looking at.

Representative Keller, Chairman - Go ahead and proceed.

Mr. Steve Cohn - Okay. Any other questions about the proposed GMT-1? As I mentioned, we're actually looking at five alternatives: the no-action alternative, which would be to not permit the activity, and then the proposal as submitted by the ConocoPhillips, and then some variations on that theme. One significant variation would be permitting the drill pad without connection to the Alpine facility by road. It would strictly be accessed by air or ice road in the winter with more infrastructures built onto that pad and less reliance on the Alpine infrastructure.

And so we're in the process right now of looking at that, kind of weighing those alternatives and deciding what will be the best approach.

Commissioner Smith - I was wondering in those alternatives that you established, do you have a preferred alternative?

Mr. Steve Cohn - At this point, we're looking to release a draft plan without a preferred alternative and see what kind of comments we get. We're very interested in the comments that we receive on this plan, as we move forward with the application.

If there are no further questions on that, I think that's kind of everything in a nutshell. One other development in the National Petroleum Reserve, as part of the plan that I mentioned earlier, what we call our Integrated Activity Plan, which is our Land Use Plan for the area, one of the decisions

in that plan was to establish a working group to include representatives of North Slope tribal entities, Alaska Native corporations, and local governments.

We had one initial meeting in Barrow in the fall and we're looking to have another meeting here in February to kind of kick that working group forward. The idea is to provide a forum for that kind of local knowledge and local government and stakeholders, as well as the tribal entities to really provide a good sounding board for the agency as we move forward with implementing that Land Use Plan and as we think about how development will and should proceed in the National Petroleum Reserve.

This was something that the communities had asked for as that plan was being developed and it's a commitment that we're following through with now. In total, there's going to be 19 representatives on that working group; one each from the North Slope regional organizations. We have the Inupiat Community of the Arctic Slope, North Slope Borough, Arctic Slope Regional Corporation, one each from the North Slope communities outside of NPR-A and three each from the villages to represent the federally recognized tribes, the local government, and the ANCSA village corporation from the four communities that are located within the boundaries of the National Petroleum Reserve.

The working group is there to serve as a forum to help us collect additional information, traditional ecological knowledge, but also community information about the desires and aspirations of the communities and their view of how they would like to see development proceed in the National Petroleum Reserve. So it's kind of a new thing that we're trying. We're hopeful that it's going to provide the agency with a lot more information about life from the perspective of people in the communities and ideas on how development could and should occur.

So it's kind of another piece of information that will really help us, I think, to make good decisions in the petroleum reserve as we move forward.

Leaphart - Steve, is this going to be FACA chartered group or are these all government entities?

Mr. Steve Cohn - They're all government entities. So it's not FACA chartered, but we would like to have these be public meetings. The next meeting is going to be in Fairbanks, and we'll be posting information on our web site as to the location. And we also see this as a forum where other government entities or industry can come and give updates on what their plans are. So we think it will be a good conduit to have communication between the governmental entities on the North Slope and these other either federal or state or industry agencies.

Leaphart - Did you have a date for that yet?

Mr. Steve Cohn - It's the last week of February. We were still trying to get that fine-tuned. I believe it's around the 27th or 28th, but we'll get back to you as soon as we get the date finalized.

Commissioner Liska - Thank you, Steve. I'm curious in this Integrated Activity Plan. Is this a part of the Integrated Arctic Management Plan that is coming down? I'm confused here. So is that the same?

Mr. Steve Cohn - They're different.

Commissioner Liska - Okay. They are different. Could you explain the difference then?

Mr. Steve Cohn - Sure, sure. The Integrated Arctic Management is kind of an overarching policy document that the department helped to coordinate and initiate, which calls for things like the working group in principle, this idea of having more local involvement in decision-making.

It kind of lays out sort of, I would say, kind of a philosophical framework for how agencies and communities should work together to make decisions as development proceeds in the Arctic.

The Integrated Activity Plan that we developed is an agency decision document about specific decisions

about all the resource management issues in the petroleum reserve. So we made specific decisions about which areas should be made available for leasing, which areas we'd recommend not making available for leasing, when development occurs what some of the sideboards would be for how that development would proceed. All of those kind of decisions that become, in a way, more of a binding document on how then individual decisions like this permit to drill would be analyzed. So it sort of sets the framework for future decision-making, but it was done through a more formal public process.

Commissioner Liska - I have a follow-up on that. So in the Integrated Activity Plan, then, is it this group - and I don't have all the details on this - but when former Secretary Salazar pulled off a portion of NPR-A, did that information for that decision that he made come out of this particular group?

Mr. Steve Cohn - It was done through the Integrated Activity Plan.

Commissioner Liska - It was? Okay.

Mr. Steve Cohn - The Integrated Activity Plan is basically the same thing as our Resource Management Plans. I'll talk about those in a minute. We're currently doing three other Resource Management Plans. So that's probably the best way to think of it. The reason it's called something different is because the National Petroleum Reserve has its own rules because BLM's stewardship responsibilities are under a different set of laws to some extent.

Commissioner Liska - Than the NPR-A?

Mr. Steve Cohn - The NPR-A, yes, specifically related to land use planning. In essence, we have less congressional direction on how to plan for that area, but when we did the Integrated Activity Plan, we followed pretty much the same process that we use for our Resource Management Plans. Because that process dovetails also with the National Environmental Policy Act which dictates a very sort of rigid public process, and so we just followed that as we developed the Integrated Activity Plan. Sorry, it's a lot of bureaucratic stuff here.

Commissioner Liska - Well, at our Federal Overreach Summit, Deputy Commissioner Fogels spoke about the Integrated Arctic Management Plan and his sense of another federal overlay of, for example, this activity plan, let alone the state agencies and what they're already working on. And he was very concerned about that; that the Integrated Arctic Management Plan was just going to lay over more regulations that had to be adhered to.

And so I'm curious in terms of the Integrated Arctic Management Plan and the Integrated Activity Plan, where the delineation is, if you will, for what we do to make sure that there is a voice. I appreciate you being here, but is there someone that we need to be aware of in the Integrated Arctic Management Plan? Understanding that's not your purview, possibly. But do you see what I'm saying?

Mr. Steve Cohn - Sure, sure. And I think the Integrated Arctic Management concept was really intended also to instruct all the agencies within the Interior, BLM, U.S. Geological Survey, Office of Energy, Minerals, all the various players; basically, it was providing guidance on how to work together and to share information and to not sort of each be off doing their own thing, but to really be integrated in the way that we approach decision-making in the Arctic. Which I think is particularly important for things like how do we connect the future offshore developments and future onshore developments and how do we make sure that those things line up in a sense rather than the two agencies kind of going in their own direction and never talking to each other, was sort of the idea behind that.

So it's intended to be very much just kind of a philosophical document.

The Integrated Activity Plan is the decision document that the agency will use whenever we make future

site-specific decisions. So we receive a permit to drill application; we refer back to the Integrated Activity Plan. That is our overarching document that we will use that will guide future agency actions. And that was done through very much a public process. So that is the document, I would say, that is most relevant for future development activities in the National Petroleum Reserve because it is the only document that was specifically a decision document rooted in regulation and law.

Commissioner Liska - I'm sorry, one more follow-up here. So at the last minute when Secretary Salazar made the decision, from my understanding, several people in the North Slope region were very upset because he made a decision outside of what was originally talked about in the public policy process. So then you add the Integrated Arctic Management and you can see where we're concerned for the citizens, and Alaskans, that this is just another layer of more meetings.

Where is the voice going to be heard and listened to? Thank you.

Representative Keller, Chairman - Commissioner Woods?

Commissioner Woods - Yes, Commissioner Woods from Dillingham. I had a question on that advisory committee -- or is it the working group, you call it? And you had listed all the four inholders. That'd be Village Corporation and now off the top of my head, I can't remember. But my understanding of that process is that the village corporation owns surface rights and you're negotiating probably with a land connection problem and then the regional corporation owns the subsurface rights. And then the working group is it advisory or they deal with regulations concerning the sale? And then you talked about the first directional well on NPR-A, right?

Mr. Steve Cohn - Yes, the first development well for production purposes.

Commissioner Woods - Okay.

Mr. Steve Cohn - In this particular development, the proposal crosses multiple jurisdictions. It initiates in the Alpine field on state land and then crosses village corporation surface land, but then there are also subsurface resources that the regional corporation owns and then the actual physical pad will be built on BLM-managed land. So it's very complicated, and that's one of the reasons we wanted to have this working group, was all those entities that are affected by that all along the way, as well as any impacts of the development itself on subsistence resources, on other resources, that we would be taking all that into account as we move forward with this type of development.

The working group is not specific to this one permit. It's kind of bigger. It's sort of how will development proceed.....

Commissioner Woods - From here on. Yeah, and I get -- that's probably the first inholders' meeting I've heard in a long time that's actually going to start working and be effective. So this is fairly new for BLM?

Mr. Steve Cohn - It is; it's new. We're only having our second -- and really our first meeting with the members that have been identified next month.

Commissioner Woods - The other question I have is probably premature, but in that process, the public you said is going to be invited, but I guess automatically the state is going to be a part of this whole process, I presume.

Mr. Steve Cohn - Yes, the state is basically going to be participated to sit down as well as part of this working group, as well as some of the other federal entities that have responsibilities in the Arctic.

Commissioner Woods - It would be interesting to attend that first meeting. Thanks.

Representative Keller, Chairman - How are we doing on time? You say you had seven points, right? We're on three?

Mr. Steve Cohn - Yes.

Representative Keller, Chairman - Got four to go. You've looked at them; you know what they are, got a feel for it.

Mr. Steve Cohn - Yes.

Representative Keller, Chairman - Okay. Not hurrying you along; I'm just reminding you to pace yourself here.

Mr. Steve Cohn - And this issue might take a little time, but let me introduce it. We have been working on developing some additional Alaska-level guidance on how we intend to implement our surface management responsibilities related to mining. And I know there's been a lot of discussion in the last six months to a year with the mining community about what we're doing and how we're proceeding. So I kind of just wanted to give an update of where we are with that currently because it is an issue that is obviously very important to the mining community, particularly related to placer mining. The policies we're working on are related to placer mining exclusively.

As an agency, we manage over 120,000 miles of river in the state. We don't know the numbers for sure; we haven't done the analysis, I should say, in terms of the total footprint in terms of acreage of mining in those 120,000 miles. I've heard estimates of somewhere between 500 and 1000 miles historically or actively have been placer mined within the state. Until we run the numbers, I don't know for sure how many acres or what that corresponds to. But certainly been a significant amount of mining and very focused, you know, regionally focused in those streams that are our principal gold-bearing streams.

At a national level in 2001, the agency put out regulations on our surface management responsibilities for mining. That was done at a national level. A lot of that was really tailored towards mining activities all across the lands that we manage. Most of our mining is in Nevada and the Southwest in terms of hardrock mining. Though the regulations have some specific reference to placer mining, they really are intended broadly for mining as a whole.

So, as a result, the regulations are not very specific about things like -- the regulations talk about the need to rehabilitate fish and wildlife habitat, but don't provide any more guidance than that. What does that mean for our specific circumstance related to placer mining in the state? In 2012, the bureau issued a handbook, which is our policy document providing further guidance to the field on how to implement those regulations specifically related to surface management mining activities. Again, there's more detail, but not as much detail as we feel we need for the systems that we work with here in the state.

There's very little placer mining outside of Alaska on BLM-managed lands, so we have a very specific need. We're moving forward with kind of stepping down that guidance to provide additional direction to our field, our two districts in Fairbanks and Anchorage, on how to work with the mining community to make sure that we are following those regulations. And very specifically, we're looking at issues related to the rehabilitation of fish and wildlife habitat post mining activity.

We have kind of a threefold goal in mind. One is we have a longstanding relationship with the placer mining community and we want to ensure that those opportunities they have historically been available, continue to be available to the mining community. We do want to ensure that operations as

we move forward are in compliance with existing federal laws and regulations and the policy that I mentioned, not only because of regulation's sake, but to ensure that the industry, by complying with those regulations, it will help with the sustaining of that industry relative to litigation and other issues.

And our third goal is that, following on the direction in the regulations, we want to ensure that we are having effective reclamation of stream habitat. For us that's very much a functional kind of determination. We're not looking at requiring miners to restore habitat to sort of a pristine pre-mining condition. We recognize that there are impacts associated with mining and it is possible to have reclamation that restores ecological function without sort of setting the bar so high in terms of reclaiming to some pristine condition that would really not be practicable or even desirable in our situation.

So that's sort of the operating goals that we're following as we're developing the policy. And one of the things we've done the last two years, we've issued supplements to the annual placer mining application that the state uses for bonding purposes. The purpose there was, there is sort of a divergence between what the state requirements are and what our requirements are for the information that we need for a complete Plan of Operations for mines. And so we wanted to bring those two together by adding additional information requirements that we're looking for when a miner comes and applies for a Plan of Operations. This tied to development operations.

Representative Keller, Chairman - Question?

Leaphart - So this is in addition to what the state requires under its APMA?

Mr. Steve Cohn - Exactly. We've done this the last two years. We're kind of fine-tuning that, and it's basically just translating the regulations into a defined set of information that we're looking for from the miners. What we've found in the past was that we had a lot of back and forth: an applicant would come in, they would propose their Plan of Operations; we'd say, look, we need this additional information. We're not getting what we need just out of the APMA, so can you give us some more information? And then they'd go back and they'd work on it and then they would come back to us, and we'd go back and forth multiple times. So the idea was we wanted to just, up front, say this is the information we need to be in compliance with the regulations; we'll work with you on preparing it, but here is up front.

In some circumstances, I would say it may be helpful to hire a professional to assist with the preparation of that Plan of Operations, particularly in operations in previously undisturbed areas and in areas that are inactive stream channels just because the type of information that we're looking for is somewhat technical in nature.

Leaphart - That's going to be pretty cost prohibitive for a small minor and most of these guys are mom and dad and maybe an older son or something like that. They're not really set up to hire consultants to do a mining plan.

Mr. Steve Cohn - I'll run through the policy, but then I want to talk about that because that, I think, is the crux of the issue, is how do we work with industry to make this not a burdensome process, but something that is workable?

Well, let me talk about that first. Because I think that's in some ways more important than the technical aspects of what we're looking for. Through our resource advisory council, which is our FACA chartered group, we have the ability to create subcommittees and we met with the RAC in I believe it was November and we gave a presentation on the policies we were working on for placer mining and they indicated that they would like to assist us, advise the agency basically in thinking of how do we implement this, how do we communicate what we're trying to do, how do we effectively work with the placer mining community so that we can move forward together rather than it be a conflicting kind of relationship.

And so there are four members of the RAC currently. Gary Morrison agreed to be the Representative Keller, Chairman of creating a subcommittee to the RAC and our subcommittees are able to pull in additional people, people who have a knowledge of the issue, a more detailed knowledge of the issue to help advise the full RAC which then, in turn, will advise BLM on issues related to how do we more effectively communicate with the miners, who else do we need to be communicating with in terms of other interested parties, ideas on how we can identify potential funding sources to help administer the policies specifically for situations like you're describing with mom and pop operations that really could be presented with a burdensome challenge. And then help us to think through, well, how do we know if we've been successful? How do we know that we've come up with some new guidance, some new ways of doing things and it's actually made a difference.

So there are four members of the RAC including Gary as the Representative Keller, Chairman who have agreed to stand up a subcommittee. Mr. Leaphart has agreed to serve on the subcommittee. We appreciate that, thank you. Samantha Carroll from the RAC is already on that subcommittee. With her help, we've reached out to Deantha Crockett from the AMA; she's agreed to serve on the subcommittee. Brock Jorgensen, Mike James, Scott Pexton from the Department of Natural Resources Mining Branch is going to help serve on that subcommittee, and Stan Foo who is stepping down from the RAC as a representative of mining interests, but he's agreed to kind of step back in and help us think this through.

We're hoping that through the creation of this subcommittee that we can think about how do we implement this new direction and how do we do it in a way that is incremental and something that will be successful for the agency but successful for the miners as well?

So I have very high hopes that that group will be a good conduit and a good connection to the mining industry as well, the Fortymile folks and the placer mining industry in general, to kind of help us get through this.

In terms of specifically what we're looking at, in addition to those supplements, to the APMA, we are going to be looking for additional baseline information prior to mining in streams. So if a mine is going to occur in a stream or within 100 feet of a stream, we're going to be looking for some additional information so that we can better assess what the condition was before the mining occurred. We're putting out then also additional guidance on what we would like to see incorporated into the reclamation plan: What's our goal when mining is done? What's the standard that we're looking for? And then to work with the miner to develop that reclamation plan so that it will be successful once they're done operating. Really, the crux of this policy deals specifically with mines operating in streams because that's where we've seen the greatest challenges in terms of reclaiming fish and wildlife habitat; fish habitat, specifically.

The last policy we're working on is just specific to bonding. We've had, I would say, very fruitful discussions with the Department of Natural Resources. We both are committed to the continued use of the bond pool. We see that as a benefit to industry and a benefit to the public because of the collective security that it provides. The bond pool has been growing for 20 years and has, by all measures, been a success. We want to continue to do that. The guidance will identify high risk operations; basically, operations that would potentially jeopardize the pool if we needed to tap into the pool to reclaim those sites. Those particular operations, we would be looking for basically the operator to prepare a reclamation cost estimate and if it exceeds one-third of the current value in the pool, then we would require an individual financial guarantee of that operator. I would say certainly the mom and pop operations will continue to be able to use the bond pool, but what we want to ensure is that that will occur because all it would take is one large operation to go under and we would lose that collective security for the smaller operators. So that's kind of the goal of that policy and, again, we've been in a lot of conversation with Brent Goodrum and others at DNR, Scott Pexton who will serve on the subcommittee to help us craft that policy.

I wonder if there are any questions on the placer mining, because I know it's really an important issue, certainly for the agency.

Commissioner Hanson - I have a question.

Representative Keller, Chairman - Go ahead, Commissioner Hanson.

Commissioner Hanson - I heard you say that you guys are going to be wanting to establish baselines during the permitting process so that you know what the original readings were. And I'm no expert on how much land BLM controls as far as placer mining country, but I do know that there are places where no baseline exists yet; they haven't been measured yet. And I'm wondering where is the burden of proof going to fall in those kind of situations because collecting baseline is extremely expensive.

Mr. Steve Cohn - Well, that's a good question. Some of the direction that we provided to our own staff on this was what is the absolute minimum information you need in order to satisfy the purpose. What are those key measurements that would help us to have a good understanding of what that stream looked like before mining occurred, and know more? And amazingly, a lot of information can come just from photographs and so that's sort of up front one of the most important things, is that we want to have a good photographic documentation of what the stream looked like before mining occurred.

We do have a number of sites that have been mined previously. We've also been looking at what kind of information do we need to collect: what's the forensic information, what is the potential of that stream when mining is done, what do we want that stream to look like when the operator leaves. It could look different than it does today because it was not reclaimed in such a way that it was functioning in the past. And so we want to ensure that whoever is operating now, when they're done, that at a minimum it's functional.

So that's sort of an operating principle. We think that the information we're looking for can be done. A professional could collect that information probably in a day in the field. So there is cost associated with that, but we think it's manageable, but that's something that we're going to review, too. This is just policy guidance. We can change it, we can adjust it as it starts to move forward so that we ensure that if it does become that burdensome that it's simply not feasible, we'll have to see what other ways we can get that information. I guess I shouldn't try to sugar-coat this too much because I think one of the biggest challenges for the operators is going to be at what point do we say that reclamation is successful? And I think one of the issues is in the past we have signed off on reclamation, but we're not seeing the kind of reclamation success that we would like. We haven't reclaimed to the point where we have allowed the basic fish habitat function to return and that's going to be a change. Because the standard is going to be higher in a lot of cases than people are accustomed to and it's going to take longer for us to sign off on reclamation than in the past. And that's going to be a difficult thing for people, and that's part of what we need to figure out: how do we implement that in an incremental way, recognizing that this is a change. And we want to kind of phase in that change as best we can.

Representative Keller, Chairman - Commissioner Woods has a question. Before we go there, I want to just see how we're doing. We have four minutes and we're heading toward public participation and I haven't seen any evidence of anyone coming. So I think we're going to be able to run over pretty comfortably, but again just give me an idea. We've got several points to go, right?

Mr. Steve Cohn - Yes -- or, no, I'm sorry, I'm going back tomorrow.

Representative Keller, Chairman - Tomorrow.

Mr. Steve Cohn - So I have as much time as you need. But I can run through those other things pretty fast, too.

Commissioner Woods - So this process you're talking about now, the renovation process and reclaiming process, is prior to permitting and then they have to come up with a claim before the permitting process is initiated? And then the second question is jurisdictional issues. Native allotments are under BLM management?

Mr. Steve Cohn - No.

Commissioner Woods - So that's totally separate?

Mr. Steve Cohn - Totally separate.

Commissioner Woods - So your jurisdictional issues would not include -- like refuges have some provision for mining; they have their own separate plan. This process would not affect any other placer mining activities other than BLM land?

Mr. Steve Cohn - Correct.

Commissioner Woods - Okay. So maybe the first question to this is, this is the front loader of a permitting process?

Mr. Steve Cohn - Correct. The process is someone has a mining claim and maybe they've had it for decades or acquired it from someone for decades. Either they've had an existing Plan of Operations and they want to modify it for new activity or, in some cases, it could be an area that hasn't been mined. There might be an old claim, but it hasn't been mined and so they want to proceed with a new Plan of Operations. And so those would be the conditions under which this policy would apply. It would only apply in the case of operations either within an active stream channel or within 100 feet of a channel.

Commissioner Woods - That makes sense.

Mr. Steve Cohn - So if it's up in the uplands, this policy wouldn't affect it. We haven't seen the kind of problems with reclamations in the uplands as we have in the streams. The streams are difficult. They're difficult to work with and because we're a multiple-use agency, we have responsibilities also to ensure that things like fish and wildlife populations are sustained. So that's kind of what motivates us to engage in this.

Commissioner Arno - I'm a career-long fisheries biologist and I've worked mostly on the Seward Peninsula where placer mining is a very common activity. I've been involved in lots of reclamation projects and one of the points I think is important is that reclamation is relative and I see lots of regulations that require preplanning of something right away and you want to knock down the tailing piles because they're unsightly and so forth. In truth, the old humpty-bump kind of tailing piles are far more productive than the ones that are graded flat and are a uniform thickness above the water table. The riparian vegetation takes much longer to come back, it's of much poorer quality. Grass doesn't feed many Alaskan animals; willows do.

As far as the fish go, a series of pools and riffles is highly preferable to a constant grade. And so often reclamation is equal to or less than the untreated mining after-effects. So habitat rehabilitation can turn into habitat re-enhancement if you do it properly, not just reclamation, not just going back to the pre-mine state. You could actually have a much nicer habitat with less dollars spent.

And so I hope that the issue of enhancement of habitat as opposed to somebody's idea of what a nice lawn looks like would be considered. Wildlife likes cover. Wildlife likes kind of a rough situation.

Mr. Steve Cohn - Thank you. Yes, appreciate that.

Commissioner Liska - Yes, I think Commissioner Hanson was getting to this, but where is the burden of cost going to be for the gathering of the baseline data? Where is that going to ultimately end up?

Mr. Steve Cohn - Well, it is going to be a requirement for the miner to provide some of that background information and so there will be a cost associated with that. The agency is also going to be collecting information at a regional scale that will help kind of calibrate that information that the miner collects. That's where we think we can minimize the amount of data that we need from the operators themselves and kind of marry that with more regional information that the agency will provide. But that is where we're looking for help from this subcommittee as well, is to think of how we can provide the technical assistance to the mining industry in such a way that we minimize the burden on them for providing this information.

They already need to submit a Plan of Operations and there's a cost associated with that, that's been standard practice for many years. What we're doing is just adding some of the information in that information request, but we recognize that there is additional cost with that. So we're looking for ways, and very open to ideas, on how we can help the miners to best meet that requirement without it becoming a burden. I would love to see some association develop with the land grant university to help with that, if we could figure out a way to provide that kind of technical assistance. Those kind of things. How do we all kind of work together to figure out a way to do this?

Leaphart - How would you define high-risk operation? Is that based on past performance or based on terrain, habitat that they would be proposing to mine? How would that be defined?

Mr. Steve Cohn - We've got kind of a set of factors. Certainly, a considerable amount of operation in a stream is potentially high risk just because of the cost associated with reclaiming streams. Remote locations, off-the-road grid, the costs go up sort of exponentially in terms mobilizing equipment, getting it out on site, the cost of hiring a third party. Again, it's for bonding purposes, so if we had to hire a third party to mobilize equipment, to fly it out there or somehow get it on site, do the work, demobilize, you know, those costs become very high very quickly especially since we have such a short operating season in the summer.

If there's a history of noncompliance, that would be a red flag that we might consider that kind of proposed operation as representing high risk, or just an operation that is so large that we would just anticipate that if it was necessary to go to the pool, it would basically sink the pool.

So we have an existing agreement with the state on the use of the bond pool. There are already acreage limitations in that; it only goes up to, I believe, 35 or 40 acres. We're looking at that number. Facilities that use any kind of chemical process are not eligible for the pool. So there are already some criteria, but these are just additional ones. We're really trying to build a fence around the pool and protect it and make sure that it's sustained. That's our goal, our sole goal.

Representative Keller, Chairman - Okay, then. Proceed.

Mr. Steve Cohn - The last set of issues, and I can run through these quickly, deal with our Resource Management Plans, our Land Use Plans. These are very similar to the plan that I talked about earlier for the National Petroleum Reserve. These are sort of the overarching documents that we use when we make very specific decisions about how to allocate resources within a large area. That's sort of bureaucratic, but it's through this kind of planning process that we'll make decisions about, for example, recommendations to the secretary on whether or not to lift withdrawals - again, these are only recommendations because only the secretary has that authority - we include decisions about travel management and how we're going to propose to manage vehicles and travel within the planning area.

We'll make site-specific decisions about which areas of land we would like to make available for disposal, which areas of land we would like to retain for different purposes. Those kinds of decisions.

So we have three plans that are currently underway. One is fairly far along. We're close to issuing a final plan. This is our Eastern Interior Plan. Some of the major issues, again, deal with the ANCSA D1 withdrawals and recommendations to the secretary on that; travel management decisions, this includes the Steese National Conservation area and the White Mountains National Recreational Area as well as several wild and scenic rivers. So we're looking at specific decisions related to travel in those areas.

This is another case where we've had challenges -- at any point just let me know when you'd like me to stop.

Representative Keller, Chairman - I'll tell you what I'm shooting for, is I get panicky at ten to, so we can give everybody a break before we go into the next session. So go ahead.

Mr. Steve Cohn - I don't want to take up all the time. So, travel management is a challenging one because the policy that Washington has produced is primarily geared towards the Lower 48 where it's desert and a lot of challenges with managing travel around cities. We have a lot of public lands around Phoenix and Salt Lake City and place where there are a lot of conflicts with wildlife and amongst different recreational users. We don't have those kind of issues here. So we're trying to work with Washington to come up with a way that is consistent with our commitments under ANILCA, is consistent with our subsistence requirements which are unique in the BLM, and it takes into account the landscape that we are managing. Managing travel in wetlands that are snow covered nine months out of the year is a totally different thing than managing off-highway vehicles outside of Las Vegas.

So we're trying to come up with a set of rules where we can be consistent with the national policy, but make sense for the Alaska context. We've been coordinating with the state on that. This has gone through a very lengthy public process. We've received literally thousands of comments on how we should make decisions on travel and its effects on subsistence use and recreational use. And we're sort of operating within all of that as we move forward with making this set of decisions.

We're also going to be making a decision - there's a bit of an oddity in the White Mountains where we're considering whether or not to lease or under what conditions we would lease hardrock minerals, which is a very unique situation on BLM lands. So we're looking at that decision. We're looking at how we manage lands with wilderness characteristics and the specific prescriptions for that. We're not developing wilderness study areas as we have in the past. That's not where the agency is at. We've done an inventory of wilderness characteristics and now we're going to propose how we're going to manage that specific resource, the same as we manage all of our other resources. So that will be part of the decision.

Decisions specific to wildlife habitat management: we're required to look at our rivers and make a determination of whether or not they're eligible for inclusion in the wild and scenic river system. That's strictly an agency recommendation. It's in Congress' purview whether or not to designate a wild and scenic river.

We had a second round of public meetings that ended in April of 2013. We received thousands of comments. We've gone through all those comments and we're preparing the final Resource Management Plan now. We hope to get that out certainly this calendar year.

We've initiated two new Land Use Plans, one in Central Yukon, which includes the Dalton Highway Corridor, and another in the Bering Sea Western Interior, western part of the state. The Central Yukon, again, we're making decisions about how we will manage the highway corridor into the future, decisions on the ANCSA D1 withdrawals, and other issues similar to the other plan that I mentioned before. Travel management is a big issue in the corridor. So those are the kinds of issues.

We've held scoping meetings, several dozen scoping meetings for both plans. Those scoping meetings are pretty much ending this month. That's where we gather initial information about all the

issues that should be addressed in the Land Use Plan. The next step: the agency will take all that information, look at all the data that we've got and prepare a draft plan for public release. That will take some time; that will be probably another year. It's all done by in-house staff and while we're keeping up with everyday business, they're also working on this plan, so they're pretty busy.

In the Bering Sea Western Interior Resource Management Plan, in addition to those other issues, we're also looking at what we call areas of critical environmental concern. These are areas that have any kind of specific resource that is identified either through our own data collection or through public input that we would want to highlight or identify some specific rules about how we would want to manage whatever that resource is. It could be an archeological site, it could be some kind of very specific plant or habitat feature, those kind of things. But a lot of that comes out of scoping and what people identify to us, and then looking to develop sort of site-specific rules about that. Now that, again, is all done through a public process. We'll look at kind of a range of alternatives and we'll be issuing a draft and anyone is able to provide comments to that draft which becomes part of the official record and part of the consideration process. And when we're done with those plans, we'll be pretty much done with the state in terms of having a Land Use Planning base for the whole state.

Representative Keller, Chairman - Commissioner Somerville.

Commissioner Somerville - Thank you, Mr. Chairman. Then you can start all over again. I know you've heard this before, but I guess one of the things that keeps coming up in these meetings when we talk about wilderness and wild and scenic rivers is whether or not you have the legal right to do that under a policy or plan, or according to the wishes of ANILCA. And you look at an area and you said you've already identified it to have wilderness characteristics.

My question is what do you do with that area if nothing is done about that? In other words, I maintain in some cases, Fish & Wildlife Service in particular, are keeping these areas in quasi-wilderness status until the stars align that Congress will eventually declare them wilderness. So, in essence, what the agency is doing is declaring them wilderness because nothing happens in those areas that would in any way violate that. Does this make sense?

Mr. Steve Cohn - Absolutely it makes sense. This is different than the past. We are inventorying for these characteristics. Most of Alaska has wilderness characteristics; it's undeveloped. It's the agency's discretion to determine how we're going to manage for those characteristics. So, frankly, in most cases, if we do nothing, they're not going to change because the development impacts are so minimal. We can factor that into our decision-making process for how we're going to manage those characteristics in the future and in some cases we may decide that other uses take precedence over the wilderness characteristics and that we would manage for those other uses. That is within our purview.

We're not going to draw lines around places and say that these are de facto wilderness. We're specifically precluded from doing that.

Commissioner Somerville - But you see what the next question is. It would certainly help in the credibility of the agencies if we'd see oil and gas leasing in some of these areas that have wilderness characteristics. What happens is, in most cases, is that they lay there in a quasi-wilderness status and nothing -- in other words, the multiple use requirements essentially of your agency are frequently not applied to those areas.

Mr. Steve Cohn - Looking at the National Petroleum Reserve as an example, probably upwards of 90, 95, 99 percent of that area has wilderness characteristics, but we identified large areas that would be available for leasing. And we had a lease sale this year in the National Petroleum Reserve and we leased thousands of acres for millions of dollars for the treasury. So we are very much aware of our multiple use mandate and we are taking that into account as we make decisions about how we're going to manage

these large undeveloped landscapes into the future.

Commissioner Somerville - And I give you credit for that.

Commissioner Arno - Thank you much for coming. Two questions: One is kind of a follow-up on where Commissioner Somerville was going. What is the agency's position now on the secretarial order on the wild lands?

Mr. Steve Cohn - We are not implementing that order. We've been directed by Congress not to do so and we are not. So the policy that we're operating under now was made subsequent to the wild lands policy and is this process that I've been describing. We go out, we inventory for wilderness characteristics, the same as we inventory for archeological sites or wildlife habitat features. It's our basic data layer. And then we, through the Land Use Plan, make decisions about how we're going to manage those areas. We can make a decision that we would manage for those characteristics, which doesn't mean that other uses can't occur, but that would be the predominant way that we would manage that particular set of characteristics in that area. We can make a decision that we will not manage for those characteristics. The same as if we identified some wildlife habitat area; we can make a decision to manage to protect that or not because we may decide we're not going to because there is some other use that we would rather see that area managed for.

We're doing a lot of that in the California desert where we have large areas that have sensitive biological resources, but we've decided that for those areas, the predominant use is going to be for solar development or wind development. So we have all of those things at our discretion. In a way, we've taken the wilderness characteristics and we're treating them the same as we treat any other resource that we inventory and manage for.

Commissioner Arno - Thanks. And, of course, the concern there again is that once you determine it has wilderness characteristics, then you're less apt to come up with a travel management plan that would distract from those wilderness characteristics, which then would forever preclude it from going to Congress and becoming a wilderness area. Okay.

Mr. Steve Cohn - And I understand, but we're not going to be recommending areas for inclusion in the Wilderness Act.

Commissioner Arno - Good. Okay. All right. And so the next question is, two or three years ago the BLM started an environmental assessment on guides/outfitters. I just looked on the web site and I can't see anything other than just this special permitting that they continue doing. Is that EA still in the process of being developed?

Mr. Steve Cohn - Rather than me make something up, let me find out about that and get back to you. That issue hasn't come up since I've been here, so I don't know anything about it. But I will find out and certainly get back to you on that.

Commissioner Arno - Mr. Chairman, maybe a little clarification. There was a guide capacity study that was instituted about two years ago and it was going to be kind of dovetailing with what was going to be a new state guide program. Bill Overbaugh was heading up that study. And we've not heard anything else about it. We asked for information last fall, I think, and they were still analyzing the data.

Mr. Steve Cohn - Okay. But I can get more information. How would you like me to feed information back?

Leaphart - Just give it to me and I'll give it to everybody.

Commissioner Woods - That was my comment, is welcome back any time. This has been a shift in policy from about 10 years ago when BLM came and did their -- the Bristol Bay Plan was a new format of how BLM and the federal government was going to implement on the public input process, and that changed everything. Thank you for showing up. I just wanted to comment on that.

Mr. Steve Cohn - Well, thank you for inviting me.

Representative Keller, Chairman - Thank you. What we're going to do is we're going to gavel out and reconvene at 3:00 and it's for a closed executive session, so it'll be just for commissioners and staff. So thank you. We'll take a break till 3:00.

BREAK 2:45 p.m. to 3:00 p.m.

EXECUTIVE SESSION from 3:00pm to Close of Business

SATURDAY – JANUARY 25, 2014

Senate Finance Room 532

State Capitol Building, Juneau, Alaska

9:04 a.m. – CALL TO ORDER - Representative Keller, Chairman - Call the Citizens' Advisory Commission on Federal Areas together. Its 9:04 a.m. and it's the second day, January 25th. Welcome. Hope everybody had a good night's sleep. We're going to start off here in a few minutes and we'll go right into New Business. You can go on to the New Business tab on your books, but before we get started, I want to introduce somebody I don't really know. Brent Burglin, right? From DNR, and his title is, he's the director of Mining, Lands, and Water, and so he works, I guess, every day with Scott down there in the big tall building. So welcome.

Do you have any comments? Now is the time, I guess. Feel free. I mean, if you have a presentation, we have public participation later, but.....

Brent Burglin - (Inaudible - away from microphone)

Representative Keller, Chairman - Okay. If you would, call roll.

ROLL CALL

Leaphart - Mr. Chairman, we have 11 present; 10 present, 1 online with us from Fairbanks. The Chair - So we have a quorum. The first item of business under the New Business is election of officers. I will entertain any motions from the floor, nominations. Commissioner Somerville?

Commissioner Somerville - Thank you, Mr. Chairman. I nominate the existing officers if they're willing to serve, to continue in their present position.

Unidentified voice - I'll second that.

Representative Keller, Chairman - Discussion.

Leaphart - Call for unanimous consent.

Representative Keller, Chairman - All in favor, say aye. (All Members - Aye.) Opposed? I do want to comment, though. You know, speaking for myself, a great team working with Mark and Rod and Charlie on this, but we don't want to get in a rut either. So if any of you aspire to any of these jobs, don't wait till the next nomination time. It makes it really clumsy. But let us know, I mean, hey, this is great. And, also, that goes for the chair. You know, I really think it's good for the commission to have different chairs. So I won't feel threatened, I promise. There's no problem there.

So not only be honest if you aspire to the job, but also evaluate each other and think about it before the next round on this thing.

Leaphart - Pass the park compendia.

Representative Keller, Chairman - Okay. What I'm going to do on other New Business items is I'm just going to let our Executive Director tell us why they're in there and what about them. As I understand, this is our initial glimpse. Nobody had a chance to look at it, but go ahead.

NEW BUSINESS

Leaphart - Thanks, Mr. Chairman. The first item we had under New Business is the Annual Revision

of the National Park Service Compendium. Park compendiums. And, quite, frankly, we have not had time to review them in any great detail. We participate with the state in a preliminary meeting in the fall to discuss possible changes that might be made to the compendium. We sit down with the park service, usually with the chief rangers and folks from the regional office, to talk about them.

The only two parks that really have any changes are Wrangell-St. Elias and there's a small change in Glacier Bay that has to do with pet waste. So that's not really an earth-shattering revision. The Wrangells compendium has some proposals in there that have to do with cabins that are currently designated as public use cabins. They want to take a number of those off the list. I think Joel mentioned that a little bit yesterday. I looked at the compendium this morning. What's not clear in the compendium is that they would still be available for emergency use, and I think he mentioned that yesterday as well. That's sort of the major part of that compendium change.

Some of the buildings, housing for park employees, they want to create a zone around them where the public isn't allowed in there. It's a privacy thing. They've had some complaints from some of the seasonal employees and stuff like that. That doesn't appear to be a big issue, but we'll look at that a little more closely.

Probably the biggest thing that's in the compendium this year is a procedural change. We all know that in previous years, the Park Service has included these temporary wildlife closures, specifically the bear denning closure, in Gates National Preserve and Denali National Preserve, and also closures to the extended wolf and coyote seasons that were implemented by the Board of Game a couple of years ago. Those have been taken out of the compendium this year and what they propose to do, the park service petitioned the Board of Game to change its schedule to reconsider the park service's earlier request to exempt preserved lands from (1) the extended seasons and (2) the bear denning regulation. The board declined to change its schedule, so my understanding is that those state regulations will remain in place and then at some future time, probably in the pretty near future, the park service will publish temporary closure regulations to keep those areas of the preserves closed that they previously had included as part of the compendium.

So that's an action that is in the future, is my understanding.

Commissioner Olsen - Thank you, Mr. Chairman. Just the mechanics of the compendium, is it similar to the Administrative Procedure Act? In other words, the government has to disclose ongoing business, make it available for the public, and it's their tool, and that's the way they're doing it? And do other federal agencies use this tool as well?

Leaphart - Mr. Chairman. No, they do not. This is unique to the National Park Service, and most of what's in the compendium, there are sort of two kinds of regulations that the National Park Service has, the regulatory authority that they have. This is all considered discretionary authority on the part of the superintendent or the regional office.

Under the general park service regs that apply to all park units across the country, they can make various kinds of closures and restrictions, designate campgrounds, those kind of things. No noise areas. In Alaska if they want to close an area access under the ANILCA access provisions, they have a separate set of regulations that they have to follow. If they have wildlife closures, there is another set that they have to follow.

So a compendium is just a list of existing park regulations that apply for that park.

Commissioner Olsen - Whose job description is it to review this material each day or make us, as a state or as participants with the park service, aware of where they're moving from and to and when they're going to do it? If you didn't look at it, who would?

Leaphart - Well, they do a news release. There's a news release that goes out, public service notices that go out that these are available. They can be downloaded from the park service regional office

website. And then in the instance of if there's a closure or restriction that they want to implement that requires formal public notice and public hearing, then they will have public hearings in the affected area.

This was our complaint with the park service last year because they had included a number of new closures, primarily the closures to the extended wolf and coyote seasons and they scheduled only seven public hearings around the state, even though by my count there were about 45 villages and communities that were designated resident zone communities for the affected preserves. We asked them several times to have some additional meetings; they've declined to do that. They did go initiate a webinar where people could interact with the park service online, but they only had seven public meetings.

So they do try to get the word out. It's not a perfect system and I think like last year they had an inadequate number of public hearings. If they go forward with reimposing these temporary closures this year, then certainly we'll try to make sure that they have an adequate number of public hearings in the affected area.

Representative Keller, Chairman - Commissioner Somerville.

Commissioner Somerville - Yes, thank you, Mr. Chairman. Yes, I get a little confused sometimes with compendia regulations. I've looked back through a good chunk of CACFA's comments on compendia regulations. Consistently, number one, you've said they haven't followed their own rules. They're supposed to hold hearings in the location. If they hold seven meetings in Anchorage, that doesn't satisfy the requirements of ANILCA.

I guess maybe we should talk about this later when we talk about the summit overreach and this sort of thing, but I would really like to see us push the Department of Law when they violate their own regulations. Take them to court, file something, even if they negotiate some settlement. Put something on the board. This is sitting here saying, well, geez, you violated your regulations again. It just doesn't seem to fit anymore. I don't know if that's happening in this case. Maybe they're following the rules this time and that's fine, and I certainly appreciate your continually keeping their feet to the fire.

Leaphart - Mr. Chairman. On my first analysis, this does represent a fairly significant change. I mean, I don't think that they're going to not implement those closures again; it's just that the state and this commission have hammered on them enough about the procedural requirements that I think they've decided to change their procedure and then deal with wildlife closures under a separate process. If they'd implement those, those will be included in the compendium just to let the public know that those things are, in fact, not allowed in those particular park and preserve units.

Representative Keller, Chairman - Follow-up?

Commissioner Somerville - Yes, just real quick. And I guess where we might have a slight disagreement is, it's an improvement, but in some cases, it's been so bad that if they don't follow the requirements of ANILCA and their own regulations, I say we should make it known to the public and go to the Department of Law and see if, in fact, something can't be done.

Representative Keller, Chairman - Commissioner Lean - Thank you. I was the one that asked about the shelter cabins and whether they were to be torn down or to still be available. And I heard from a friend of mine that's an inholder and has used those cabins since long before the preserve was in place. And he and his family have maintained those cabins, despite the fact that the park service has said they had responsibility and, as you might suspect, he's upset that they're saying that he shouldn't use them now except in emergencies. I guess emergencies are relative and I suspect they'll continue to be used as long as they're available.

Leaphart - Mr. Chairman, I think maybe it would be appropriate to suggest -- I know the park service has used volunteers to do some of the trail work in the Nebesna area. I don't know that they've ever approached any local groups about voluntary maintenance on these cabins to keep them open. We had a long discussion with them and some of these are in designated wilderness, so it tends to raise our alarms that we're closing these down because they're in wilderness and, frankly, there's a big contingent of the agency personnel and the American public who don't think those appropriate in wilderness. Whether they're allowed or not under the law, they just don't think they're appropriate.

So that tends to make me question whether or not some of this isn't motivated by a desire to clean up the wilderness areas, and I've actually had staff tell me that.

Representative Keller, Chairman - Commissioner Lean.

Commissioner Lean - Yes, at the time the preserve and park were implemented, some of the inholders had significant property losses and had buildings either condemned and taken away or transferred to the park service. And I think at least some of these shelter cabins were originally built and maintained for the guiding purposes and for back-country travel prior to wilderness, prior to the preserve, prior to the park and the people that are maintaining the cabins are somewhat embittered by their previous losses. So I'm not sure they would sign any agreement with the park service.

Representative Keller, Chairman - A thought that I have, it may be worth nothing, but for discussion: This keeps coming up in the commission and an idea that I keep thinking that we might be able to do to help this along is to propose some guidelines for the volunteers, keeping in mind the different agencies. You know, maybe we can start with their own DNR; that cabins on state land, if somebody goes in and carries in the tin for a roof, what are the guidelines that DNR should follow? Can we give it some kind of a conditional priority use based on a schedule and maybe we can come up with something to propose that would raise the awareness and maybe solve some of the problems as we go.

I don't know, just throwing it on the table if it's worth anything. Commissioner Somerville?

Commissioner Somerville - I think it's a good idea. Having our local organization here who works as a volunteer for Fish & Game and handling responsibilities at the shooting range, for instance, and convinced them that there are a lot of agencies: park service, forest service, Fish & Wildlife service that use volunteers. So I think there's a lot of examples out there, other states that we can go to, to do exactly what you're saying. I think it'd broaden, in essence, the state's recognition of and use of volunteers.

Representative Keller, Chairman - Give it some thought, if we should maybe do a subcommittee or whatever, or ask DNR to do something. Okay.

Representative Director Leaphart - Mr. Chairman, the compendium comment period is open until the middle of February and, as usual, we will draft up comments and circulate those for everybody to take a look at and get back with us if you want changes or additions. But that's sort of the gist of the changes. It's just the two parks. None of the other parks have really proposed any changes.

The only other change that I haven't looked at has to do with the assignment of road permits for Denali National Park for Kantishna inholders. That one mention of an inholder in Denali Park that came up yesterday is a fellow that I've been working with for several years to try to get access in there. He filed an application or request to be put on the list. Even though he's not a, quote, Kantishna inholder, his property lies about 15 miles from Kantishna. Looking at the current situation, the letter we sent pointed out that that really represented his most feasible access, at least as a jumping off point to get to his property.

He's in the process of trying to get a permit to develop access to his property, and he asked to be put on the inholder permit list, and I don't think that they agreed to do that. But I have been in contact with the superintendent and he promised to get back to the inholder on that subject. So it's kind of a

work in progress. But that's an annual list that can be adjusted up or down. It's still subject to the use restrictions on the park road, the number of trips, and I guess it will remain in place through this year and then at the end of this year, they adopt that new Vehicle Management Plan for the park road.

That's the only other change that I'm aware of that might have been made and I'm sorry I didn't check on that one. Any questions on that?

Representative Keller, Chairman - Okay. No.

Leaphart - Mr. Chairman, the next item is sort of the end result of the Nabesna ORV use issue in Wrangell-St. Elias National Park. And you'll recall that, and we talked about this a little bit yesterday, several years ago as part of a settlement agreement between the National Park Service and National Parks and Conservation Association, they did an environmental impact statement to look at ORV use in the Nabesna area of Wrangell-St. Elias National Park. What came out of that, unfortunately, was a last-minute change in the preferred alternative that resulted in essentially the permanent loss of a couple of trails that had been used for quite some time, well, since the sixties, to access hunting areas. And the problem was because of the reroute of the trails that was decided upon as part of this EIS process, those portions of the trail that are within the national park are no longer available to people who are using the trails, ORVs on the trails, to access hunting areas in the preserve under the state general hunting regs. Those trails, I understand, will still remain open for subsistence users with restrictions.

And, again, these regulations came out just last week. We have not looked at them in any great detail. One of the changes that they did make that's a little bit different from what was in the EIS was actually the addition of one trail that will be available for recreational or non-subsistence ORV use. And then the state had requested that two trails that ended short of -- and I apologize, I don't know the name of the river. Ended short of one of the rivers there, be extended to the river, and the park service agreed to do that.

So there were a couple of positive outcomes on this whole process. But we haven't looked at these in any detail, haven't cross-checked them with the maps in the Record of Decision to make sure that they're otherwise consistent. But comment period on this ends March 17th, and we'll start working on these pretty soon. I haven't had a chance to sit down with the state people who worked on this whole ORV Management Plan either, and I haven't talked to anybody in the local area.

We wanted to bring this to your attention and give you copies of the regs, if you wanted to look at them. I think everyone at one point received the full EIS on disk, so if you wanted to take some time to look at that. We'll draft comments up over the next few weeks and get those to everybody to review and then get back to us on that.

Any questions on that?

Representative Keller, Chairman - Commissioner Smith?

Commissioner Smith - Yes, I'd just like to make a quick comment, that those two trails that have been eliminated for use in the Nabesna area are two trails that an inholder has been fighting with the park service ever since ANILCA was passed to get access to Copper Lake and to his recreational property. And so essentially closing those two trails has ended a 30-year-long battle that this man has had to try to get the park service to allow him to go to his property. So just one comment.

Representative Keller, Chairman - Anything else related to Nabesna?

Leaphart - If not, the next thing listed is the next meeting date, and I'm going to jump in and say if it's okay, let's put that back. Did I forget something?

Commissioner Arno - We have a couple more.

Leaphart - Oh, there's a couple more. I've got the old version. I'm sorry.

Commissioner Arno - In the last two weeks, there's been a flurry of things that have come out and we kind of added a couple of them at the last minute to the meeting agenda. This next item, and I know almost nothing about this one, is a plan.....

Commissioner Somerville - Before we leave the Nebesna ORV regulation, related to what you just said, and that if somebody, an inholder, has their property and it now becomes inaccessible, isn't that the basis for litigation?

Leaphart - Well, I would think so. Frankly, every inholder is guaranteed access under 11.10(b) of ANILCA. And I don't know the specifics of this case in Nebesna. I know looking back at the Final EIS and the Record of Decision, there was one trail that's currently utilized by a couple of inholders that even had they decided to close the trail because of conditions, it's stated clearly in the Record of Decision that access to those inholdings would be allowed to continue. And the access is by ORV.

Commissioner Somerville - I guess this comes back to what is our charge here. This person probably doesn't have a lot of money.

Commissioner Smith - No.

Commissioner Somerville - And I guess we run into this a lot. I mean, even with the Sturgeon case, it came up. We talked about any way the state can help in some of the costs associated with him essentially taking on what should be a state case. And the same thing applies to this person if, in fact, he's being denied access to his property. And maybe we should discuss this under some other section, Mr. Chairman, but I'm just saying I find a real -- who is speaking for this person? Is that one of our charges? Anyway, you see where I'm coming from.

Leaphart - Well, I would certainly, as I have with this inholder in Denali, try to provide whatever assistance I could. In one case I helped do an appeal for an access permit years ago, but I'm not aware of this particular case. So if you can give me contact information, I'll be happy to contact him and meet with him and see what we can do.

Representative Keller, Chairman - Commissioner Smith, go ahead.

Commissioner Smith - Yes, I think that's a wonderful idea because as chairman of the Residents of the Wrangells, I worked with this gentleman for several years trying to establish access. He has a lodge on the Nebesna Road and then he owns property on Copper Lake and Tanata Lake, and has recreational cabins for rent and has been doing this for 30 years now. He has to fly all of his people in to the lake; he can't use that trail anymore.

And, yes, it's been a thirty-some-year battle and he's very discouraged. So, yes, definitely we'll give you his contact info.

Representative Keller, Chairman - Clarification question if I could, Susan. As far as you know, he's on his own, then. He is taking on the problem himself. I mean has he gone to somebody for help? Has he approached, for example, the legislature or somebody in the governor's office or DNR?

Commissioner Smith - He tried years ago to go through the process, but actually one thing that he did do was build some kind of a bridging type -- they had a big meeting in Slana about the trail conditions.

This was before the lawsuit. And they were trying to figure out a way to harden these trails. And so he went out and he put some kind of like pallet bridging in one section and then went to the park service and said, okay, I have done this; I think it might help. Would you come out and look at it and see what you think? And they cited him. They went out and they cited him.

And so he went through a big -- Residents of the Wrangells paid his fees after the court case and all of that. But, yes, he's very, very discouraged. I think he's given up trying at this point. He was hopeful throughout the whole Nebesna EIS and everything that possibly he might end up -- but those were the two trails that were closed permanently.

Representative Keller, Chairman - I think Commissioner Somerville brings up a good point. We can maybe help gather the facts and trying to think of all the.....

Commissioner Smith - That would be awesome, yes.

Representative Keller, Chairman - Commissioner Olsen.

Commissioner Olsen - Yes, thank you, Mr. Chairman. There's an appeal process for the National Park Service and it's up to the individual to seek relief from that can give it to him, but he has to establish that standing so that the last action that the park service takes is, "whatever your name is, you have to seek relief from federal court." In other words, you've got to get the park service to come to termination on his actions. I would really recommend that he do that. And the other thing I'd recommend here is that we also get legislative aids over here for Mr. Coghill to investigate this further and maybe we do have a great example for the process that evidently has a great stench.

Representative Keller, Chairman - Stan, if you would continue with -- oh, I'm sorry, did I miss -- Kathleen?

Commissioner Liska - I just wanted to state the obvious here. On the bottom of our National Parks News Release regarding the Klondike that was just handed out, and the one prior to this for the Wrangell-St. Elias, at the bottom of the page, it says, "Experience your America. The National Park Service cares for special places saved by the American people so that all may experience our heritage."

Commissioner Olsen - Doesn't include us.

Commissioner Liska - I'm just saying.

Representative Keller, Chairman - Thanks for putting that on the record.

Commissioner Olsen - Very observant.

Leaphart - Next item, Mr. Chairman, again, this is a news release that just came out this week announcing a plan for part of the Klondike Gold Rush National Historical Park around the old town of Dyea. And again, this is something that we have not looked at. It was just released on Tuesday, I believe, and we have a comment period that runs till March 28th. So we'll take a look at this and draft up comments for everyone to take a look at.

And one final item under this section, I have these notices; this came out the next day, I think on Wednesday, a notice of availability of the updates for the 1984 General Management Plan for Lake Clark National Park and Preserve. And this is the plan. We commented on some of the alternatives earlier about possible zoning within the park, different types of back country zoning, those types of things. At the time we looked at some of the proposed alternatives, the park service had planned on

doing some wilderness suitability reviews, revisiting that question. It's my understanding that they've dropped that; they won't be doing those as part of this plan revision, but, again, I've not had time to look these alternatives over in any detail since it just came out this week.

That comment period runs until March 26th, so as with the other four items, we'll take a look at those and get comments to everybody before the deadline. There's one other item that I guess Mr. Steve Cohn must have brought these yesterday but didn't distribute them. It's just a newsletter from the BLM you might be interested in. It talks a little bit about the survey, changes for the survey. It talks about the working group for the National Petroleum Reserve and a little bit on the planning efforts. It's just a general newsletter. He must have forgotten that he brought it.

And, Mr. Chairman, that's all I had -- oh, excuse me, I stand corrected, and this is something that's in your packet. Somehow we forgot to note it separately on the agenda, and we can talk about this maybe as part of our report and recommendations that we're considering. There is some information in here from Commissioner Olsen, who has provided a letter from an organization called American Stewards of Liberty, about their training program for cooperation and coordination with federal agencies. And this is a process that's available to local governments and municipalities, federally recognized tribes, those sorts of things, and they offer transportation. I've checked with them about whether they would be available, if the commission decided to sponsor this. My understanding, the cost is about \$1500 a course to sponsor and then there's a nominal fee for materials that's charged to attendees if they want to participate. They indicated that they probably would have some trainers available in March, and I think -- I'm not very familiar with this whole process.

I know that the cooperating agency processed this one that has been utilized a number of times here in Alaska by BLM. The state, for example, was a cooperating agency with the BLM, NPR-A, so was the North Slope Borough. The coordination process is a little bit different. It's where the agencies are required to try to try consult with local governments who may have zoning powers or zoning ordinances or local ordinances to try to ensure they're consistent with those local ordinances when they draw up their plan.

So there's an overview of the whole coordination process, how it works and everything. This is from American Stewards of Liberty. And then there's another handbook that's put together by an organization called Public Lands Council, and it's primarily a grazing organization, and it's sort of a guidebook on how the whole cooperation/coordination process works.

If Commissioner Olsen wanted, maybe you would like to speak to this a little bit if the commission might want to sponsor one of these training sessions or maybe more than one.

Representative Keller, Chairman - Commissioner Olsen?

Commissioner Olsen - I know this outfit, Stewards of the Range, have been around a long time. Their origin was in the state of Nevada and it was the relationship between the rancher and BLM on grazing and the situations that spawned this organization. And it's expanded to property owners predominantly on the west coast of the country.

They operate in an arena where counties are big items and they're very powerful, including the sheriff in each one of those counties. But they have come up with a mechanical approach to all government agencies on government operation through the use of the Administrative Procedure Act making sure that people get notified, and draw people to these meetings and get them up to speed. And it's a very grassroots type situation, and they've been very successful. I think they've been successful. They've got a publication and so forth.

I'm looking for any tools or any ability to get a cookie-cutter type situation with these federal agencies that the state should respond to and the citizen can respond to, if they don't cross all the t's and dot the i's, and that appears to have rounded up the agencies and made them act accordingly to their neighbors. It's just no more than a little respect for the neighbors of the agencies, and they've done a great job.

Leaphart - Mr. Chairman, in the sort of preplanning documents for these two BLM Resource Management Plans that we learned about yesterday, there's a list of potential cooperating agencies and it includes local communities, tribal entities, of course the State of Alaska; in the case of the Central Yukon Plan, because part of that planning area abuts Fairbanks North Star Borough boundaries, the Fairbanks North Star Borough is identified as a possible cooperating agency. They were also identified in the Eastern Interior Planning process and declined to participate as a cooperating agency.

It's a pretty time-consuming process. You're involved quite extensively with the planning team for the agency and so a local government, especially a small local government, it might be difficult for them to commit the manpower and the resources to be a full cooperating agency. Coordination is a little bit different, but looking at these handbooks, I think it would involve a similar level of commitment. The U.S. Forest Service, of course, is doing the two management plans for the two national forests and, of course, within those areas you have several organized boroughs: the Kenai Peninsula Borough, the Juneau, Sitka, Ketchikan Gateway Borough. All of those are, of course, potentially cooperating agencies and also potentially could participate in this coordination process.

Representative Keller, Chairman - Commissioner Lean has a comment on this.

Commissioner Lean - I skimmed through this and thought it might have had potential, but then I got to thinking about the situation -- I live in the little part of the state that doesn't have organized boroughs. Many of the city governments employ two or three people. The administrative staff is working half-time and they require subsidies from organizations like my employer to make ends meet. And, as I understand it, federal agencies want to coordinate with governmental entities that have co-existing boundaries. So if the City of St. Michael wanted to comment on BLM ground that was outside their city limits, they wouldn't have any standing. That's an example, not to cite a specific problem.

It drove home the point that large parts of Alaska are really disadvantaged in working with federal agencies because the model that works in the Lower 48 doesn't exist here.

Representative Keller, Chairman - Commissioner Woods.

Commissioner Woods - I kind of agree with Charlie that I read through this thing; it was a good idea on paper and outline how to deal with the processes, get engaged, but then they're already dealing with -- you heard BLM, they've got this new advisory committee process. They got a new -- they have an objection process instead of appeals process now.

And I have a real strong kind of a inkling here that the park service isn't number 1. BLM might be a little bit more, but each agency deals with us differently as public. We might as well join the Friends of the Animals, the Friends of Wildlife, then start attending all the endangered species listing action groups because with that process, it's more effective. I mean, you stop and think about it. It may be my sense of humor here, but....

Representative Keller, Chairman - Yeah. (General laughter) It worried me that nobody smiled, too, Woody.

Commissioner Woods - Well, in that arena, if you stop and think about it, that's a lot more effective than what this process has to offer because I attended one of them Endangered Species Act listing, and the Friends of Wildlife was chairing that with the federal government at the table. I'm like, holy cow, we are outgunned, we are outnumbered, and we are out-politicized at the Washington level. So in that regard, anything would help. Anything.

But I think this, it might be one tool and I don't know what the next phase in this is, but I think like Charlie, I think there are certain -- this might be a good fix for how BLM works in the Lower 48. I

just seen yesterday the BLM that was sitting here had a change in tune, a change of face, and a change of management style. That's opened some doors, but when you deal with park service and it's different - we heard from Geo -- or yesterday. Those things are changing and they change with the year and they change with the managers.

I'm going to just recommend that this is a good tool, but in certain situations, it might not be the answer to what we're looking for.

Representative Keller, Chairman - Commissioner Somerville and -- oh, I'm sorry, did you have something -- a point to say?

Leaphart - I just wanted to clarify, I asked the BLM if, for example, either a village or a regional corporation could be a cooperating agency, and they cannot. This is a government-to-government kind of thing. The Department of Interior and the U.S. Forest Service, the Department of Agriculture have a consultation policy that extends to ANCSA corporation. And so for those purposes they're considered sort of like a government entity. They have to consult with them; they're required to consult with them as part of their planning.

But I have to tell you that the state is undecided whether it wants to be a cooperating agency with either the two BLM plans or the two forest service plans, again, because it's quite a commitment of resources.

Representative Keller, Chairman - Commissioner Somerville.

Commissioner Somerville - Thank you, Mr. Chairman. Question. Frank certainly got my attention. How do they avoid FACA? I mean you look at the forest service planning effort down here and they're establishing this advisory committee. They have to go through this publication and the Federal Register in order to give this committee, if you will, certain direct access and cooperating status if you will.

When I was with Fish & Game, we constantly ran into that trying to get the Fish & Wildlife Service or park service or forest service to allow us to work with them on certain types of issues rather than going through a public forum. In other words, they're letting agencies try to work out their differences. And we were constantly saying, ah, you can't do that because of FACA. How do they avoid that here?

Leaphart - Mr. Chairman, FACA does not apply to government-to-government interactions. If they were using that as an excuse, then it was not accurate because routinely the state agencies can meet in a closed meeting with the federal agencies to talk about management concerns or mutual problems or projects or something like that. It does not require a FACA charter to do that.

And because they are restricted to cooperating agencies that would be local government entities, boroughs, municipalities, those sorts of things, they're not subject to FACA. The reason that the regional and village corporations couldn't be is because they are not technically governmental entities and to form a group like the Tongass Advisory Committee because that involves non-governmental representatives requires that Federal Advisory Committee Act charter.

It's something that's become more restrictive in recent years because a number of years ago, they didn't adhere to the requirements and the restrictions in their requirements and a number of the agencies got sued over it. It got their attention. So that's why they're so insistent upon FACA charters for advisory groups that involve non-governmental personnel.

Commissioner Somerville - Yes, just real quick. My reaction is, which we've all said here, is we're being buried by planning efforts. Now this is going to be another layer, in essence, or could be, I guess, like you say, a commitment of significant resources, which are already pretty limited.

Commissioner Woods - I read your report on maybe implementing this training at some point and then maybe taking it regionally, but are we on a different budget cycle this year?

Does that fit in with the budget that you got for the special action on the overreach summit that we had in August?

Leaphart - I probably wouldn't have considered it had we not gotten some money, but, again, I think the point that Commissioner Olsen makes is that the coordination process is successful in areas where you do have county governments that do have zoning authority and authority to implement ordinances and those kind of things. If you look at the list of potential cooperating agencies on the BLM plans, they note whether or not they have any legal authority. In most cases, it's listed as special expertise or special knowledge, not any legal authority.

I don't know all the structures of municipality authorities in Alaska. I mean, there are different levels, certainly. I haven't reached out too much to any governments, city or borough governments, to see if there is any interest.

Representative Keller, Chairman - Commissioner Fish?

Commissioner Fish - Well, that was leading to my question, whether it's a good idea or not. Before we commit any funds or resources to it, we should actually see if there's a demand for it in our local governments. I'm thinking of how many local governments actually even qualify in the State of Alaska to come under this training. And then out of those, it's how many have the capacity to actually involve themselves in it.

So until we know that, I think it's a little premature to commit any resources.

Representative Keller, Chairman - If we can, let's just think about that. Talk with Warren. Maybe he can get more information, and Stan, and, you know, if we just take action, we can take it up at a later date. Anything else under New Business?

Leaphart - No, just one more -- last thing on that. Because of the forest plans, I'll contact the Sitka and Ketchikan Gateway Borough and Kenai Borough because they're all within those national forest areas and see if they've been approached, and if they haven't or if they're interested, if they have plans to maybe participate already because the agencies are required to provide that opportunity if the municipality or the borough government or county government would like to take advantage of it. I'll make a point of contacting those local governments just to see if they've been approached and what their thoughts on it are.

Representative Keller, Chairman - Commissioner Somerville.

Commissioner Somerville - Yes, just real quick. I can see in some cases like Seward, completely surrounded by a natural forest, depending upon it for a lot of various things, access to the water, that there may be specific things that they want to deal with rather than the whole planning process. So I think it's a good idea just to let them know it's available.

Leaphart - This was going to be in my report, but I think we missed it yesterday.

Representative Keller, Chairman - Yes, but it's kind of New Business, anyway, only it's ANILCA training that's pending and the reason it's kind of New Business is that they contacted me at least by e-mail saying have you got any input or not? And I didn't get back with them. And so that option is there, I guess. But it's ANILCA training when? March?

Leaphart - March 5th and 6th in Anchorage, BLM, Campbell Creek Science Center. Commissioner Olsen had expressed some interest. No?

Commissioner Olsen - I had contacted Karrie and then (inaudible) had to remove (inaudible) from participation at this time.

Leaphart - All right. And I know a number of -- you've taken it, I think Rod's taken it or participated in some of the sessions before. So Commissioner Smith has taken it.

Representative Keller, Chairman - Part of the reason I call attention to it is just that that was a very significant part of the recommendations that others made at the -- and I support it, that came up at the summit, and renewing the course and that's why I brought it up, is that we have an option there. But we don't need to deal with that right now.

So the other thing under New Business that we had, that we don't want to forget today, is to set a next meeting date. But I would suggest that we hold off on that a little bit until we figure out and see how the rest of the day goes dealing with the report approval. If that's okay with everybody, if there's no objection. Okay. Don't let me forget. That'd be a bad one.

So we have several things ahead of us this afternoon in the working session starting at 10:00. We're right on schedule. One is, of course, the annual report, the copy of 34 pages that you have in front of you, and we're going to start there, but I want to make some comments first. But make sure you have a copy of that in front of you because what we're going to do is say, okay, this is the document that we have in front of us and this is what we're proposing, of course, for the annual report. So if we want to make changes to it, we can go through the process and if there's a consensus or whatever, but we're going to take it point by point. I'm going to give you the opportunity to say, hey, I think we ought to change this and we'll vote on it or get consensus on it and press on.

The other things that we have in front of us, is yesterday we had that closed meeting, and this all kind of ties together. We, as a commission, haven't had a chance to really interact, Rod pointed this out, on the things that we were told. So at some point today in the unfinished business, probably this afternoon, I want to entertain a motion to go back into executive session and interact a little bit to process the information that was given to us.

The other thing that we have in front of us, we've got several things, one is ongoing recommendations that come from us at CACFA. That is not what is in the report, but if we make recommendations, you know, as we go along here, that's another whole process and that is the one that might affect the future meeting date. Maybe we'll want one relatively soon, if we want to take further action.

The last thing, and all these things kind of fit in a web, but like I say, we're going to just focus on the report first, but the other thing is Tina's summary that we have posted in draft form on our web site, a summary of the summit. We want to discuss that. And that kind of ties in, I think, with again where we're going, when the next meeting is going to be, what are our recommendations or other actions that we take that kind of fits in there. That is not up for discussion right now. I'll let you question and guide the process that I'm laying out as the one I conceive of and that's open to your input. So right now, this will be the document. Commissioner Arno?

Commissioner Arno - Yes. Commissioner Arno. I appreciate that, Stan, that helps a lot, but here is my confusion. I see two different reports and as you look on page 1, the introduction, you've got the annual report. So I'm looking, you know, like this is CACFA's annual report for the activities in the 2013. But now you go to page 9 and there's the headline of the Federal Overreach Summit. See, I look at that as two different things and maybe that's why I'm confused. Are we in this document looking at CACFA's annual report for the activities in 2013? And in that, then, are we including the activities that went on at the summit which it says there on page 9 and then on page 10 it says that following our number of

recommendations made by summit participants and the members of the commission. So now this expands out of CACFA's annual report to CACFA's reporting on recommendations made by summit participants. And so then you go down on page 10 and it says summit issues and recommendations.

So in my mind, I see that there's an annual report of the activities that CACFA participated in in 2013 and the recommendations that CACFA is making to the legislature and to the governor on a number of comment periods and on whether it's parks, refuge, or BLM. And then I see the summit thing. So that kind of confuses me and I would like to get that cleared up before we start commenting on this. Thank you.

Representative Keller, Chairman - If I could respond to that, and then I'll let you all respond to it. We can entertain a motion to divide the two parts, but I wouldn't start there necessarily. I think we ought to have more interaction first. I want to call attention, if you can help me find it, where it talks about the summit. The reason the summit is in there at some level - and I'm not defending it, I'm just trying to explain my perception of it - is the report to the legislature of what happened. And one option would be to make it very clear before the summit summary is part of the annual report, that this is not necessarily the position of CACFA; it is a report of what came out at the summit. But that would separate it some if we did a clarified wording.

What I would ask for is you look for where it would go in the report and come up with a specific wording on how to make that very, very clear or, like I say, if we want to make a division here, keep in mind there are two kinds of recommendations: the recommendations, for example, that came from Bill Horn, who is obviously an expert, but he's not one of us, he's not on the commission; and then there's our recommendations. And so there has to be a clear distinction there when we're reporting this, and I think Stan did that, but maybe we need more.

Commissioner Somerville - Thank you, Mr. Chairman. I talked to you briefly before the meeting that I felt that we should delay the summit report, partly because in all fairness to Stan, and I consistently say this, it was just not enough time I don't think for the commission to really delve into what they want to recommend. And so I will make a motion - and I won't do it right now, it would just force the issue - that we delay the summit, other than mentioning in our annual report that we sponsored the summit and we will come forward with a summit report and recommendations from the commission.

On the issue you brought up, I think we need to list somewhere in there the recommendations that came out of the summit, whether we agree or disagree, and then at the end of the report we put out what are the commission's conclusions. In other words, which of these have some sort of merit and what sort of recommendations we might make. I'm not sure we should edit everybody's -- you know, just in terms of the listing.

Representative Keller, Chairman - Commissioner Woods.

Commissioner Woods - I kind of agree with Commissioner Somerville that we should separate our activities. Although the Federal Overreach Summit was a big part of this and we list the activities and maybe not the outcomes because the outcomes are our work product, because there's a meeting after that summit, too, in the fall that the recommendations came out of in October.

If we do change it, I still would like to capture the essence of the summit at least in a report that the participants -- like it says a brief -- maybe a brief description like you have here on page 9. And then the outcomes of that is recommendations in our fall meeting and then Tina Cuning's summary, that would be the annual report, and the summit itself, like you said, might come -- the recommendations from 11:00 I would say would be maybe -- I'll kind of sort it out in my head to make it most efficient for the legislative body to understand not only how important it is, but also to capture what we all did last year.

Representative Keller, Chairman - Back on the record. Again, Commissioner Woods, if you would, repeat that when we get on the record. Did you have a motion that you wanted to make, Commissioner Somerville?

Commissioner Somerville - Do you want me to go ahead with the motion?

Representative Keller, Chairman - Sure. And, by the way, that's your prerogative. I tried to give a little bit of a setting for the motion so that -- that's why -- okay, go ahead.

Commissioner Somerville - I'll make my motion and I guess give me a couple minutes to explain why. Yes, Mr. Chairman, Ron Somerville. I make a motion that we separate, and rather than say "summit," I would prefer to use the Federal Overreach Report from the annual report. And the best way, in my opinion of doing that, is to go on page 10, it's actually the third paragraph, "Following our number of recommendations," stop there and, in other words, we've explained that we have the summit and then in there right at that point, we would put in something that would say, "Whatever this commission decides, a report will be given to the legislature and the governor" at a specific date, a detailed report, rather than us fighting over, or trying to construct what recommendations are in there now.

I understand where Susan's coming from, but my reason for making that is that I think we've got one shot at, in essence, really elevating the magnitude of the federal overreach, which I think all of us would agree after we attended the summit, is probably worse than any of us thought. And we've got to somehow get the media, the governor, and the legislature convinced that we have a problem - the state has a major problem - and the state has a major problem, and the only way to do that is to provide a really good orchestrated report to them at some date. Now, we can decide when, but that's my reason for doing it.

Commissioner Somerville - Yes. We separate the summit report from the annual report other than mention that we did have a summit and the report will be coming later.

Representative Keller, Chairman - Is there a second?

Commissioner Fish - Second.

Representative Keller, Chairman - Okay. Now, discussion. And we were going back to Ron because we just assume objection and discussion and all of that, and now would have been an appropriate time for you to make that explanation that you did really well. So they'll capture that and put it on there. Commissioner Fish and then Commissioner Smith.

Commissioner Fish - Well, I agree on the motion and one thing that I want to emphasize is this summit report is really not our work product; it's the work product of the public, and I don't think that we should be parsing their recommendations. I think their voice needs to be heard loud and clear in front of our representatives in their own language. They put the effort out into coming and presenting, and making these comments. I think it's our obligation to ensure that they get passed through.

Now, I do agree that we need to mention the Federal Overreach Summit in the report as something that we've done and what actually we'd done there. And I have no problem with just deleting those last three paragraphs and the recommendations, just giving the brief description of what happened there, and then referencing that this report will follow. It would be nice if we could get it to them at the same time that the report was given, but I can understand if this work product needs to be done later.

I do agree that it should have a date-certain when the legislature should expect this summit report out, though, too.

So I'm in favor of the motion for all of those stated reasons.

Representative Keller, Chairman - Commissioner Woods.

Commissioner Woods - Just a follow-up.....

Representative Keller, Chairman - I'm sorry, if you would wait, Commissioner Smith was next in line.

Commissioner Woods - Thank you.

Representative Keller, Chairman - I try to keep track, but I was reading and I lost track.

Commissioner Smith - Thank you, Mr. Chair. Yes, I'm totally in agreement with the motion. I think it's a good idea to separate out CACFA's recommendations, but I do feel that if we want to make a better impression with the annual report that some of those recommendations would be helpful to be in there. I guess if I was receiving this report, I would say, okay, there's a summit. What happened? And I'd want to know now.

So we could say, yes, we have a report coming, but it just seems more effective if -- and I don't know how to do that. I mean, I don't know if it's appropriate to throw all of the recommendations from Tina's revised report and say, okay, this is everything that was -- and then CACFA is coming out with their own recommendations. I don't know if that's a good idea, but I do think receiving the annual report without receiving anything of the summit recommendations leaves a gap.

Representative Keller, Chairman - We want to go in order. There's Commissioner Woods, and then Commissioner Arno, and then Stan, and then Charlie.

Commissioner Woods - I'd like to follow up. Susan's idea is perfect, but I still think we need to capture the essence of why the summit was called and then recommendations. If we're going to have all day to work on this portion, we could work on the report and the recommendations after we approve the -- are we going to try to approve the annual report today? This motion would do that, right? And then we've got to work on the recommendations from the overreach summit.

Representative Keller, Chairman - What I tried to describe is pretty close to that. There's a lot of parts here. We've got Tina's summary, we've got the summit report, and we have plans for what we do next and that kind of thing. And, yes, as the day goes on, we'll get as far as we can. That's part of the reason why we put the next meeting date off, because how far we can get is going to have an implication on when we meet again. Does that help, Commissioner Woods?

Commissioner Woods - Yes, that helps, but I think that you're right; we're just going to walk through real carefully and that we do an adequate job so at least the representatives and the legislative bodies can understand what we're doing without short-changing ourselves in the work that we've already done and what happened so far.

Representative Keller, Chairman - Commissioner Arno?

Commissioner Arno - No one is suggesting, I don't believe, that we discount or don't provide the information by the public at the summit in the annual report. And, in fact, I think that fortifies the commission's concerns: here are some people from the public and here were there recommendations at the summit. So I don't think we're trying to exclude that.

All I think that we're trying to do, and we're headed in the right direction, I support the motion, is that

the Federal Overreach report should be coming from CACFA. So clearly we can take the information and the recommendations from the public and report those to the legislature in the annual report.

Leaphart - Mr. Chairman, would we want to include this summary that Tina Cuning did for us, but that we revised, which summarizes what we heard at the summit, with the additions that we made in October? Or you don't think that's appropriate?

Representative Keller, Chairman - Question on that, Stan. Isn't there a place in here earlier where it references the fact that the whole transcript is on our web site? That's part of our annual report, right?

Leaphart - Yes.

Representative Keller, Chairman - So even if we didn't include Tina's summary, we have included the public if we reference that. In other words, technically, it's covered. Charlie?

Commissioner Lean - I guess I'm very reluctantly going along with this. I think we had a deadline and the expectation is that we provide a report of what we do. To convince the legislature and the governor that we're doing our job, we need to produce a credible product. And if we punt and provide a minimal report that says, yeah, we were active, but we're going to put off all our real advice until some later date, it reflects not so well.

I understand people's wish to get it right and have it perfect. Perfection is an elusive thing. I've never seen a perfect report. Anyway, I think we are obligated to produce a report much like Tina's that shows what the public said and then I think we need to provide a bulletized reduction of that that says what we think are practical and important things that we extracted from that and from our own experience.

If the majority goes that way, I'll go, too, but I was hopeful we could do more. Thanks.

Commissioner Liska - I'm in support of the motion and the reason is why it's standard business practice to put your annual report together and say this is what we've done and the scope of what we've been tasked to do. The Federal Overreach Summit is in addition to the normal tasks that we took on as a team. And I think the magnitude of convening the Federal Overreach Summit, let alone the magnitude of who we heard from, historically, where we're at today deserves -- yes, this right here with what Stan has prepared and Tina has prepared is public comment. It is the public's recommendations. It is not our recommendations.

And I think what Commissioner Arno said, that we remove these paragraphs and put in a paragraph or a few paragraphs saying that we convened the Federal Overreach Summit - I think you had it in there; I didn't see it in this one - of what the purpose and intent and outline goal was of the summit itself and saying based on the recommendations. Tina's information is on the web site already. It's already available for anyone to look at. But that we come together and we take what the public said and what this commission has been dealing with over the years and we come with a very targeted goals and where we think the recommendations need to go from here.

I think, with Commissioner Somerville, we want to hit a mark here because the magnitude of this -- there is an open door for things to be accomplished: what we heard from the Department of Law, the fact that they came together for a report based on us even convening the Federal Overreach Summit; we know the administration is interested in these issues. So we need to be very targeted intentionally with where we go for our recommendations, underlined there's distinctions between what we heard from the public recommendations and what our addition to or synopsis and where we think needs to go. And I do think we have the summit in August and we had our follow-up meeting in October where the federal agencies weren't there, and I think our recommendations deserve more time by the commission to really go into more detailed -- maybe not consensus building because we're each carrying different

things that are important to us in this.

So I think it deserves the additional time for us to put this together. So I'm in support of the motion, even though there could be several paragraphs saying this is what the Federal Overreach Summit was, but we are delaying our recommendations. If you're interested in the public recommendations, there is a synopsis on the web site. I think our arrow needs to be very sharp. Thank you.

Representative Keller, Chairman - I'm going to put myself on the list here. Frankly, I'm going to vote against the motion, but it isn't that I disagree. What you all said, I agree with completely, but I think that a legislator that reads this is going to respond positively to the information that is included in what was presented here by our executive director.

Charlie pointed out something as just a reminder; he said we have a timeline. What is it, 10 days after session starts? So we need to have the annual report. And, yes, the report on the summit is separate. The reason why I'll vote no is not that I disagree with any of you, but I think it can be handled with a few different words in those paragraphs. For what it's worth, I think we can go in there and say what is included hereafter is not the -- it says now it's endorsed by the CACFA. I would change that and say this is not endorsed by CACFA. This is the information that was presented at the summit by various presenters, including some commission members. I mean, it's not discounting any of it. It's just saying that as far as more comprehensive report, that's coming.

But that's the way I would approach it. But I certainly am submissive to the direction that we're going. But if we cut it off at that point, I think we're lacking in getting what the public has said out there, and I think that there's been a really good attempt in this.

Commission Meekin - You said everything I wanted to say.

Representative Keller, Chairman - Commission Meekin. I'm sorry.

Commission Meekin - Yes, I was just going to echo what you said. We're here, we're here now, we have a fair amount of time, and I'm thinking that this is an issue that's fresh in our mind and, in light of what we heard yesterday, it does put a little bit different light on some issues, but I think that because since we're behind the eight-ball maybe a little bit in getting this report out, that maybe we ought to get it out instead of sitting at computer where you don't have this interaction between each other now at this time. And then follow Stan's lead. He's done an awesome job up until now and if he says, yes, we need to get something out here now, we need to get this done, that maybe we should just bite the bullet and get it done now.

I also agree that there has to be something on the summit, and get that done.

Representative Keller, Chairman - Commissioner Fish.

Commissioner Fish - Well, maybe I need clarification on this or whatnot, but I understood the motion to basically end on page 10 to the report right there where it says commission staff was able to meet mostly with them individually once government is resumed. Stop the language there in the report and I gathered that we were going to add a little more language to that, that has not yet been discussed in the original motion that would refer to this work product.

Now, if we have that language, if we do that, if we stop that, and then refer to this work product, this work product can be attached to this report or it can be followed at a later date or whenever we get it out. But for purposes of this motion, I think it could work both ways. It could work either way, depending on the speed that we get this out. All we have to do is, after all the language we delete, add the language that refers to this summit report. And then whatever the summit report contains will be essentially an addendum to our summary, our annual report.

So I think it still could work as Wes and Charlie are referring to by passing this motion and then getting to the work on the summary out in time to attach to it.

Representative Keller, Chairman - Commissioner Woods?

Commissioner Woods - I think after thinking about it, we've got time here and if we walk through this whole process, we've talked about each one of these recommendations. We heard yesterday where those recommendations went. So I think I'd agree with the chairman and Charlie and Mike that I would rescind my vote to approve this just to the fact that we do have time and there's actually work that we've already done. It doesn't say exactly each commission's or this body's stance or recommendation. These came out of the summit itself and we went through each one of these. And I think we just ought to approve the report as standing along with the summary and leave it at that. Because we're doing the work that's ongoing just to make sure that we've understood when it happened, that right after, this is ongoing. This isn't going to stop with this report right here. This stuff is going to continue to keep -- I mean, we're working on each issue as it comes up and as it -- it's just an ongoing items list. I'll stop there.

Representative Keller, Chairman - I don't see anybody else, so I'll jump in. If the motion goes down just process here - that does not prevent us from going back in and changing a lot of wording in the time that we have left. Okay. So keep that in mind. But also keep in mind - and I was reminded of this from Senator Coghill's staff - just state the obvious. This is political and we're up for re-up, so they want to see a product. Frankly, to say it bluntly, a nine-page fill-in-the-square report is not going to do much for us in this political year. I'm just going to put that on the record and say it.

Commissioner Somerville - Thank you, Mr. Chairman. I don't think we can get this report to a point where I'd be comfortable submitting it, in just today. I think there is going to have to be some exchanges on issues. I'm also opposed to just listing the public material in there because I don't think it gives the public the adequate recognition that they deserve. Let me be honest. If this report went, as it has been in the past, it'll be written form, there will be no presentation by this commission in front of any committees; it will go to the governor and nobody is going to read it. I hate to say that.

The only chance we have of elevating this, which I've mentioned to the chairman, we need to request that we have a joint committee of resources, mid March or something like that, finish up a good report, have a PowerPoint presentation, get stuff that can be released to the media. There are going to be points that this commission has focused on saying, these are the issues, these are the things you've got to do if we're going to turn this around. And, again, I'll say what we're trying to do is convince the legislature and governor's office. I don't think you people realize the problem we have. I know most of the legislators. I've dealt with most of them up there. This isn't people like Wes and Senator Coghill and a number of others. I'm not saying -- but they don't recognize the magnitude of it, partly because I don't think we did even until the summit was completed.

So, anyway, that's where I'm coming from. Referencing the summit - I think it's been on the web site, I think that's a good idea - but listing the public's points and just submitting it as part of the report without anything attached to it, I think it doesn't do a service for the public. Anyway, that's where I'm coming from. I'm still going to support my motion. If you choose to add to it after that, obviously, as Mark has said, if we want to add something further explaining the purposes of the summit, that's fine.

Representative Keller, Chairman - Just a clarification question; this isn't a comment. Do you think then without your motion that would prevent or hinder that kind of presentation of our recommendations and emphasis later?

Commissioner Somerville - Would prevent it? No, I'm just saying not be part of this annual report.

That's all I'm saying.

Representative Keller, Chairman - Yeah, you made the comment about going before the committee and the question in my mind is, why couldn't we do that anyway?

Commissioner Somerville - You could, but when you do that, you're going to have one shot at that. The committee is not going to keep hearing you over and over again with a different report. What I'm saying is, we could do that; we have a certain period of time we were going to submit an annual report. We can have that ready with a PowerPoint Presentation and completely ready to go by then? I think even you'd agree we can't really do that. It's been a Mission: Impossible.

Representative Keller, Chairman - We have Commissioner Arno and then Commissioner Liska, but I can't help but throw this in. As a legislator, I've got to tell you, our annual reports are like -- Stan looks at them like the Federal Register pile. It gets really tall. And so you're right, you're absolutely right thinking that largely it'll be set aside unless we do something with it. I couldn't agree with you more, but I just don't see it as a hindrance. But go ahead, Commissioner Arno.

Commissioner Arno - I'm in strong support of the motion to go ahead and separate out the Federal Overreach Summit Report from the Annual Report. I see no problem with just changing some of the wording of including the 24 pages, the stuff that was gathered here, but by not just incorporating it under the "this is CACFA's recommendations; these were just points that came out at the summit." And I have no problem putting in Tina's summary. The way it's titled is Presenters: Their Issues and Their Solutions.

So I think all of that could be in there. I had no intention of this separating out, meaning that only the first nine pages of this annual report was to be submitted. But to Commissioner Woods' comment about this is ongoing, well, it's the ongoing that's not working and that's why we're looking for that sharp arrow point and I think that it behooves the commission to try to present that sharp point that will change the direction of where we're going. And can we do it in a day? I don't think so. I thought that's what was going to happen over the last four months and there was no inter-reaction with the Department of Law in their report, which I found quite unsatisfactory and with a lot of gaps in it.

So I think that the idea of do we need to say in the annual report that we want to come back with a very sharp spear? I think that's appropriate, too. I've looked at this. I have never been elected to office, but I spent a bunch of time as a lobbyist and seeing how annual reports get stacked up, and without being a sharp spear, a lot of it will be lost. So I'm going to support the motion.

Representative Keller, Chairman - Just for clarification before we go to Commissioner Liska, Commissioner Somerville, did I hear you say that the wording on the motion, you're not precluding the rest of the items that is now part of the report; you're just saying that it's a format type thing? From your motion, do we have to take another motion to put that back in as an appendix or something? Is that what you're thinking? Because I want to clarify what Rod said. Does the motion mean in your mind that we're just putting nine pages or ten pages?

Commissioner Somerville - The simplest way is to start with that, I guess. Yes, my preference is to leave the total overreach report to the legislature and so I'm saying the best way to do it is stop right there, okay, and then if you want to, add reference to Tina's report or some additional language in it. I'm not opposed to that. I'm just trying to figure out a simple way of -- this report, as it's presented to us.

Representative Keller, Chairman - Yes, I understand. I just want to make sure we all know what we're voting on when we do this. So, Karrie, do you have the wording written down yet? There's another thing, too, that keeps coming up that I want to make clear. At the end or somewhere here, we're

going to give room to make this all conceptual because our trusted staff, Stan and Karrie and all, grammar, structure. Like if we go in there and make the separation, there might be a sentence there that we're all missing that needs to be changed, structure to be consistent with the intent of the commission. And so we want to make this conceptual in the end, but I want to make sure right now that we're all voting on the same thing.

Commissioner Liska - I have it. The wording is to separate the Annual Report from the Summit Overreach Report. That would follow. Am I correct on that? The Federal Overreach report would follow.

Representative Keller, Chairman - Okay. So it would be included then.

Commissioner Liska - My understanding of the Federal Overreach Summit was to hear from all the invited guests, agencies, what is really going on. Because that would become ammunition to back up the very things the commission has been dealing and working with. So to me, these last 24 pages are evidence to back up the very points that the commission would be making. We're making this point and here is what was said about it from all these different people and agencies, and their recommendations back up our point we're making for our recommendations.

So this is evidence, to me, to back up where the commission was going. And if that's a wrong understanding for me, then I need to be straightened out there, but I thought that was the purpose of the overreach summit, was to gather evidence to back up what we already know here, even though it was worse than we anticipated, but that that now is -- not that we have a court of law, but before the commission, this has now become evidence to back up the recommendations we're going to make from here.

Representative Keller, Chairman - If you would, read the wording one more time.

Commissioner Liska - To separate the Annual Report from the Federal Overreach Summit Report; that the Federal Overreach Summit Report would follow. But my understanding was that there could be a description of what the Federal Overreach Summit was along with - and it used to be in here - was, Wes, your invitation that you wrote to the presenters saying this is what the purpose is and we're asking for recommendations.

And so to me the follow-up paragraph, once that's described in the annual report is, based on the gathering of evidence, which we're still assimilating, the recommendations report from the commission will come with a PowerPoint presentation on such and such a date, at whatever committee.

Representative Keller, Chairman - So let's go to the maker of the amendment. Are you comfortable with that, if "follow" means follow in the same handout? Because the impression I got when you said this was that you wanted to go forward with the first ten pages and then at a later date or whatever, then we come up with the other one.

Commissioner Somerville - I'm suggesting, don't make it more complicated than we have to. I'm just saying, as she stated, separate the reports. How the annual report will look, we can discuss that and finalize it. I just wanted to put something on there to get the discussion going and I think we're making it too complicated. If you want to have additional clarification in there or reference Tina's report, I have no problem with that, but I'm not trying to include that in my motion, or the motion gets so damned long, you can't understand this.

Representative Keller, Chairman - No, I understand that, but we do have to be clear on what we're voting on. In other words, if we're saying, for example -- I just made a statement to you all that I was

going to vote against it. I'm not going to vote against it if we're just saying that we're just changing the position of separate so that the reader knows that this is a report on the summit. Hey, I'm all for that. We're all on the same page.
Commissioner Arno?

Commissioner Arno - Yeah, I've got nothing.

Representative Keller, Chairman - Commissioner Fish?

Commissioner Fish - By the language here that I was reading and the way I was seeing the motion itself is we still have recommendations on issues that can be included in our report. At the summit, the people provided us others. But these issues didn't start or stop with the summit. So these legislative recommendations, the recommendations of Fish and Wildlife, that's a compilation, in my opinion, of everything that we've been doing, not just a part of this summary.

So my interpretation was that I was going to vote for this motion and then leave our CACFA recommendations as is. And then when it comes to the summary, this is the people's recommendations, this is the supporting documentation that justifies the work that we've been doing in the minds of the legislature and the public.

Representative Keller, Chairman - Very valuable discussion because I see it like Commissioner Liska and that's different than the way you see it. I see the second half of this as also reporting on the people's recommendations and I see it as good proof that we need to do this.

Commissioner Olsen - Thank you, Mr. Chairman. The administration is in a position of strong support for what we're doing. And the legislature because of the resolutions passed. But if you could explain to me the mechanics possibly of a committee hearing and getting this on board with the additional information. I'm really enthused about that. I don't think I've seen that particular action requested by this factual organization and get this to a committee hearing level. I think that's extremely important and that vaults us right into the attorney general's activities, the administration's activities, whoever it may be, and I think that's important.

Representative Keller, Chairman - Yes, okay, I'd be very happy to. Number one, it's the committee chair's prerogative. So I could not possibly speak for the resource chair to say whether or not they would entertain taking their committee time for a CACFA presentation; however, I'm judiciary chair. Fortunately, this fits. I mean, this fits really well. So we can cover that one; that's not a problem. The mechanics of how that works, is it goes out on the public record and it says whatever committee, let's say judiciary, is going to meet. And my guess is, by the way, there could be a joint judiciary meeting or Senator Coghill is chair of the senate judiciary, but we'd have to ask and confirm with him. That's his call; completely his call.

But anyway, the notice goes out and we block out this time. You've got a half hour, or an hour, whatever the committee chair agrees to. And then whoever is doing the presentation it falls in your part. You know, Karrie, Stan, whoever we get, hire a professional or whatever, would come in and make the case and maybe describe what Tina described only with overheads like you say, and projection and that kind of thing, and there would be questions by the legislators on the committee. Some of them would be hostile, just so you know.

But in the end, it's on the record and that means that whatever overhead we use would be posted under the committee name. They can go to BASIS; anybody could find it. So it would be in two places: it would be on the CACFA web site and the committee web site.

Commissioner Olsen?

Commissioner Olsen - Yes, in response, I take seriously your comment about that many inches full of annual reports that you're expecting to see. So I think that effort separates it out and shines a spotlight on a very serious situation through a hearing.

Commissioner Liska - Thank you. This is a motion I'd like to make later, but I'd just like to introduce it right now. In relation to this report, the motion I'd like to make later on is that we contract with Bill Horn who, at the summit, said a playbook needs to be written. And I believe that's what needs to be introduced at the committee as our follow-up that this is the evidence to.

So whether that's in a month from now or whatever committee it is, but I think we need a very targeted playbook written to take in all the evidence. So that's something I'd like people to be thinking about, because when he said that from the microphone as a follow-up, that we're buried under the amount and the degree of evidence that has been gathered here. And so being able to hire someone on contract to help us right the playbook based on CACFA's input and the public's input I think is very important. And that's what I am looking for, that pointed arrow that we need to make that PowerPoint presentation. I'd just like to put that on the table.

Representative Keller, Chairman - It's appropriate that you put it on the table right now because of the fact that, again, this is just process; what we're doing right now is finalizing. When we get done here, hopefully we'll have closure on what the report is, the annual report that's going in within ten days of last Tuesday. What you're talking about, we are not ready for. Obviously, we've got a lot of discussion ahead of us for that. That's why I mentioned maybe another meeting, but we'll get there maybe later today. This is all up in the air. Commissioner Woods was next.

Commissioner Woods - In October, I remember we had a work session on just the last day. We spent the whole day until about five after 5:00 on the Federal Overreach Summit. We made recommendations and we passed the minutes at this meeting. I would like to -- since Somerville offered to open the amendments to his -- and I'm not going to try to complicate it more, but we made recommendations and those are in the report. And that process, I agree, with everybody, but I still think that we need to capture the essence of that in our report separate from a legislative hearing and the importance of the issues that we passed action. And like Charlie said, that has to be included in this because that's what we did in our October meeting. We spent the whole day reviewing the action. We had a work session on that.

I'm going through our minutes right now and that's what you included in this draft analysis. It doesn't have to have all the backup included in that, but I think just the recommendations from the committee via the minutes. Like on page 11, our first recommendation, to pursue and improve communications. There are bullet items: communication and cooperation, training and education, legislative recommendations, navigable waters and submerged land fixes. Recommendations under that section. Planning and policy issues; ANCSA Section 17(d)(1) withdrawals, and on to Fish and Wildlife management issues, access issues, and other issues as listed.

Those recommendations without the supporting documents, can be added to the amendments or to the back page that you have. That would be my recommendation because we spent the whole day and that working session that we had, the last day, would summarize that portion of our work, and I think that's really important. Because we just passed the minutes yesterday on that meeting, and it had 209 pages of minutes.

Commissioner Fish - Mr. Chairman, I think we've had a great discussion on the motion that's before us and I anticipate further motions will be made after this one is voted on and passed or rejected. So I would like to call the question on this motion.

Representative Keller, Chairman - And I'm going to object only because I want to make sure what

we're voting on. In other words, make sure that we all know or agree on what we're voting on.

Commissioner Fish - Do we have that language up there, Karrie?

Karrie Improte - We also have the October minutes if you wanted to pick something out.

Representative Keller, Chairman - I think what you just suggested requires an immediate vote and I don't want to violate the rules, so I'm going to ask you to hold off on that if you would for just a little bit, anyway.

Commissioner Fish - Yes, I'll delay my call.

Representative Keller, Chairman - Thank you.

Commissioner Fish - But there is the actual language of the motion that we would be voting on.

Representative Keller, Chairman - What you were just saying is what we're discussing could be added to that and I just didn't want to leave that off.

Commissioner Liska - Well, again, I just wanted to see if Teresa, who is with us, has any comments on this, also.

Representative Keller, Chairman - Oh, very good.

Karrie Improte - When we gaveled out, the recording stopped; she could not hear what was said, but I'm not clear when she's getting back on the line.

Commissioner Liska - Okay.

Representative Keller, Chairman - Okay. So, Commissioner Hanson, did you have anything to add at this point?

Commissioner Hanson - Actually I do. I'm kind of tracking on the same vein that Commissioner Woods suggested because that was my interpretation, also. We spent the very last day of the October meeting completely putting forth our recommendations and since that meeting, that's what I've been tracking on.

Even though they came out of the summit, they are our recommendations, and that's where I stand.

Representative Keller, Chairman - Thank you. So all in favor, say aye.

(Vote is taken)

Representative Keller, Chairman - The motion carries. We won't take a roll call because it was obvious. So at this point, then that is in effect. There is a separation. Are there further motions?
Commissioner Fish?

Commissioner Fish - Mr. Chairman, I suggest that we add the language starting on page 10, with the title "Summit Issues and Recommendations," striking the word "summit" and adding the rest of the recommendations as part of our annual report.

Representative Keller, Chairman - Commissioner Arno?

Commissioner Arno - I'll second the motion.

Representative Keller, Chairman - Discussion?

Commissioner Fish - Let me justify some of that, too, as I think Commissioner Woods and I, and Commissioner Hanson also pointed out that these recommendations stand alone as a CACFA commission work product in absence of the summit. All of the stuff that we have heard in testimony over the years can be used to justify these recommendations that were given. The summit, in my opinion, gave us the moral authority to move ahead with these recommendations as well. The summit is the justification that we're getting for these recommendations from the people.

So in my view, the summit summary and report of what we've heard from the public, it just further strengthens our case and resolve of what we've already known. And I think it's important to put these recommendations in our annual report as proof of our work product above and beyond the one summit that we've had in the entire existence of this version of CACFA.

So that's the reason for my motion.

Representative Keller, Chairman - Okay. If I could restate the motion just to make sure we've got it. On page 10, you're suggesting starting with the word "following" in the second paragraph, deletion down through the word "authorities" and the -- I'm sorry?

Commissioner Fish - I believe that that first motion that we had already struck the words "following....."

Representative Keller, Chairman - You're right, you're right, you're right.

Commissioner Fish - And mine was starting with the heading of "Summit Issues and Recommendations" and just removing the word "summit" and adding everything else that follows to our report. It would read "Issues and Recommendations" and then go into every subsection.

Representative Keller, Chairman - Is there any confusion?

Commissioner Liska - I'm confused.

Representative Keller, Chairman - Okay. Commissioner Liska.

Commissioner Liska - I'm sorry. I'm kind of new to Parliamentary procedures. So if we could just back up to the vote, could you tell me what to place there?

Representative Keller, Chairman - As I understand it, and it helps to restate it a couple of times to make sure we're all on the same page, so don't feel bad at all. This is just part of the "sausage making." And I'll state it because I want you to correct me if I'm wrong, like you just did.

But what he's moving is that everything on page 10 after the word "issues" to the end of the report are put back in the report.

Commissioner Liska - No, I'm sorry, we need to back up further than that. The motion that was on prior, was it voted for? Was it adopted?

Representative Keller, Chairman - Yes. It was adopted.

Commissioner Liska - So there is a separation now taking place. Is that my understanding?

Representative Keller, Chairman - Yes.

Commissioner Liska - Okay, thank you.

Representative Keller, Chairman - They are separated and now there's a new motion that says we want to expand our report by adding everything after the word "summit." It has been seconded and it is up for discussion.

Commissioner Liska - Thank you for the clarification.

Representative Keller, Chairman - Commissioner Meekin?

Commissioner Meekin - I'm confused a little bit, too. Why are we taking out the word "summit"? Just because we voted on it?

Representative Keller, Chairman - Very good. **Commissioner Arno** wants to answer that, and that's fine.

Commissioner Arno - Those recommendations that we made at our October meeting as a commission are similar to the same points that were given credit in just the drafting of the report by Stan, too, that they were summit issues and recommendations. So what we're saying is that these other points are ones that the commission, and it's reflected in the minutes from the October meeting, we've discussed these same things as a commission. So we're giving the credit to these as being recommendations and issues to the commission, not as a product out of the summit.

Representative Keller, Chairman - What I'm going to do is hit the gavel here and take a 10-minute break, but be thinking about this: as you look during the break at what is being put back in, if there's something there you're uncomfortable with, remember, you'll have opportunity to change this in a separate motion. So what Mark wants to do, I think, is put it back in and then if there are problems with any specifics in there, we can take it out. Am I right?

Commissioner Liska - Or additions?

Representative Keller, Chairman - Teresa, are you back on?

Commissioner Hanson - Yes, I am.

Representative Keller, Chairman - Yes, okay, Commissioner Hanson, everybody is kind of gathering here and I just want to say that I apologize for not recording your vote in the last one. And I understand that you were a no; that would have made it 4-7. That will be recorded in the minutes and I'll do better next time, if that's okay.

Commissioner Hanson - That's fine.

Representative Keller, Chairman - So are there any other questions or comments on the motion that's on the table?

Commissioner Hanson - I have a suggestion. I was thinking if we're talking about taking out the word "summit," if we want to clarify it better, we could insert the word "CACFA."

Representative Keller, Chairman - Maker of the amendment, we'll let you respond to that.

Commissioner Fish - I really don't have any objection to that as a friendly amendment, but since it's incorporated in the work product that's called a Citizens' Advisory Commission on Federal Areas Annual Report, I really don't see a need for it.

Representative Keller, Chairman - If you want to respond, Commissioner Hanson.

Commissioner Hanson - No, I'm fine with that.

Representative Keller, Chairman - We're going to take a brief at-ease.

BREAK

Representative Keller, Chairman - Back on the record. What's before us is the action on the motion on the floor. I don't see any other discussion. Commissioner Somerville?

Commissioner Somerville - And the motion is to add in the rest of this presentation?

Representative Keller, Chairman - Yes.

Commissioner Somerville - I'd like to speak to that. I'm opposed to the motion partly because I think we're mixing what would normally be an annual report with what should be included in an overreach report. If you give a good, dynamic overreach report to the legislature and the governor, you're going to include the evidence that you had, in which you come to the conclusion. If we include this, what we're doing is giving them something that's piecemeal. And this says "and recommendations." Recommendations from whom? The public and CACFA?

And the other thing I'll add, if you decide to go that direction, we're going to spend several days on this document, the remainder, and the recommendations because it's incomplete.

Representative Keller, Chairman - Any other comments? Commissioner Fish?

Commissioner Fish - Any annual report that we put out will be incomplete because it's obsolete the day that it's printed. Our processes are continually ongoing. So any report is basically a snapshot of where we are at the given time that the report comes out. So I don't think there is anything really as a totally complete report when you're working with subjects in this arena.

Now, as far as the Issues and Recommendations, it's obvious with the massive amount of tasks that we have before us and the influx of regulations and everything, I don't view it as final recommendations. Clearly, there are issues that are going to come up or issues that are going to be resolved that will, in the future, change our positions on things.

This is as it stands now and personally I think it's important that the commission make recommendations to show that we're not only a listening post, but we actually think and discuss these issues and put it out. So I understand your concerns, and Commissioner Hanson also suggested a friendly amendment that would belie those concerns to add the word "CACFA" in front of "Issues and Recommendations" to reinforce the idea that these are our current recommendations. But being our current recommendations, it doesn't mean that they're end-all, and we can refine product forever and never get to a position where -- as soon as we lock something down, the situation is going to change and

they're going to come at us with the other angle and we'll be spinning our wheels.

I do think it's important that we shoot arrow now and then have another arrow to shoot later

Representative Keller, Chairman - Commissioner Arno, Commissioner Smith, Commissioner Liska.

Commissioner Arno - I'm going to support the motion just because it's like advertising. You've got to say everything like seven times before anybody is paying attention. So if it's in here and somebody calls CACFA on it, then we can go, okay, that's out of the Annual 2013 Report. This is 2014 and we've sharpened out arrow. So for that reason I will support the motion.

Commissioner Smith - I think it's important to separate the two, the annual report from the issues, but I think they should be presented together. I think we should have our annual report with references to Tina's and with the issues presented all at the same time. And, quite frankly, I'm perfectly happy with the document that Stan has prepared of the recommendations as-is.

I can't imagine if we took a lot more time how much more refined we could make this. I think that we've got a really good document here. Unless someone has specific issues that aren't in here that are of concern, I think the document that's written as-is, is good. And I think the PowerPoint presentation to the committees is an excellent idea and I think we ought to make our couple paragraph changes to the annual report, separate this out, and I think we're good.

Commissioner Liska - How many recommendations from annual reports that have been submitted have been implemented?

Representative Keller, Chairman - Do you want to answer that, Commissioner Lean?

Commissioner Lean - No, I had a different comment.

Commissioner Liska - I'm asking that because.....

Representative Keller, Chairman - It's rhetorical.

Commissioner Liska - Yes. What was the intent of the Federal Overreach Summit? When I first sat in this commission a year ago, when I was just looking at if this was what I needed to be a part of, I took notes on every single one of your comments and I was amazed because you were at such a level of frustration that nothing had been done based on recommendations. And you basically jumped off a cliff, and those were the terms used, in willingness to bring such highlight to these issues that we, as a commission, hosted the Federal Overreach Summit. And based on that commitment and the level of information that was conveyed at that, if it's added to the report, the issues and the recommendations is fine, but I think the evidence that was gathered is to be used for a greater impact than just issues and recommendations.

I'm not saying that they're not good. I don't think they're all-encompassing, and I don't think they carry the impact punch that you all intended them to make. And I'm concerned about that. I'm concerned about that the level of information and people impassioned that spoke at that summit is not conveyed in these issues and recommendations that we'd be submitting as an annual report.

I'm not negating the report itself. I think it's very good, but I'm concerned about the impact based on the frustration that is still in this room over these very issues. We heard something from the Department of Law yesterday over a highway in the state of Alaska and federal overreach into that area, and I'm like where are the tea bags? And I've only been here for a short time, not even a year at this commission, and you have all been working on these issues very intimately for years.

So I'm concerned that our impact is not enough. And I'm fairly young here and I am full of

passion, and I want this to make a huge impact. And I just recommended that based on Commissioner Somerville's concerns that the media get a hold of this report and even the legislature and begin to start running with it without the full impact, and I think it's time that we think differently by being more in the offense, which I thought the Federal Overreach Summit was to be and the outcome from that.

So I commend you for the years in the fight, and I am very concerned with the amount of stress, years of stress on Stan, and that we don't have things in this that I think need to be implemented on a much greater scale economically and staff-wise to do the impact that we need. I do not want to sit on the commission for four years and we come back to this table and hear the level of encroachment by our federal government and all we can do is make recommendations. I understand that's what we're tasked with, but.....

Representative Keller, Chairman - If I could, Commissioner Liska, I really agree. You're hitting my heart strings, and I think all of us, but to me it's not clearly on the amendment that's on the table. As a matter of fact, that was the same motivation that Commissioner Somerville expressed and why he wanted the separation to begin with. So I want to ask you, are you saying that you're for or against the motion, because the connect wasn't there; I couldn't see it. I'm being dense.

Commissioner Liska - I could be for it if there was more beef behind it, I think.

Representative Keller, Chairman - And we have that option from here on. So, this is one step at a time. Commissioner Lean and then Commissioner Somerville.

Commissioner Lean - I am somewhat confused, but at this point I'm in support of the motion. I thought Commissioner Fish repeated several of the things that I tried to make on the earlier motion. I am very, very much in favor of making an in-person presentation to any subcommittee that would hear us. I do think that that will be far more effective than this report. Sorry, but it's much more effective to look someone in the eye than to throw paper at them. And that's no reflection on staff's efforts or any of us.

So I think that's a totally separate strategy and it's an excellent strategy with this, but I'm in favor of the motion.

Representative Keller, Chairman - Commissioner Somerville.

Commissioner Somerville - Yes, thank you, Mr. Chairman. I'll make it short. If this passes, then are we going to go in and amend that portion afterwards, or is that it?

Representative Keller, Chairman - That is not answerable. The option available is that you can make a motion. Do you understand my answer?

Commissioner Somerville - There's two options. There's a friendly motion and you start amending this thing. I mean, it seems to me you make the decision you're going to insert something of that nature and then allowing the commission to further amend it, is what I'm asking.

Representative Keller, Chairman - Sure. And we aren't prohibiting amendments. And so with that, if it's okay, I'm going to call the roll and the reason I'm calling the roll from here on is because of Teresa; I forgot her the last time. But she voted no and the final vote was 4 to 7 on the other one.

Commissioner Liska - Could you read the motion again, please?

Leaphart - I can try.

Representative Keller, Chairman - Go ahead, and then right after we vote here, we're going to go to public participation to make sure there is nobody on line waiting. Commissioner Arno, I wouldn't want to forget: that is why we exist.

Leaphart - The motion as I understand it is on page 10 in the title, "Summit Issues and Recommendations," remove the word "summit" so that the title would read "Issues and Recommendations." And then include the remaining text of the draft report as part of the report.

Representative Keller, Chairman - Call the roll.

Leaphart - Commissioner Arno?

Commissioner Arno - Yes.

Leaphart - Mark Fish.

Commissioner Fish - Aye.

Leaphart - Representative Keller?

Representative Keller, Chairman - Yes.

Leaphart - Teresa Hanson?

Commissioner Hanson - Yes.

Leaphart - Charlie Lean?

Commissioner Lean - Yes.

Leaphart - Kathleen Liska?

Commissioner Liska - No.

Leaphart - Mike Meekin?

Commissioner Meekin - Yes.

Leaphart - Warren Olsen?

Commissioner Olsen - No.

Leaphart - Susan Smith?

Commissioner Smith - Yes.

Leaphart - Ron Somerville?

Commissioner Somerville - No.

Leaphart - Frank Woods?

Commissioner Woods - Yes.

Representative Keller, Chairman - The amendment passes. It was 9-3, I believe; 3 opposed.

Karrie Imrote - No public comment.

Representative Keller, Chairman - No public comment and nobody in the back of the room, so we'll just continue on. I'm going to make a motion here, a little easier one I think, and that will give you a little time to think for anywhere else you want to go.

On page 1, last paragraph where it talks about the invitation letter that went out. Very simple. I move that we strike Representative Wes Keller at that office and the reason is it's no secret that I'm chair. It's in the end notes. By putting my name on the front of the annual report for CACFA, there are political ramifications. If someone is reading this, I want them to see the purpose of the summit. I don't want them to see a politician that may be stopping their bill, or whatever. So that's my motion.

And I would include in that, because it is kind of two subjects, but just so it's very clear that we give Karrie the option of correcting grammar, spelling, and structure in this report as we go. The things that I noticed here, let's see, the word "the" is missing from commission chairmen. Maybe not. There's a couple I noted that jump -- on the next page where it says "addition information" should probably be additional information at the top of page 2. Little things like that, call them out, but they don't take a motion. But I just wanted to clarify.

Karrie Improte - I just want to make sure I have the motion language correct.

Representative Keller, Chairman - On page 1, last paragraph, after the word Chairman, strike Representative Wes Keller.

Commissioner Fish - Second.

Representative Keller, Chairman - And you have to insert the article "the" before commission.

Commissioner Fish - I'll second that.

Representative Keller, Chairman - Okay. I'm going to just ask if anybody is opposed rather than go through the roll. Teresa, are you okay with that?

Commissioner Hanson - I'm fine with that.

Representative Keller, Chairman - Any other amendments to put up before the -- and once we approve this report, then we'll get into talking more about the kind of things that Commissioner Liska was talking about: where we're going, what's next, how we put teeth in our -- Executive Director Stan?

Leaphart - I just want to point out that one of the things that still needs to be added, and I left it off because I was working on the recommendations themselves, is on page 8 under "The Bureau of Land Management Issued Interior Resource Management Plan," I still need to include a summary of our comments there. And it occurred to me last night that one of the things that we commented on, and it's a continuation of work that we did over the last three or four years, is our comments on the SeaAlaska Lands Bill. I neglected to include those. So I just wanted to point that out if we need a motion or something to include that summary and a summary of our comments on the SeaAlaska Lands Bill.

Commissioner Woods - So moved.

Representative Keller, Chairman - I don't think we need it unless somebody disagrees with me. I mean there's parentheses there, that the summary is there, and we know what it is, roughly.

Leaphart - All right. Mr. Chairman, I will add those two items.

Commissioner Lean - And kind of on that same line, I thought the Nabesna Trails has been a frequent topic in our meetings. I mean, we're talking about SeaAlaska, and it's kind of the same manner. That's something we've hit on over and over.

Commissioner Lean - Nabesna Trail issue. For the last several years it's been a topic we've followed. So I don't know if we mention it or not. That was a suggestion if you should.

Leaphart - I'm sorry, I still don't understand the....

Commissioner Lean - Under the park service, we should just briefly mention the Nabesna Trail issue.

Leaphart - I certainly could. Actually, there were really no comments that were submitted during 2013.

Commissioner Lean - Oh.

Leaphart - The file was issued in 2012 and it's only the beginning of this month that, even though I did mention it -- no, I'm sorry, I didn't mention it. They just now in 2014 released it. If we stick to a straight calendar year, sometimes the year goes by, but I could add something if it would be appropriate.

Commissioner Lean - Okay. The years run together. I stand corrected.

Representative Keller, Chairman - Commissioner Somerville?

Commissioner Somerville - Page 10, "Issues and Recommendations," shouldn't we make it clear what the recommendations are from? Are they from the public, from CACFA, or a combination of both?

Representative Keller, Chairman - Maybe in the structure review, that could be looked at. Just a suggestion. But if you notice on the next page, the very first one there after (1), it says it's several presenters of the summit.

Commissioner Somerville - Okay.

Representative Keller, Chairman - So that kind of sets the tone, I think, that it could be either. And that one is specified that somebody presented that at the summit as opposed to any kind of CACFA action. So didn't look at each one of them with that thought in mind, that question in mind; I just wanted to throw it on the table.

Leaphart - Mr. Chairman, just to point out, in one of the paragraphs that was excised by the first motion, it states ". . . where the following are a number of recommendations made by some participants, and the members of this commission, and that they have been endorsed by the commission or submitted," et cetera, et cetera. So would we want to reinsert similar language to clarify the origins? Because some of these did originate at the summit; some are things that we've that I've proposed that we add.

Like there was no one at the summit, for example, that talked about utilizing the cooperating agency process or a coordination process. I just thought that fit in under the Communications, Consultation, and Cooperation heading. So that's actually something, if this group chooses to include that, that originated not at the summit, but with the commission.

Representative Keller, Chairman - If a commissioner wants to include that, it takes a motion and you're saying that first sentence in paragraph 3 could maybe be inserted after that sentence where it says, "Issues and recommendations as stated. . . one of the goals of the summit was to lay a foundation," and then maybe say the following are a number of something or other. Commissioner Lean?

Commissioner Lean - It's on my page 10; it might be on other people's page 9. Bottom of the paragraph just above Issues and Recommendations, "Recognizing that difficulty, this commission remains committed to the effort because the members believe that the promises and compromises built into the Statehood Act and the Alaska Native Claims Settlement Act, and the Alaska National Interest Lands Conservation Act must be fully honored by the federal government." To me this the problem of almost all these issues that we deal with. And so that one sentence I think is very valuable. I'd like to see that.....

Representative Keller, Chairman - I can't find it. I can't lay my eyes on it.

Commissioner Lean - It's on my page 10. It's the two paragraphs about Issues and Recommendations; one of the paragraphs we deleted.

Representative Keller, Chairman - Okay, okay.

Commissioner Lean - And it's the bottom of the paragraph.

Representative Keller, Chairman - Yeah, I wanted to put that in bold when I read this. I marked it and thought maybe I should make a motion that we highlight this one. And let me read it to make sure we've got the same one. "Many of the recommendations will be resisted by the federal agencies, special interest groups, and the public. Recognizing that difficulty, this commission remains committed to the effort because the members believe that the promises and compromises built into the Statehood Act, the Alaska Native Claims Settlement Act, and the Alaska National -- ANILCA must be fully honored by the federal government."

Commissioner Lean - Yes.

Commissioner Somerville - I disagree with Stan. I don't think the initial motion got rid of that. I was suggesting - that's when I was making my motion - that that's possibly where it could occur. But actually the first motion voted on was just to separate the annual report and overreach report. If you're going to include all this other stuff, you've got to have that in there.

Leaphart - Well, if you look at the two motions, those three paragraphs were kind of left out because, Commissioner, your motion stopped the report at the bottom of that second paragraph. Commissioner Fish's motion started it back up at the.....

Commissioner Somerville - No, if you read the motion.....

Representative Keller, Chairman - Well, it doesn't matter. Let's just proceed from here and we'll take the motion to put it back in, or whatever we want back in. Will that work with you, Commissioner Somerville?

Commissioner Somerville - Sure.

Representative Keller, Chairman - Okay. Commissioner Lean, before you head out, that was a motion to put that back in?

Unidentified Voice - Second.

Representative Keller, Chairman - Commissioner Arno.

Commissioner Arno - This is Commissioner Arno. Yes, I agree with Commissioner Somerville. From the motion, I did not see that that was deleted. So whether we need to take another action putting something back in that the motion didn't delete, I don't know if that's necessary.

Leaphart - I stand corrected. So we'll retain those three paragraphs. Okay. Sorry. Misunderstood.

Representative Keller, Chairman - I just want to make sure because I was confused, because I don't know what "separation" means at that point. I guess it just means that we have two documents. Is that what it means from what we did, then? Okay. Fair enough, good enough. I misunderstood.

Leaphart - I'm really confused. Are we back to two separate documents now?

Representative Keller, Chairman - What does separation mean on the motion that we passed 7 to 4? Karrie, did you want to add to that?

Karrie Improte - Looking at the screen, my understanding of the first motion was to separate the annual report from the summit report and the summit report will follow. So there's a notation there where the annual report ends and that is just before the summit Issues and Recommendations paragraph. Is that correct?

Representative Keller, Chairman - As I understand it, and to me that implies there's two different documents. Commissioner Somerville?

Commissioner Somerville - Yeah, that's all my motion was, was to separate them. That's what we voted on. I was suggesting my defense of my motion was that's where you could do it. If you separate it entirely, that's where you do it. You wouldn't have the recommendations, but you decided to put that back in. So I'm just saying those are still applicable. I never did make a motion to delete them in the first motion.

Representative Keller, Chairman - Okay. Sorry, I misunderstood the clarification I guess. Commissioner Woods?

Commissioner Woods - Thank you for clarifying it. If we needed to, I would second Commissioner Lean's motion to include that language because it's just real clear, if that was the case then.....

Representative Keller, Chairman - I think we're okay, then. I think we're on track. Any other amendments or suggestions for the report?

Commissioner Arno - Well, I appreciate that clarification, too, and it does change things a little. With Commissioner Hanson's friendly amendment that she suggested, I would suggest that I would accept that friendly amendment to add the word CACFA before Issues and Recommendations to make clear that these Issues and Recommendations that are in our annual report are coming from us. Because there are certain places in the text that we wouldn't have to go through and verify if we did that.

Representative Keller, Chairman - Is there a second?

Commissioner Smith - Second.

Representative Keller, Chairman - Any objections? One objection. Okay. Then we'll speak to your objection and then we'll call the roll.

Commissioner Somerville - Thank you, Mr. Chairman. I think you better read through here, though. There's a lot of comments in here and inclusions, which I was looking at. Legislative Recommendations, for instance. Some of these in here were, in essence, taken from the public recommendation and I don't think that we've adopted these recommendations as commission recommendations individually, have we? I don't think we have. We didn't do that in October.

Representative Keller, Chairman - Commissioner Woods?

Commissioner Woods - I was hoping to clarify your question. We adopt the draft report including all the recommendations because in the beginning of the recommendations, CACFA spent a whole work session the second day addressing all the recommendations. I'm on page 105 of the minutes of our meeting, and those recommendations came from CACFA's meeting in the October work sessions.

And Stan did a wonderful of condensing them and right in that paragraph you just inserted back in, Commissioner Somerville, that these are our recommendations from the meeting that happened in October. We passed those minutes. And they're pretty lengthy, 209 pages of minutes. So Karrie Improte did a wonderful job.

And Stan's work in condensing those, I think in our annual report, that condenses all the work that was done during that session.

My first point was to insert all the highlights and then not include the backing of those recommendations, but I think Stan did a really good job of outlining them, and that's why I would agree to keep them in. Because all of that work kind of justified the recommendations that were included in our amendment. So with that, I'll stand down.

Commissioner Somerville - And just a point of clarification from what's on the screen here, this motion that I'm making was under the assumption that we already removed the word "summit" from that title. So we'd be adding the word "CACFA" instead.

Representative Keller, Chairman - Seeing no other comments, would you call the roll.

Leaphart - This is on the motion to insert "CACFA" in front of Issues and Recommendations. Correct?

Representative Keller, Chairman - Right.

Leaphart - Commissioner Arno?

Commissioner Arno - Yes.

Leaphart - Commissioner Fish?

Commissioner Fish - Yes.

Leaphart - Representative Keller?

Representative Keller - Yes.

Leaphart - Commissioner Hanson?

Commissioner Hanson - I'm for it.

Leaphart - Charlie Lean?

Commissioner Lean - Yes.

Leaphart - Kathleen Liska?

Commissioner Liska - No.

Leaphart - Mike Meekin?

Commissioner Meekin - Yes.

Leaphart - Warren Olsen?

Commissioner Olsen - No.

Leaphart - Susan Smith?

Commissioner Smith - Yes.

Leaphart - Ron Somerville?

Commissioner Somerville - No.

Leaphart - Frank Woods?

Commissioner Woods - Yes.

Leaphart - Mr. Chairman, that's 8 yeses, 3 nos.

Representative Keller, Chairman - Amendment passes. Okay. Commissioner Somerville?

Commissioner Somerville - Thank you, Mr. Chairman. I have a question about the format. One, we start off Issues and Recommendations. We don't say anything about not being in order of priority. Here we have the first thing is Alaska Land Use Council Re-establishment. Is that our top priority?

Leaphart - Mr. Chairman, I'd like to explain once again, these were put in no order of priority. So they were just in here. They're in here because these were the things that were agreed to or that were

recommended either by the commission -- so, as I said again, these are not listed in order of priority. You can move them anywhere that the commission so chooses.

Representative Keller, Chairman - The chair would entertain a motion to put that comment in the opening paragraphs: that the order is not an order of priority; it's just an order. If somebody so moves.

Commissioner Meekin - Second it.

Representative Keller, Chairman - I can't -- go for it.

Commissioner Meekin - So moved.

Representative Keller, Chairman - That's good enough. I'll try to clarify what I said, and that is simply that Stan include a sentence in one of those paragraphs at the beginning there that the order of the recommendations has no bearing on priority. No priority intended.

Leaphart - But, Mr. Chairman, having said that, I have no problem with -- these are very easy to move around. I mean, if we would like to move the legislative recommendations up front, that's fine.

Representative Keller, Chairman - That's a different motion.

Leaphart - I apologize for the little outburst there.

Commissioner Somerville - With that little bit of housekeeping, I'll make that motion.

Representative Keller, Chairman - We can handle that in a separate motion.

Commissioner Woods - Second.

Representative Keller, Chairman - Yeah. Is there any objection? Wait, discussion. I'm sorry. Commissioner Arno, and then Karrie had something.

Commissioner Arno - I would object to the motion because I think we ought to list each one of these and we could put it up on the board and I think we could go ahead and put them in an order. I'd prefer that.

Representative Keller, Chairman - Any other discussion?

Commissioner Woods - Looks like we have from 1:00 to -- what is it, 5:00 or -- till 3:30.

Representative Keller, Chairman - Just for clarification 1:30 to 3:30.

Commissioner Woods - We have two hours to prioritize.

Representative Keller, Chairman - And I was just thinking process, too, Commissioner Woods. Let's assume a couple of scenarios here. One is that we don't succeed in getting a prioritized list, then we will entertain a motion that the first 10 pages of the report will go to be in before the legislature, within the first 10 days. It kind of puts the pressure on us to get something done this afternoon, is all I'm saying, if we do that. Call the roll, if there is no further discussion on the proposed amendment which is that there would just be an explanation at the beginning that the order does not imply priority.

Leaphart - Commissioner Arno?

Commissioner Arno - Opposed.

Leaphart - Commissioner Fish?

Commissioner Fish - Yes.

Leaphart - **Representative Keller, Chairman**?

Representative Keller, Chairman - Yes.

Leaphart - Commissioner Hanson?

Commissioner Hanson - Yes.

Leaphart - Commissioner Lean?

Commissioner Lean - Opposed.

Leaphart - Commissioner Liska?

Commissioner Liska - Is that what we're voting on right there? That motion right there, the order of recommendation has no order of priority? That sentence?

Leaphart - Yes.

Commissioner Liska - Yes.

Leaphart - Commissioner Meekin?

Commissioner Meekin - Yes.

Leaphart - Commissioner Olsen?

Commissioner Olsen - Yes.

Leaphart - Commissioner Smith?

Commissioner Smith - Yes.

Leaphart - Commissioner Somerville?

Commissioner Somerville - No.

Leaphart - Commissioner Woods?

Commissioner Woods - Yes.

Representative Keller, Chairman - That's 3 to 8, so it passes. And that does not prevent us from trying to prioritize the recommendations. Commissioner Somerville.

Commissioner Somerville - Yes, the other issue, which "this is not a complete list," doesn't even cover the list that Tina submitted as part of the summary. We need to have some statement that says this is incomplete.

Representative Keller, Chairman - Is that a motion?

Commissioner Somerville - No, I want a discussion.

Commissioner Woods - I'm going to make a motion that we include Tina's summary -- is Tina's summary going to be included in that report?

Representative Keller, Chairman - The definitions that I'm using and we all need to be using the same words, is that the first ten pages of this is the report. We've been calling the second part recommendations and we really haven't even addressed Tina's summary.

Commissioner Woods - Okay.

Representative Keller, Chairman - Commissioner Meekin, then Arno, and then Fish.

Commissioner Meekin - Wouldn't it seem that just because of the time frame of everything, we should

just kind of work through this and then in that discussion if we see we have to add something, we can add it as we go along, but shouldn't we be moving towards -- before we come up with all the new ideas? Because we've got to get something done today, right? It seems to me we've got to get a little something done here, even if it's not exactly what we want.

Representative Keller, Chairman - Commissioner Arno.

Commissioner Arno - This is Commissioner Arno and I'm going along with the assumption that based on the past motions that we've adopted that we are going with the issues, starting on page 10, Issues and Recommendations. And I would like to make some additions to the Access Issues on page 24.

I would also like to add a recommendation of pursuing the Federal Long-Range Transportation Plan; that the state pursue that with trying to establish T-trails and if you haven't read the summary from the Long-Range Transportation Plan, you may not know what a T-trail is, but it's a utility trail for off-road vehicles.

And the second recommendation I would like to also put under Access Issues is on 17(b) easements, to pursue the marking and secure state access to 17(b) trailheads.

Representative Keller, Chairman - Can you break that down? And do you have language ready or do you want to prepare that during lunch? And you're making two different motions, right?

Commissioner Arno - Two additional recommendations under the Access Issues, and I can prepare the language for at lunch.

Representative Keller, Chairman - The timing is perfect. Excellent. Anybody else waiting in the wake? If not, we're going to knock off for lunch, till 1:30.

LUNCH

Commissioner Arno - This is Commissioner Arno. Just to reiterate, I just wanted to have a couple additional points under Access Issues on recommendations. And one of them actually Stan has, I see, in a bullet on the same page about the 17(b) easements. With no objection, what I would like to do is to add 17(b) easements and to have the state, DNR, pursue marking and securing state access.

Representative Keller, Chairman - Excuse me, we're on page 24?

Commissioner Arno - Correct.

Representative Keller, Chairman - And you're saying an extra bullet down there under the.....

Commissioner Arno - No, at the beginning, the bullet under Recommendations. Right now there are two bullets under Recommendations and so I just wanted to make two more bullets under Recommendations to do and 17(b) easements, to pursue the marking and secure state access to the trailheads to 17(b) easements.

And so I'll just put that out there. Should I just do one at a time and if there's no objection, then we can.....

Representative Keller, Chairman - Any questions on that? Does everyone know what he's talking about? Seeing no objections.

Commissioner Arno - Okay. The second one is the Federal Long-Range Transportation Plan and CACFA has had representatives from the federal land agencies come and speak to that, and a portion of

the final report on the Federal Long-Range Transportation Plan was for the land access of creating and classifying just the letter "T" trails. And what they are, they're utility trails for offroad vehicles. And so a recommendation would be pursuing with the federal land agencies the funding and working on creating access to the federal public lands.

Representative Keller, Chairman - Questions? Objections?

Leaphart - Mr. Chairman, maybe just a format clarification. Down below that paragraph on using recordable disclaimers of interest for RS-2477s, those four bullet points, those really should have been preceded by recommendations. So those are actually separate recommendations. And if you think it would be more effective if those two bullet points under the first recommendation, if I pulled those out and did Recommendations in front of them instead of just bullets to re-emphasize them, would that be a better approach there?

(Nonresponsive)

Leaphart - Okay. Just a formatting thing.

Representative Keller, Chairman - Yep.

Commissioner Arno - Thank you.

Leaphart - I was doing a lot of cutting and pasting on this document.

Representative Keller, Chairman - And then I think we'll go then from there to Stan, who has some suggestions on additions. Right?

Leaphart - I do. I don't know how to put that up on here. Commissioner Somerville's statement got me thinking, again, because I was doing a lot of cutting and pasting. These are some recommendations that were in the additions that we made in October that I had not included in this draft. So I tried to pull all those together and add those, and I didn't put them in a category. These are things that were on the list that we approved that Commissioner Somerville put together and we agreed to at the October meeting, and then I left off -- there's about -- there's actually more than I thought.

Rynniva Moss - I'm going to have to disconnect your folders to get this one in.

Leaphart - These might fit in different categories and as long as everybody is comfortable with them. Again, these were on the list of recommendations that we talked about at the October meeting.

Representative Keller, Chairman - Give you a minute to read them.
(Pause) Commissioner Hanson, I guess, do you remember these?

Leaphart - Do you want to read them out loud for her benefit?

Representative Keller, Chairman - Commissioner Hanson, should we read these out loud for your benefit?

Commissioner Hanson - No, I'm following along.

Rynniva Moss - It might be easier, Stan, if I take this downstairs and print it off for everybody. Do

you want me to do that?

Representative Keller, Chairman - That would be good.

Commissioner Somerville - Mr. Chairman, where was that located, Stan? In the summary?

Leaphart - It was in the list of suggested corrections that you put together and then I added to the revised summary, but I hadn't carried them over to the draft report.

Commissioner Woods - That was your additions to the summary?

Leaphart - Yes. They were included.

Commissioner Woods - I got that e-mail. I got that attachment that you sent.

Commissioner Somerville - We did that in October.

Commissioner Woods - Yes. Do we need to just make a motion to adopt the amendments to the additions.

Commissioner Woods - So move to adopt the additions to the summary.

Commissioner Arno - Second.

Representative Keller, Chairman - So now we're into the discussion. As you read them, do you have questions or comments, anybody?

Commissioner Woods - I have several questions.

Representative Keller, Chairman - Okay.

Commissioner Woods - I know Tina used to be the program manager or director. Is her office here? And are they a findings program? I know we consult with them quite a bit.

Leaphart - Well, Sue McGee was here yesterday. She's now the ANILCA coordinator for the state and her function is to pull together comments from the different state agencies on the various federal proposals, whether it's legislation or management plans or regulations, those kind of things. But Tina is now retired. She did that summary for us. But these are additions -- most of these, I think are additions that were made by the commission to her original summary.

Karrie Improte - I apologize for the interruption. Teresa is having a hard time hearing everybody. So for her sake, if we could just be very conscientious about speaking into the mike. Thank you.

Representative Keller, Chairman - Commissioner Hanson that was a moment of silence. We have Commissioner Smith and Commissioner Fish.

Commissioner Smith - Are we still entertaining other suggestions, or are we just talking about.....

Representative Keller, Chairman - Well, I'm going to just ask. If somebody sees an objection, you can do it later, but assuming no objections we'll get kind of informal here and we'll anticipate that Stan

will incorporate these in the report. Does that help?

Commissioner Smith - Yes. I was just wondering if we should -- I don't know how we could turn this into an action point, but the fact that the agencies aren't following their own procedures and their own regulations is a real issue for me. And I was wondering if -- I don't know how we would word it as an action point, but I didn't see that comment anywhere in there, the fact like creating a new alternative -- you know, breaching their process, basically.

Representative Keller, Chairman - I'm at a loss how to incorporate, too, you know, some of that as an amendment or idea.

Commissioner Woods - Can I ask for a unanimous consent on the additions and then we get that out of the way, and then we can ask for action items?

Representative Keller, Chairman - Okay. I'm assuming we have unanimous action because there was no objection. I should have said that more clearly. Commissioner Somerville.

Commissioner Somerville - Mr. Chairman, I would like to see them, I guess. I don't want to delay this.

Representative Keller, Chairman - Okay. We'll just put it on hold then for now and we'll wait. Commissioner Fish?

Commissioner Fish - In looking at what we've got here, I assume that we're going to give Stan the discretion to put the bullet points in the proper format of the report that we have, right?

Representative Keller, Chairman - That's what I'm assuming, too, yes. But we'll just put this one on hold until Rynnieva gets back up here with the paperwork. And, Teresa, you can still see it on the screen. So back to what Commissioner Smith was wanting us to consider, what's a proper response?

Commissioner Smith - If I could just elaborate a little? It might even be something that could go in the park service section of the report. Although, was that a 2013 issue? I guess there were a couple of plans where they did the breach in 2013. Anyway, I'm just throwing it out there.

Representative Keller, Chairman - If you come up with some wording in a space, make it specific; otherwise that will probably get lost. Commissioner Hanson, it will be quiet for a little bit here while everybody reads until somebody has a comment. (Pause) So if these were left out, and I remember every one of them being brought up, I don't have any problems with them.

Okay. Seeing no objection, I'm assuming unanimous consent on Stan incorporating those in and getting the format together. Is there anything else in this report and the - whatever we're calling it - the second half that we want to talk about? Commissioner Lean has something. We're going to here for a motion to adopt and get it out here shortly.

Commissioner Lean - So I just wanted to be sure that we were in agreement that that phrase that you and I had discussed earlier in the day about what I considered the causes of all this: the compromise committed to an effort involving the Statehood Act, the Alaska Native Claims Settlement Act, and ANILCA be honored by the federal government. And I would like to see that one sentence, anyway, bolded in the text as a.....

Commissioner Woods - I'll second that.

Representative Keller, Chairman - I think it's a great idea. Any objections?

Commissioner Woods - Just the formatting?

Representative Keller, Chairman - Yeah. Teresa, are you with us on that? Page 10?

Commissioner Hanson - Absolutely.

Representative Keller, Chairman - And I would encourage all of you, and consider it a format item if you want, I don't even know that it takes committee action, but as you see pieces that jump out like that, think about the reader. The reader picks it up, it's like a magazine; when you see the text, it jumps out at you. If you see something like that, don't hesitate to suggest highlighting, if it's a general thing. Commissioner Somerville?

Commissioner Somerville - Yes, thank you, Mr. Chairman. I'll make it brief. Before we vote on it, in terms of adopting the report, I want to make it clear on the record that, for instance, in the legislative recommendations, I hope everybody understands that that's not my complete list of recommendations. The legislative recommendations, we would have both the state and the federal government; it would be fairly extensive when you look at it as an option to some of the overreach problems that have been pointed out to us.

And the second thing is, which I object to, these all being CACFA recommendations. And I'll use "The mission of ADF&G subsistence division should be adjusted to contemporary relevance." I don't think we ever adopted that, as an example I'm saying, of some of the things in here. I'm having a problem with this being CACFA recommendations, if you understand. Anyway, I'm willing to go ahead with the vote. I just wanted to make it clear on the record.

Leaphart - I'm sorry, which one was that last one? Which page?

Commissioner Somerville - If I can find it again. 24.

Representative Keller, Chairman - What part of the page?

Commissioner Somerville - Top.

Leaphart - Talking about the mission of the Subsistence Division?

Commissioner Somerville - That was a recommendation made by the public, but the way we've got this worded, it's a CACFA recommendation.

Representative Keller, Chairman - Okay.

Commissioner Somerville - I'm saying it's a legitimate public recommendation, but I would argue against putting that in a CACFA report.

Representative Keller, Chairman - How about if we do this? Again, just informally ask Stan, as he identifies those as he notes them in the text, just add a couple words like it was recommended at the summit, or something, or it was recommended by the public. That would cover it, right?

Commissioner Somerville - Mr. Chairman, if I may, I mean something like that would work. I would prefer something up front saying something that clarified right off the bat: all of these, or a good chunk

of them, were recovered from the summit and some of them are CACFA recommendations, and our full report will be later. Or something like that.

I'm just saying we can concretely say these are CACFA recommendations and I'm getting a little uncomfortable with some of them from that standpoint.

Representative Keller, Chairman - Commissioner Somerville, if I could ask you a question. It is up front, right? I mean, ". . . following a number of recommendations made by summit participants and the members of the commission," back on page 10. So it is there, but it isn't precisely identified which are which. I understand your point.

Commissioner Woods - It was at a CACFA meeting that we took that recommendation from the public, so it is a CACFA -- it would be in the public participation in the meeting minutes of our meeting that would address that. Do you know what I mean there, Ron? It's still in the purview of CACFA because we are a public group and we include public participation and testimony; that that statement can be used in a CACFA recommendation.

Commissioner Somerville - Frank and I are communicating. I understand exactly what he's saying, but the way this is worded, the media is not going to react to that. It says "CACFA Issues and Recommendations."

Commissioner Woods - Maybe we ought to separate like you said, just a note.

Representative Keller, Chairman - I have a question for the executive director. This has been a painful process -- well, not painful; it's been a lot of work and we've all suffered a little bit of confusion, and I understand that. Do you feel like you have enough at this point, if we were to pass the document before us as amended to put something together that we can put in with a report that has attachments?

Leaphart - Mr. Chairman, I guess I understand what Commissioner Somerville is saying. And, again, I apologize for maybe not making this clear. What I wanted to do is put in front of the commission in this draft document all of the recommendations that we heard, that we pulled out of the presentations that we heard at the summit, try to incorporate those that we adopted or talked about or identified at our October meeting, and then a couple of others that kind of came to me as I was working on this. And then what I thought we would do today is weed out the ones that we weren't comfortable with.

I think Commissioner Somerville's point is well taken. I understand the need for us to make sure that our audience, whether it's the legislature, whether it's the governor's office, is made aware of all the things we heard at the summit. I think Tina's summary with our additions to that helps to do that. In our report, we want to make sure we're comfortable with putting these recommendations in our report, unless we take another step and split out the ones that heard at the summit, but which we're not necessarily endorsing. And that's why in the text of the report, I referred to the summary as an appendix. I was thinking that maybe the easiest course of action is to only include in the body of the report those recommendations that we're comfortable with and then the summary takes care of identifying all of the recommendations that we heard at the summit.

Does that sound like a feasible approach?

Representative Keller, Chairman - Commissioner Fish?

Commissioner Fish - Actually, that's what I was going to suggest, too, because my motion on this was to make this report with all of our recommendations "our" recommendations and the other report as the citizens' recommendations as well. A lot of those are going to be similar. But I agree with Commissioner Somerville and Stan as well, if there is something within these recommendations that the

commission itself is uncomfortable with, I don't think we should include it in our report to the legislature. We still include it in the summary report because that's the voice of the people that was brought to us. But in the specific one that's pointed out, I would have no objection to removing it from our annual report to the legislature and leaving it in the summit report. I think that's entirely a good direction that we could take if there is any other controversial recommendations.

Representative Keller, Chairman - We'll proceed in that direction. Commissioner Somerville.

Commissioner Somerville - I'm not trying to hold this up; I'm trying to produce something I think is more reflective of what we've done. I think Mr. Arno made some good points. So I'll make a motion that we take communications, consultation, cooperation, training and education, and move them to the back.

Commissioner Arno - I second the motion.

Representative Keller, Chairman - Wait. Communication, cooperation, and consultation and which other one?

Commissioner Somerville - Training and education, was it? Yes, training and education. If I can explain, Mr. Chairman, just briefly, that would leave us the legislative recommendation, navigable waters, submerged lands, planning and policy issues, ANCSA Section 17(d) with one withdrawal, Fish and Wildlife management issues, access issues, and then those two. In my opinion, I think those others rise a little bit more to the top. That's all.

I'm not trying to prioritize them all. I'm just saying I think it looks better.

Representative Keller, Chairman - And remember we did put the language in there about no priorities, so I have no problem with that at all.

Commissioner Woods - Second that motion.

Representative Keller, Chairman - Is there any objection?

Commissioner Hanson - I have an objection.

Representative Keller, Chairman - Go ahead. Commissioner Hanson?

Commissioner Hanson - Yes. The training and education did not come out of the summit. That was when we were at the round table in October.

Representative Keller, Chairman - Did I misunderstand? You were suggesting just the order that's in there.

Commissioner Fish - I'm not saying priority. I just said in terms of presentation. We've already got in there they're not in order of priority. I just think it looks better having some of those bigger issues - not that education isn't important - I just said move those two to the back. That's all.

Commissioner Hanson - So you're just talking about order. You're still making it a CACFA thing.

Commissioner Fish - Precisely.

Representative Keller, Chairman - That's right.

Commissioner Hanson - Okay. Sorry.

Representative Keller, Chairman - So seeing no objections, another detail for you not to forget there, executive director.

Leaphart - Mr. Chairman, since we're on that subject, if I can, there are a couple of other points in here, again, that I included and I want to make sure that this commission is comfortable with. It's under Cooperation, Consultation, and I think it has to do with the last item under that on page 13 above Training and Education. This is sort of one of those summit recommendations; that some have suggested this approach, i.e. it be taken with the Federal Subsistence Board. In other words, if it's not working, we should just quit cooperating on that one.

Do we want to specifically mention that last one item there?

Commissioner Fish - What page?

Representative Keller, Chairman - Page 13, fourth paragraph.

Leaphart - Page 13, it's directly above the Training and Education block. Recommendation: While the commission encouraged productive cooperative efforts, we also recommend that where there is little or no benefit to the state and where continued cooperation wastes limited state resources, the state should stop cooperating. And then it goes on to say some have suggested this approach should be taken with the Federal Subsistence Board.

That kind of makes the same implication. Are you comfortable with saying that or would it be better if we dropped it and left it in the summary?

Representative Keller, Chairman - Is there a motion? Commissioner Woods?

Leaphart - I mean, that's just a question.

Representative Keller, Chairman - Yes, I know, but it was a good question. Commissioner Woods?

Commissioner Woods - I think those kind of comments should be left in the summary because that's a policy question. If you're not doing anything in the Department of Fish and Wildlife and you're at the RAC, then that would be a policy question to call on the director of natural resources, I would think. I would make a motion that we move that to the summit.

Commissioner Arno - I second the motion.

Representative Keller, Chairman - Any further discussion on that? Commissioner Somerville.

Commissioner Somerville - Thank you, Mr. Chairman. It is to remove that statement? I didn't understand the motion.

Representative Keller, Chairman - Over to the summary.

Leaphart - I'm pretty sure it's already in the summary.

Commissioner Somerville - I think it's there, yes.

Commissioner Woods - Remove that section or put it in the summary if it's not already there.

Leaphart - It's the last item in the summary. Stop cooperating with federal entities where there is little or no benefit to the state and it wastes limited state resources. And it specifically mentions the Federal Subsistence Board.

Representative Keller, Chairman - Commissioner Somerville?

Commissioner Somerville - Mr. Chairman, yes, I guess I'd go along with it partly because of the philosophy I've been trying to express of getting more of that into the summary. I guess if had my preferences, I'd reword it. The state should reassess the cost benefits of cooperative programs, or something like that. But I'll go along with the motion.

Representative Keller, Chairman - Okay. So a motion is on the table that essentially takes that out because it's already in the summary.

Karrie Improte - Is that reflective of the sentiment of your motion?

Representative Keller, Chairman - Yes. Again, no objection? If there is an objection, speak up. Do you follow where we're at, Commissioner Hanson?

Commissioner Hanson - I do not object.

Representative Keller, Chairman - So that's done.

Leaphart - Commissioner Somerville said something about reassess. Insert "reassess" in there or....

Commissioner Somerville - Mr. Chairman, I'm just saying better wording in that would be the state should reassess its cooperative efforts. It's a cost benefit, is what it amounts to.

Representative Keller, Chairman - And that would be a change, you're suggesting, to the summary now?

Commissioner Somerville - Here, I'll make that motion.

Representative Keller, Chairman - Okay. To the summary. Yes. Is there a second, first?
Unidentified Voice - Second.

Representative Keller, Chairman - Any objection? Okay. And also Stan some composition license here that we've given him regularly, so I'm sure we're okay there. What else? Commissioner Liska?

Commissioner Liska - Is this the place where a motion is made as a recommendation to contract and hire Bill Horn to help develop the play book?

Representative Keller, Chairman - Yes, we're at the point where.....

Commissioner Liska - Is that a part of a recommendation?

Representative Keller, Chairman - The time has come for a motion from a commissioner to move this report that we've worked on, as amended, as the report with attachments that's going to be forwarded

here within a few days. Before we do, I want to clarify. Rynnieva sent me a note and I think it's a really good one, and maybe we want to do this before we do the motion. Is there anything that the commission wants to do, but we don't have the statutory authority to do? In other words, should that law be brought forward, maybe tied to our extension? Because that should be part of the recommendation for sure if we're going to do that and I had forgotten to go there.

I saw Commissioner Lean had his hand up, I think.

Commissioner Lean - I'm in the dark.

Representative Keller, Chairman - Rynnieva, feel free to speak up, but I want to make sure that I ask the question that you were asking. What I interpret here is that we have Senate Bill 109 that Senator Coghill has in and we have House Bill 244 to extend the date for CACFA to go to 2021. And so as long as that is open, we can tweak the bill in our tasks that we have laid before us, if we think that there is something that's politically feasible to tweak.

Has anyone given that any thought, as long as we can extend the bill? Commissioner Liska?

Commissioner Liska - Well, one of the things we just approved in the adoption of the additions that Stan gave us, the second item is state should fund a knowledgeable and adequately staffed CACFA and ANILCA program, including sufficient legal counsel to assist prior litigation and current issues of resolution not achieved through diplomacy. Is that beyond an extension of CACFA? Is that an expansion of CACFA in this right here, in this recommendation? I'm asking the commission.

Representative Keller, Chairman - Yes, I'm talking statutorily if we want to reflect that. Did you have something, Commissioner Woods?

Commissioner Woods - In that purview, and speaking on behalf of Commissioner Smith's recommendation before we adopted all this stuff, the action plan in this -- we're asking for action plans, but one of the action plans is maybe review and ask for congressional hearings for ANILCA and us to be a part of that.

Representative Keller, Chairman - But what we can get done statutorily is the question.

Commissioner Woods - Okay. I'm just trying to figure out in my mind what you just asked me as to how we can.....

Representative Keller, Chairman - Rynnieva, go ahead.

Rynnieva Moss - Mr. Chairman, for the record, Rynnieva Moss, staff to Senator Coghill. If you look on page 2 of the proposed report, it gives you a list of your statutory responsibilities and duties and the question is, is there something missing from there that you would like added during the process of changing the sunset for the commission?

Representative Keller, Chairman - I'll give you a minute to review that. Commissioner Smith?

Commissioner Smith - Does the statute allow for contracting with Bill Horn as staff? That might be something that, if he's willing, that we might want to use a little more extensively.

Representative Keller, Chairman - I'm going to let Stan respond, but I think that's totally within our option right now.

Leaphart - Right. As part of a state agency, we have contracting authority up to a certain amount without any approval and then with commissioner's office approval, I guess subject to funding. And we contract out, technically, on a lot of different things. For example, the transcripts. Small contract agreement more -- not really a contract, but we pay for outside assistance on a number of things.

Representative Keller, Chairman - Commissioner Smith?

Commissioner Smith - So is contracting with Mr. Horn perhaps something that would be viable?

Representative Keller, Chairman - If I could, let's deal with the report and then what we'll do is, that is immediately following. We'll begin to talk and expand a little bit more as far as where we're going with the other stuff. Commissioner Somerville?

Commissioner Somerville - I think we should put in this report when we anticipate giving the full commission report to the legislature and the governor. Make it clear in the full report.

Representative Keller, Chairman - Does anyone object to us putting a finish line out there and shining a spotlight on it so that's our do-or-die? But that catches what you're saying, right?

Commissioner Somerville - Yes, and we can decide that later when, but I'm just saying I think it should be in there.

Commissioner Woods - (Away from microphone) Mr. Chair, okay, we're adopting the report as it is. We're going to add in there that at some point in time we're going to have a full report? Maybe Mr. Somerville can explain. I understand that it's separate; what they're asking for is a separate maybe hearing on face-to-face report to the legislative body. Are you talking that our report be in premature or.....

Commissioner Somerville - I appreciate the question, but we've essentially gone over that. My position was that we should have a report that is separate and not include all of this because it's premature. That was basically my argument and you decided not to do that, so I respect that. But I do think we need to make it clear that there is a more complete report coming, whether consolidating further review of the documents. I'm suggesting in some of these areas, there are a whole bunch of options that we haven't got on the board nor have we discussed that I think would be considered when we go forward with the final report.

Representative Keller, Chairman - Commissioner Liska?

Commissioner Liska - I agree, because my understanding was that the purpose of separating it out and then adding it back was that this was a working document and that the purpose of coming back and presenting the -- I don't want to say expanded report, but that this report we've already agreed has no priorities in it. The report that we're going to come back with will be the prioritized version of it in order to make the points that need to be made in the presentations to the governor and the legislature.

Representative Keller, Chairman - Understood. And do you understand that now, Commissioner Woods? But the question that's on the table is whether or not we want to make reference to that second step. Commissioner Fish and then Stan.

Commissioner Fish - Well, my take is we have an annual report to get out and that's what we're basically dealing with here. We have a deadline on it and I think we address this report and then move

on to the business of the summit overreach summary and report, and how we're going to proceed on that, which I think would address all of Commissioner Somerville's issues. But personally I think the issue at hand that we have now is to provide guidance and a final approval of the annual report that has a drop-dead date that Stan is going to meet, and then we can move on with the rest of our business.

Representative Keller, Chairman - So are you speaking against referencing.....

Commissioner Fish - I would be speaking -- that's what I was going to say. Concluding with, I would be speaking against reference into any other report within our annual report because I don't want this to look like unfinished business that we're punting down the road. We've done a great deal of work on the annual report. It's concise to the point of the deadline that Stan has to put it out, and we're still working in progress on everything else that we have. Not that this report is incomplete, but we're coming out with additional reports that we can then emphasize.

So I guess what I'm saying is it doesn't stop with the annual report. The annual report is a requirement of our commission to get out and get out on time, but it doesn't put an end date to commission business. Commission business is ongoing and I view this as very important to highlight. The summit summary is very important and very important to highlight and I think we need a lot more work on it in order to get it. I would prefer not to reference that.

Representative Keller, Chairman - Okay. Stan and then Commissioner Liska, and then Commissioner Arno.

Leaphart - Mr. Chairman, just a suggestion here. Whenever I submit the annual report to the governor's office and to the president and the senate and the speaker of the house, I put a cover letter on it, and then just the general ones that I make available I put a "Dear Reader" letter with that.

It might be a good solution to mention a future report of the playbook, if you will, or ways to implement these recommendations will be presented throughout and presented at a later time. It makes sure that this isn't perceived as an incomplete report, but acknowledges that there's more work to do. Just a little word-smithing along those lines and the cover letter might accomplish what we want to do, to just give everybody a heads-up that there's more to come. But that's just a suggestion.

Representative Keller, Chairman - Commissioner Liska?

Commissioner Liska - I like that. I think there's more to come by a certain date. This session, meaning this session, presentations that will be made this session so it's not in perpetuity.

Representative Keller, Chairman - Commissioner Arno?

Commissioner Arno - Yes, what we're working on right now is CACFA's annual report for activities in 2013. That's one, and as I understand the motion that was made when we divided it out, the other is a Federal Overreach report. Not everything in this annual report is Federal Overreach.

Commissioner Liska - Right.

Commissioner Arno - And I think that's the distinction that we keep stumbling around.

Representative Keller, Chairman - Commissioner Somerville, are you okay with letting Stan cover that in the cover letter? And what that will do is it will leave us some leeway. Because I think there is a determination on every commissioner's part here to go the second step. The problem is going to be defining what it is. It's not a question of if; it's a question of just what is it going to look like, probably.

So if you're okay, we'll just let that one -- okay. Commissioner Smith?

Commissioner Smith - Could we put the word "preliminary" in there somewhat? No? Or something implying that this is the first -- like "Initial Issues and Recommendations" or something that would imply that we're not done, is all I was wondering.

Representative Keller, Chairman - Commissioner Fish?

Commissioner Fish - I would hesitate to do that because we have annual report every year. This is our annual report.

Commissioner Smith - I mean on the overreach report.

Commissioner Fish - Oh, on the overreach. Yeah, yeah. I would like to also bring up a little piece of housekeeping for Karrie. I think we did have a motion to add the words "CACFA" in front of "Issues" on page 10. I want to make sure you get that.

Commissioner Fish - Right.

Representative Keller, Chairman - So I don't want to leave your suggestion hanging, Commissioner Smith.

Commissioner Smith - Well, I was just throwing it out there.

Representative Keller, Chairman - If somebody else wants to include "preliminary" let us know. Commissioner Somerville?

Commissioner Somerville - Quick comment in that she hits on the button in that I used as an example the one I was referring to in the legislative recommendations. It's very short and I think eventually in terms of Federal Overreach, that's going to be a fairly lengthy section of our report. So this is not a complete report. It is preliminary in a sense, but I'm not going to make issues of that. I think we're just going to have to let it go like it is and hope that it's not misconstrued.

Representative Keller, Chairman - Commissioner Woods?

Commissioner Woods - At the October meeting, I think we reviewed the August 12th and 13th summary by Tina Cuning. I believe we reviewed and approved it. I make a motion that we include this in our annual report. That will be complete up until the point of the summary, which would be later on, a hearing of some sort that would be included in this.

So to make the complete report finalized on 2/23, on January 25th, I make the motion that we include this August 12th and 13th summary by Tina Cuning.

Representative Keller, Chairman - Is there a second?

(Nonresponsive)

Representative Keller, Chairman - Failing a second, I think maybe.....

Commissioner Somerville - Mr. Chairman, didn't we agree to reference that? I mean we discussed that. I thought that that's something that could be referenced.

Representative Keller, Chairman - Could I hear some discussion on this.

Commissioner Woods - I guess what you're saying is if we don't have a summary -- we do have a summary, but we don't have CACFA's summary. And if we reference the summit that we had in August, they're not going to get a clear picture with our existing report. Well, this summary from Tina says it all except for our portion of it, right?

I'm getting a little bit lost because, number one, we just approved the annual report along with our recommendations. So this is not going to be included in the annual report, other than referenced, right?

Leaphart - Mr. Chairman, in the body of the report, I comment that this is attached to this report.

Commissioner Woods - Oh, good.

Leaphart - And attaching it as an appendix makes it an additional reference item, but allows the report to stand on its own.

Commissioner Woods - Good. You've already answered my question. That's what I was saying. At least have a reference and an attachment to this report. Good. I rescind my motion.

Leaphart - And, Mr. Chairman, one other thing. I'd point out that the same thing applies to this - and I just did this because I thought people might want some more information - this bibliography and additional readings. It's not critical to the report. It's just some additional reference items. I'll put that in as another appendix and then that way you can pull the report and it will stand on its own. So if that works for everybody, that's the way we'll approach that.

Representative Keller, Chairman - Commissioner Fish?

Commissioner Fish - Mr. Chairman, I think it may be time that I make a motion that we adopt to draft the annual report as amended with attachments.

Representative Keller, Chairman - You want to read my notes?

Commissioner Woods - Second.

Representative Keller, Chairman - Wait, before we get there. Now, discussion. Rynniva?

Rynniva Moss - Mr. Chairman, I just wanted to bring up, the reason I sent you that note is because under your duties, you're fairly well limited to federal law and congressional intent and the only reason the United States is involved in Arctic policy is because of Alaska. And I would just suggest you might consider putting international law and Arctic policy in that section of your duties.

Representative Keller, Chairman - I think somebody had a hand up there, and Commissioner Lean? Didn't you? No? All right.

Commissioner Fish - Mr. Chairman, since we're already on the motion to adopt the draft, I would consider that a friendly amendment.

Rynniva Moss - In subsection (a), you would just do federal law, international law, Arctic policy, and

congressional intent on management operation, planning, et cetera.

Leaphart - I don't think we want to plug it in here because this is a statement of our duties as they exist.

Rynniva Moss - Oh, yes, you're right.

Leaphart - We can certainly adopt another recommendation that suggests that change.

Rynniva Moss - You're right, absolutely.

Representative Keller, Chairman - Yeah, I wish it was that easy. We're writing laws now. Commissioner Lean?

Commissioner Lean - At one point, we had a side conversation and I wondered if Tina Cuning's summary was available on the web page. Thank you. I wanted to make sure that it was. Thank you.

Leaphart - It's on there now as a draft and it's in the unrevised form, so when we get back to Fairbanks, we'll have Karrie Improte, who maintains our web site, make that change so that it's put on there as was revised at the October meeting.

Commissioner Fish - Point of order, Mr. Chairman?

Representative Keller, Chairman - Right.

Commissioner Fish - I think we need a commissioner to offer the friendly amendment including that international law language.

Representative Keller, Chairman - Okay. Can you do that to your own.....

Commissioner Woods - I'd like to make a friendly amendment to that motion.

Representative Keller, Chairman - Second?

Commissioner Lean - I'll second.

Representative Keller, Chairman - Okay. All we've got to do is get it finalized in our heads where it's going and what it is. And then we've got a motion on the table.

Commissioner Fish - And since we're in discussion on that friendly amendment, I think that's of a high enough priority that we could give it its own recommendation right up front with all of our recommendations.

So I would suggest that it be inserted right under the main heading of CACFA Summit Issues and Recommendations as bullet point number 1.

Representative Keller, Chairman - Commissioner Hanson, are you with us? Are you following what's happening here?

Commissioner Hanson - Yes, I am. I'm letting the impact of that soak in. I agree with -- I'm not sure who was just speaking, but to put this up as a top priority. I feel that one, too.

Commissioner Lean - If I could speak to that a little bit. We just received Senator Giessel's statement opposing the Beringia projects and as a fisheries biologist I've been pretty aware of Arctic Ocean policy, and there is a lot of action going on right now. As a Nome Port commissioner, I've also been involved with the Arctic Port of Alaska negotiations and things. It's a real active front and much coordination between federal, state, and local governments. I'm strongly in favor of that idea.

Representative Keller, Chairman - Okay. Good. Commissioner Liska?

Commissioner Liska - Based on that being added to the task of CACFA, what type of additional resources will be needed for staff to be able to manage that? I'm thinking of the Arctic Policy Council, the Arctic Policy Commission, let alone the Integrated Arctic Management Plan that I spoke of yesterday. What other tasks have now just been added to staff that's already overburdened with all of the other reports in existence? Do we need to add additional funding and staff to be able to take this addition?

Representative Keller, Chairman - As I understand it, this is a recommendation and it would be acted on by some legislator and at that point, they would assign the fiscal impact statement to it, and the money would be attached on that end. So when the law would go, then the resources, and that's part of that process; that would be all considered.

Commissioner Liska - So we don't have to make a motion here to add that. They would do that?

Representative Keller, Chairman - Right. Yes.

Commissioner Liska - Okay. Thank you.

Representative Keller, Chairman - They don't miss a chance on that one. They watch that pretty close. Commissioner Somerville?

Commissioner Somerville - I'm getting a little confused. Are we voting on the motion to adopt this?

Representative Keller, Chairman - Yes. We're just waiting to make sure it's in the right format here.

Commissioner Somerville - And we're making recommendations in here as it relates to.....

Commissioner Fish - No, this was accepted as a friendly amendment to the original motion to adopt the draft.

Representative Keller, Chairman - We could have done it in two, but if everybody is clear on what we're doing, it's okay.

Commissioner Somerville - So in our report to the governor and the legislature on what we did in 2013, we're including recommendations on amendments to CACFA's charter. Is that essentially what we're doing?

Representative Keller, Chairman - That's what that recommendation is. I think the time has come. I don't see any more hands. If you'd call the roll.

Leaphart - This is for this motion?

Representative Keller, Chairman - For the friendly amendment. Is there any objection to that first?

Karrie?

Representative Keller, Chairman - No. We need to clarify those things.

Commissioner Fish - And that's referenced on page 10 right under the title of CACFA.....

Karrie Imrote - Oh, I see. Okay.

Commissioner Woods - So that would be the first recommendation, for this amendment.....

Commissioner Fish - CACFA, yeah, right under the main title of CACFA Issues and Recommendations.

Karrie Imrote - Okay. This is not correct. So this is going to be the first recommendation listed under.....

Commissioner Fish - Page 10, CACFA.....

Karrie Imrote - Under the heading of CACFA Issues and Recommendations, correct?

Commissioner Fish - Correct.

Karrie Imrote - And that is the first page of the summary report, not to be included in the annual report.

Commissioner Woods - No, this is the first -- this would be the annual report on page 10.

Commissioner Lean - Last page of the annual report.

Commissioner Woods - Yes.

Karrie Imrote - Got it.

Representative Keller, Chairman - The feeling you have right now is the same feeling all of us had the night before planning out a 13.5 billion dollar budget.

Karrie Imrote - I apologize, but can we just agree on the language of where this is going

Leaphart - Let's put it on and then we'll figure out where to put it.

Representative Keller, Chairman - Karrie, I think Stan has the right approach.

Karrie Imrote - He's got it?

Representative Keller, Chairman - Yeah. We'll do a formal vote on the friendly amendment and then let the drafter and the staff figure out where to put it appropriately. Is that right? Okay. So is there any objection? I don't think there is. I think we've covered that. So the friendly amendment is passed with the understanding that it'll be appropriately placed by Stan and Karrie.

Leaphart - Remember now, we moved communication, consultation, and cooperation, and training and

education back in the report, which means the first topic of recommendations would be legislative recommendations. Now, I would think that that would be the appropriate place to put this even though most of these pertain to congressional action. So maybe I should change that heading to legislative/congressional actions or recommendations and then include this in that topic.

Representative Keller, Chairman - Well, it does say state and congressional already somewhere because when I was reading it, I had a little bit of confusion because I saw one of them was for Congress, legislative act, but then I think it led into that. But, yes, just clarify however you want on that, yes.

Leaphart - So we'll locate it under legislative recommendations. Okay.

Representative Keller, Chairman - Okay. I think we're down to the vote, the vote on approving or adopting. I guess Mark used the word adopting this report. If you'll call the roll, that'd be great.

Leaphart - Commissioner Arno?

Commissioner Arno - Yes.

Leaphart - Commissioner Fish?

Commissioner Fish - Yes.

Leaphart - Representative Keller, Chairman?

Representative Keller, Chairman - Yes.

Leaphart - Commissioner Hanson?

Commissioner Hanson - Yes.

Leaphart - Commissioner Lean?

Commissioner Lean - Yes.

Leaphart - Commissioner Liska?

Commissioner Liska - Yes.

Leaphart - Commissioner Meekin?

Commissioner Meekin - Yes.

Leaphart - Commissioner Olsen?

Commissioner Olsen - Yes.

Leaphart - Commissioner Smith?

Commissioner Smith - Yes.

Leaphart - Commissioner Somerville?

Commissioner Somerville - No.

Leaphart - Commissioner Woods?

Commissioner Woods - Yes.

Leaphart - Mr. Chairman, that motion passes 10 to 1.

Representative Keller, Chairman - Okay. So I'll hit the gavel. Commissioner Arno?

Commissioner Arno - I make the motion that we go in executive session to discuss what we heard yesterday from the Department of Law in executive session.

Commissioner Somerville - Second.

Representative Keller, Chairman - Okay. We've had a motion and second that we go back into executive session. We only have one person in the room. I want to know security-wise when we're online, how does that work? Are we secure with Commissioner Hanson or does she have to sign out?

Karrie Improte - I'm going to find out right now.

Representative Keller, Chairman - Okay. We'll take a little at-ease until we figure that out.

Saturday afternoon - January 25, 2014
Senate Finance Conference rm 532, Juneau, Alaska

2:30-4:00 p.m. - Commission in Executive Session

4:00 p.m. Representative Keller, Chairman - When you say finalization of the summary, Commissioner Somerville.....

Leaphart - Let me know.

Representative Keller, Chairman - Yes, so we all are on the same page.

Commissioner Somerville - When we started off, we said that we'd be looking at the report, obviously, and the summary. And this is a draft that Stan did and there are a couple minor suggestions I would like to make, which I think will be an improvement, similar to some we made on the report. It's not changing a lot; I just wanted to.....

Leaphart - Mr. Chairman, I thought what I passed out yesterday incorporated the changes that we made in October.

Commissioner Somerville - I agree they are. I'm just suggesting there are some formatting changes that would improve it. I guess that's all. I'm not suggesting adding anything, or a big debate.

Leaphart - Oh, would this be consistent with what we're planning to do in the report by positioning of the recommendations?

Commissioner Somerville - Yes. Well, in the summary, when we get to the back of the summary, for instance, one of the same points I made with the report is I would like to see some of the major topics brought to the front. Not adding any or subtracting any; just rearranging slightly. They're kind of buried, if you will, amongst a huge number of rightful recommendations. That's my only reason for wanting to address the report.

Leaphart - Okay. Would you like that to be something I do or did you want to start listing off which ones and we can.....

Commissioner Somerville - Well, Mr. Chairman, if I can, I can point out the ones I think should be elevated. I'd leave it up to Stan to be the final judge.

Representative Keller, Chairman - Let's make sure everybody is on the same page here. Do you know what we're talking about? The summary of the proposals that were made?

Representative Keller, Chairman - Right. In Tina's, yes. It's at the end of Tina's. And I'm saying this, Ron, so you can correct me if I'm not understanding.

Commissioner Somerville - Right.

Representative Keller, Chairman - You're saying you're going to go through now and suggest things that Stan move to the front of the list because you feel that at the front of the list it holds more priority. So let's all do that together if you have something that you want moved toward the front. At some point, we have to leave discretion to Stan to prioritize it according to what he knows, too.

Commissioner Somerville - And that's fine. On page 18, just to illustrate really quickly, I went down the list and what I did was I marked those that I think should be elevated. I'm not saying they should be one or two or something, but the State of Alaska should adopt case-by-case strategies for judicial and legislative remedies. I think that's a good chunk of what we've talked about; that should be elevated.

And on page 19, the second one: Draft and pursue adoption of an ANILCA amendment that clarifies no more wilderness. Two more down: Pursue litigation and/or draft legislation to exempt Alaska from the forest service roadless rule. And then number 6: Amend the Endangered Species Act. Then on page 20, 5: Conduct a review of each section/Title of ANILCA to analyze. The next one: Aggressively address wildlife management. The next one: Aggressively pursue submerged land entitlement. The next one: Aggressively pursue public access. The next one: Pursue adequate state funding.

If somehow those can be elevated a little bit, that's all I'm suggesting. Some of these others around them just aren't as important. I think it kind of buries them.

Representative Keller, Chairman - Again, that's great input and if you have priorities, give them to Stan, but at some point realize they all can't be in first place. That's what I'm trying to say. So when we get them back from Stan in what would make sense to him....

Commissioner Somerville - My suggestion was to elevate. I didn't say anything had to be in first place.

Leaphart - Why don't I do this: the way I've got the recommendations grouped in the annual report, I'll mirror that in here. We've already decided to move those two or three topics up, the other ones back, so I will mirror that in this summary. Does that work? And then I'll send this back out along with the annual report for everybody to take a look at.

I have a question about the additional information I added. Do you think it's appropriate to leave that bibliography and additional reading in as an appendix, or is it unnecessary? The end notes I think kind of help explain things a little bit, but again we could also drop those out. We've already approved that. I'm sorry.

Representative Keller, Chairman - Yeah. That's all right. If you want feedback from me, I like to be able to do that.

Leaphart - I'm not very good at crafting things based on the way they look, and so there may be some formatting changes. I'll get Karrie's help to do that; she does the newsletter. There may be ways to emphasize things by just changing the visual look of it and make some things a little more prominent. We'll work on that.

Representative Keller, Chairman - So if it's okay with everybody, let's switch the direction of the discussion here just a little bit and talk about what we're envisioning as far as the presentation, the second bite here or whatever you want to call it. I want to get the right term so we're all talking about the same thing. First, Commissioner Smith and then Commissioner Somerville.

Commissioner Smith - I'm going to go back to Bill Horn. He's such a valuable asset to the team here and he's been helping with this process with you, Stan. Is that correct?

Leaphart - Who?

Commissioner Smith - Bill Horn.

Leaphart - Not really yet, no.

Commissioner Smith - Oh, not yet?

Leaphart - I thought about it a lot; I talked about it with a couple of people and decided it was a little premature. But I think now that we have a product, as we said, the next step is to figure out how to implement those recommendations and hopefully he'll be available. I understand he probably will be.

Commissioner Smith - Step in to help at that point?

Leaphart - Yes, for some consultation.

Commissioner Smith - I just wanted to voice that I think that's a really good idea. I think it takes some of the pressure off of you and pulls in such a valuable asset that is well known and recognized in the state and will maybe validate some of the things that we do as well. I just wanted to ask if he was involved.

Representative Keller, Chairman - On that topic, when he volunteered to help, we're presuming that he was talking a consultant fee, and I think that's a logical presumption. However, that needs to be confirmed (inaudible - away from microphone). So think about what we're buying. That's all.

Commissioner Somerville - Thank you, Mr. Chairman. I support that. I just caution: Bill has rubbed some people in the Department of the Law -- I mean, he was the one that essentially filed the navigable waters case, put it together, and he's since been essentially moved to the side. There's been some hard feelings I think somewhere in there, and I don't know what they are.

On the issue of this thing, we've already discussed it to some extent, you know, looking at kind of a big polished presentation. I am the one that feels you've got to have points. In other words, a PowerPoint or similar type presentation that's flashy, but it touches the points. We can further elaborate on them or expand upon them in an adjacent report, but they've got to be things that we can give out to the press, the governor can take with him back into his office and look at the two pages or whatever it is, and we can amplify them however we want in the report.

I think we should be able to produce it on these and be able to pass them out so we get them to the communities and corporations, or whatever, so they can see what we're saying and everything is transparent. I'm obviously talking about as big a splash as we can to pull Alaskans, and especially to get the press interested if at all possible, that this is a big issue and the magnitude of it is very large. Anyway, from the beginning that's what I saw as the only chance we had of doing anything with this effort.

Representative Keller, Chairman - I agree.

Commissioner Arno - Yes, I would echo some of the concerns that Commissioner Somerville said specifically about Bill Horn's involvement. And I would also be concerned about trying to specifically have a motion saying that the commission should go ahead and hire him as a consultant just because of the time frame. He may not be able to work on this at all in the time frame that we're asking during this legislative session to get this out.

So I think that it would be reasonable to say, okay, it'd be good to have an outside consultant, but keeping that open so that Stan and the commission can get outside help, absolutely. But I think I would

caution specifically naming a name without first consulting with Bill Horn.

Commissioner Liska - I think there's been some discussion here about presentation so I'd like discussion on direction of who that presentation or presentations would be. Is that to legislative committee during session here, or committees, the governor and/or governor and cabinet, and in addition to the congressional delegation, whatever that would look like, with what Commissioner Somerville has said with also media presentation and talking points presentation? The big splash with the pointed arrow, "here are the few things that we really think are topping high priority." I don't know if that needs to be made as a motion or just up for discussion and a motion come out of it.

Representative Keller, Chairman - I don't know that we need a motion. We are presuming that you're kind of helping us take the lead on that one, I guess. The only thing I would add or at least put out there to consider adding is video clips. We started down that road a little bit and we talked about making a presentation to the legislature or a presentation to the governor and to the delegation, but the informational to the younger generation, that's going to cost us a little bit because we've got to have somebody that's up to speed and knows this stuff enough to help us out. That's the only thing I would add to that.

Does anyone see a decision that needs to be made? How do we proceed? Have you got any ideas here?

Commissioner Fish - As far as the presentation goes and who it's directed at, I would favor all of the above. If we can post it in a public posting, a PowerPoint presentation, do a YouTube posting on it, and let others start carrying the water with us. Just as a side note, we set up an Internet radio station and we're getting people listening in from China, and a guy was on it five hours in Poland the other day.

So the international scope of what you do on a presentation that is posted on YouTube, it casts a really broad net and, again, brings in everybody that's interested. The effect of social media, once it starts getting spread to interested parties, the impact has the potential of being tremendous and especially with a good presentation.

So it may be directed at the legislature or the congressional delegation, but the sooner we can get it out to the public, the sooner the public can get engaged in these issues. All I'm really saying is as far as where the presentation goes to, I say all of the above, and post it on YouTube for the widest possible dissemination and let it take off from there.

Leaphart - Mr. Chairman, based on our conversation with Commissioner Somerville the other night, he's offered his time; I certainly have the time. I think maybe the best approach would be to form a subcommittee of commission members and staff. Maybe bring in Mr. Horn or someone who is capable and available. Someone like Tina Cuning I think would be a big help. She has a lot of experience in this as an assistant to work on this. And spend maybe several days, now that we have a final report product with recommendations and refine a presentation for consumption by the legislature, the governor, the public, and the delegation. But that's going to take some collaborative effort. I don't think it's anything that anybody can do by themselves. So think we're going to have to dedicate, if the people have the time, to maybe go to Anchorage - I think might be the best location - and spend several days. Find a place to work. Probably can get a conference room or something at DNR or maybe Fish and Game to work on putting this sharpening of our spear.....

Leaphart - And that's just my suggestion on how to approach that.

Representative Keller, Chairman - Can I appoint you, commissioner, to work with Stan and Karrie to get something together to report back to us the next time we get together or as soon as you can get something together, or some kind of proposal? Is that okay? Is anyone else interested to serve?

Commissioner Somerville - Can I volunteer?

Representative Keller, Chairman - Oh, okay. I'm sorry.

Commissioner Liska - When you say get together, you mean at our next meeting in June?

Representative Keller, Chairman - No, whenever the next meeting we decide on. If it is June, then it would be before that. Anyway, report back to us at the earliest convenience. Commissioner Somerville?

Commissioner Somerville - Yes, thank you, Mr. Chairman. We discussed just amongst ourselves, we're going to have to make some presentation to the legislature and the governor prior, at the latest, the middle of March, right?

Representative Keller, Chairman - That's right, yes.

Commissioner Somerville - So I would suggest it's got to be some time during those first two weeks of March.

Representative Keller, Chairman - Yes. Get back to us, keep us posted on that. It's very important. And I would just say one other thing, too: try to include in that a little bit of guidance, and it doesn't take much, on responding to the media because every commissioner is going to be faced with that. And these bullet points that go on the PowerPoint are going to be important for us to all have in mind and in our back pockets so that we don't walk off a cliff here. We don't want Mark talking about secession or something. Commissioner Liska?

Commissioner Liska - So where it was suggested that we hear from the Department of Law again, do we want that to take place prior to?

Representative Keller, Chairman - Would that be beneficial? It would be, of course, but we're going to have to flow with it, aren't we? I mean, if they don't respond, and we don't know that they will, but we'll work on that as quick as we can. So Senator Coghill and myself will report back to you and you report to us as far as seeing if you can get any response from Randy.

Leaphart - I was going to say I think we have to move forward regardless, I think. I think we don't have any option if we're going to get something put together by mid March. And maybe it would be possible to have a teleconference meeting or maybe even an in-person one-day meeting. I don't know if we'd need more than one day just to finalize that presentation once this subcommittee puts something together.

We have the funds this year to do that. It's work putting a meeting together, but if we plan it as a work session, we don't have to run the meeting under the usual format, I would think. Just a thought.

Representative Keller, Chairman - And we can get a report from Commissioner Hanson and how this worked on the streaming because we've got that capability now where we can talk to each other and look at each other.

Commissioner Somerville - Just a question to you. One of the keys, of course, is when you get to looking around, is it joint judiciary or each committee we're going to try to focus on? We're probably going to have to get a request in before too terribly long. It's going to take a whole meeting, essentially, of the committee to make this presentation and have some discussion. So it kind of depends on when

you can schedule something in March is going to probably decide what our schedule is.

Representative Keller, Chairman - If I speak for my committee, the sooner the better. Tomorrow would be the best time because earlier in the session this is possible. As things stack, you know, bills stack, so the sooner the better. I guess we can always cancel it, but once we schedule a meeting, then that's the deadline. You've got to have it by then. We've got the meeting with the Department of Law because we want to get feedback, like Rod says, on what the effective ones are. We've got the feedback on the possibility of Bill Horn's help and we've got the feedback from the subcommittee.

So I'll block out a piece in judiciary, how's that, for early March as a fall-back, but that's the best I can do. Commissioner Liska?

Commissioner Liska - I have a question for Commissioner Woods. How can we bring in the Native community? Do you think that's important? I'd like your feedback on that.

Commissioner Woods - I think during pep rally during AFN would probably help.

Commissioner Liska - Say that again.

Commissioner Woods - No, I'm just teasing. In our last meeting, I invited my land manager and my boss at Natural Resources BBNA. What I see happening is the Native community getting tired of meeting to attend meetings, to attend meetings, to attend meetings, to attend meetings. And when they go before each board and each different agency, be it the federal government or state government or within themselves, those meetings and processes aren't impacting and they get frustrated.

The meeting we had in August, there's a whole list we need and I think Courtney said it well, is we need Federal Oversight, not overreach. And this topic right here, how to involve the Native communities, is asking them something they have total interest in and that'd be subsistence. And I say that from my heart because that's what they live off of; that's what keeps them here and at the table, and also that's what brings them to Washington, D.C. to get their needs met.

I don't know how that looks. So if there's an item on the agenda that we can address that they would be in favor of, and I'm just saying that politically, they could jump aboard. I'm here to help in every -- and this has been an interesting process because I deal with the federal system on the RAC side and Federal Subsistence Board, and all those agencies, where we're okay at the ground level. As soon as you get higher up -- and lot of people don't want to sit here and be in the position I am in right now just for that fact. It's a hard sell. I don't know. I'll think about that for a little bit and run it by my boss and all the people.

Representative Keller, Chairman - I can't help but comment how grateful we are that you're here. It's really neat. But it's incredibly important and I thank you for asking the question because so many of these issues can be so divisive, like the Mosquito Fork thing. I mean, wow, you know, here in court the whole thing is on the Native allotment land and that's a hot issue. We start talking subsistence, that's a hot issue.

Commissioner Woods - Yes. And I see coming up the RS-2477, a big issue; that might be one of the issues that brings people to the table right now. And also access issues on refuge or park lands; that's the next thing. So I think we have a lot to work on.

Commissioner Liska - I want to make sure that the Native voice is represented here.

Commissioner Woods - You could have 12 of me sitting here. I'm just teasing.

Representative Keller, Chairman - Is there anything else we need to talk about? It's going to be hard to set the date for the next meeting, isn't it? Karrie, were there some proposed regular dates? When is the next one normally?

Karrie Improte - End of May, beginning of June. It's in Fairbanks. It's kind of a tough one because we've got the Memorial Day holiday. Let's see, Memorial Day is on the 26th of May and then school is out and summer vacations. There's a lot going on for everyone, so this is a tough date to set. Last year it was the 6th and the 7th, or the 3rd and 4th perhaps, but it was a Friday/Saturday.

Commissioner Somerville - May or June?

Karrie Improte - June.

Commissioner Liska - It was the first weekend in June. **Karrie Improte** - Yes, the year before we had a much later date in June. There's a lot going on. Herring and other subsistence activities. So do you want to suggest June 6th and 7th? It's a Friday and a Saturday. It's the first Friday and Saturday in June, for our regular meeting?

Commissioner Fish - Yes.

Commissioner Liska - That sounds fine.

Karrie Improte - Okay. Two full days? Day and a half? What do we think about the length of the meeting?

Commissioner Liska - I have a question. Having not had the federal agencies show up, do we want to hear from them? Also we talked about the Native corporations coming. Maybe inviting both of those to come and present.

Representative Keller, Chairman - My knee-jerk on the first one is that hopefully we'll get a response much before that from the Department of Law.

Commissioner Liska - I meant the federal agencies that didn't show up in October.

Representative Keller, Chairman - Sure. Comments? Response?

Leaphart - Well, we normally have them there anyway. This would be to respond to the recommendations? We had hoped to be able to do that before we finalized our report and it didn't work out in October. I didn't know if we could possibly meet with them before then as a whole group. I know it's extremely difficult, especially during the session, to get everybody's schedule on the same time. And I have no idea if we can get all of the federal agencies here in front of us over the next four or five weeks, or if it's even necessary. I don't know. But we can certainly invite them to the June meeting. And we have the one statement from the park service. We can certainly ask for others. I have asked for others; we haven't received them yet.

It's a standard invitation that goes to them and it's usually just to give us updates or briefings on what they're doing.

Representative Keller, Chairman - Commissioner Arno?

Commissioner Arno - As I asked the acting director of the park service to get back to me, and to get

back to Stan on the Federal Long-Range Transportation Plan, I think that would really be of interest to the Native community, not particularly, but I know for a fact in Western Alaska it sure would. And I would think that there would be a number of subsistence users in the Nebesna area that find that they are restricted to designated trails that would also be interested to hear from anybody in the federal land agencies regarding what they're going to do on long-range transportation planning within the preserve there. So I'd sure like to see that on the agenda.

Representative Keller, Chairman - On that topic, if I could, at one time we had a state DOT person come also and talk about the state's perspective on that. I think it's time for that to happen again. And maybe Senator Coghill and myself can try to elevate that as far as the importance to the commission here. At least I'll try. Commissioner Arno.

Commissioner Arno - If you're going to do that, go to DNR, too.

Representative Keller, Chairman - Okay. Commissioner Somerville next.

Commissioner Somerville - Thank you, Mr. Chairman. I have two questions before we adjourn and that is that we were going to do outreach with communities and/or whatever. We put that in the budget to the governor. And it doesn't mean we can't change it, but my question is, are we going to do that? And the second, is there some way you can give us an estimate of what we have left, or what we got from the governor, or how it's been spent? I know you've contracted, which we all agreed, to the transcribing of the summit, which is great.

Leaphart - We can certainly get that. Probably should have done that for this meeting. We have quite a bit of the extra funding left and the plan is still to have some public meetings. Obviously, if we're traveling to meetings, there are other things that don't get done. In the window that we've had since October, it hasn't been possible, but we're certainly going to pursue that and I know we should. We should have some regional meetings, and we'll work on that.

Karrie Improte - To my recollection, we've spent less than \$5,000 on transcription services and that's how we've used that money so far. I believe advertising for this meeting, we've used those funds for, and that's another 2,000. So we haven't spent much, and that's from memory.

Representative Keller, Chairman - Commissioner Somerville?

Commissioner Somerville - I'm not saying it derogatorily, but it doesn't make sense: we've had two meetings that weren't scheduled, so it had to come out of your budget. Right?

Leaphart - I didn't hear the question.

Commissioner Somerville - We've had two meetings in this fiscal year that weren't scheduled, August and October. They weren't normally our scheduled three meetings.

Commissioner Liska - October was.

Commissioner Somerville - So, essentially, those came out of your existing budget. So this money from the governor should be used to replace those unusual meetings that we've had to pay for as a result of this effort on outreach. I guess that's why it's a matter of reshifting it. You've taken it out of your existing budget, but that should be credited towards this extra money. Does that make sense?

Karrie Improte - Stan, if you recall that when we did receive the funds from the governor's office, we discussed backing out the summit expenses from our office budget and using the governor's funds, but then decided not to do that because of our accountability in a memo to Representative Kawasaki explaining the Summit expenses came out of our budget.

Representative Keller, Chairman - So if you would, just get us that information at some point, where we're at, and also keep in mind that at this point we're contemplating spending money on things like PowerPoints and help in that arena and maybe Bill Horn and all that, and we'll see where it goes, I guess. We'll get some proposals. Commissioner Somerville?

Commissioner Somerville - Yes, I won't belabor that, but there is a problem in that. One is if you go that route, either you had too much money in your original budget or you're going to run out of money. See? And then you've got to find out what you're going to use the governor's money for in the end that's going to be covering even regular meetings. You see what I'm saying?

Karrie Improte - Well, we'll take a close look at the funds this week and we'll get back to you.

Leaphart - Since the beginning of this fiscal year, we've already had three meetings. This will be the third meeting. And then we're anticipating at least one more. One of those will certainly have to be covered by the additional funding. The time for travel and per diem, all of that, for a subcommittee meeting will have to be covered with the supplemental money. The title report that I've been kind of discussing with Tina Cunning to do that, that's going to be paid for by that supplemental funding, as will any of the regional meetings.

Commissioner Liska- And October's meeting was our regular meeting, not a supplemental meeting. But also one of the things that was talked about, Chairman, by you was proposed guidelines for cabin upkeep, that volunteers, a list -- I don't remember how you stated it, but it was something to the point -- and I can't remember if it was to the National Park Service or to the Department of Natural Resources that a list of the cabin upkeep or, somebody help me here with the cabins, but what volunteers could possibly do to get that out to the public so they would know what needed to be done.

Representative Keller, Chairman - Yes. What I said was help them come up with policies so that your various agencies can have a procedure policy on the books, so they know how to handle somebody volunteering, help, materials, what have you, and that will take us to, again, appoint a subcommittee or to do something, take some kind of action to report back to us. So that's up for grabs.

Commissioner Liska- So I was just suggesting that for the June meeting.

Representative Keller, Chairman - Okay.

Leaphart - Well, Mr. Chairman, all of the federal agencies deal with volunteers on a regular basis and they have multiple policies and guidelines in place. And just as an example, the sustainable cabin program EA discussed their own policies as problematic sometimes in recruiting volunteers because before they can send someone out as a forest service volunteer to work on one of these cabins, they have to take a training class, there's a multitude of steps that have to be taken. And that's all because of liability on the part of the agencies.

So they all have multiple volunteer policies and guidelines in place, and it's not a question of the agencies not wanting volunteers; it's sometimes difficult to recruit volunteers. And that's part of the problem, I know, in some of these cabins that they were looking at closing down here on the Tongass. They went to some local communities and local groups, "Would you like to sponsor one of these

cabins?" And according to what the Environmental Assessment said, they didn't have takers on the cabins that they are proposing to remove. That's one of the reasons that they're on the list.

I'm not sure what we could add to that program. I'm not adverse to it; I'm just kind of open to suggestions, I guess, if we want to propose that.

Representative Keller, Chairman - I remember that. I always feel rebellious when we're going over all this, you know, wanting to use a chainsaw. What I'm saying is that I'd like challenge them in their policies, and it's the same thing in the state. You run into these risk issues that the attorneys always say they don't really want to expose themselves to that kind of risk, and then you run into things like paying benefits. It gets real convoluted really quick.

Leaphart - How about we take a look at existing policies for volunteers and ask for them. They're a matter of record. They're probably in their policy manuals or their field directives, or whatever. And then we'll take a look at those.

Representative Keller, Chairman - Did you have a follow-up on that?

Commissioner Liska - I have a follow-up on that. I'm not necessarily carrying this issue; I just make a list of the things that were suggested throughout the meeting and so I'm just presenting that for a possible. If that's not a priority, then we can remove it.

Representative Keller, Chairman - No, they're very valuable. Thank you. Commissioner Woods?

Commissioner Woods - And a public outreach, I think the educational portion is -- I know that they have a mandatory Alaska history course when they go through high school. Is ANCSA and ANILCA a part of that curriculum? ANILCA should at least be at a minimum to understand the issues they're faced with right now. It affects all Alaskans.

Commissioner Liska - I just wanted to say Commissioner Hanson said that she had been working on education, so based on our October meeting, I would like to hear what she's been working on because she said she's having success in that area.

Commissioner Hanson - And I can speak to that.

Representative Keller, Chairman - Go right ahead.

Commissioner Hanson - A couple of interactions, one with the University of Alaska Southeast, a Frank Conrad who is the recruitment and retention specialist in the School of Education, and what they do is provide distance education for high school and college across the state. And I sat down with him and discussed this whole issue with him and gave him places to go to find the information. And he was very excited about adding a class to their distance education program that would cover ANCSA, ANILCA, and the Statehood Compact.

And I also met Chris Simon, who is the rural education coordinator for the Alaska Department of Education and Early Development, and in the commissioner of education's own words, that he is his right-hand man. And I talked to him about the fact that we needed to do something in the public school system that required kids that graduate to take a course that teaches them this thing. And his response was that this was perfect timing.

He's serving on a four-member group that's developing an Alaska studies course and he, himself, has included ANCSA as a topic because he had to have that in high school himself. And so now he's taking the information I'm giving him about ANILCA and he's going to be taking it to his committee

meetings with these other curriculum developers to design the new Alaska studies course that adds all of this into it.

Commissioner Liska - Good job. I'd like to add to that news. I took an Alaska Native Policy class at UAA and was asked to give a presentation before the person who chairs the Native studies department and I presented this commission and what we do, and the need for the University of Alaska Anchorage having classes on the Compact, on ANCSA, and on ANILCA. And so they are taking that and looking at the information that we have on the web site, too.

Representative Keller, Chairman - What we're going to do is we're going to move into Closing Comments. We're going to start with Commissioner Fish and go around to the right, and we're ending with our executive director. That way he gets a chance to think while you're all going around and telling us any mop-up we have to do before we leave. Okay? Mark?

Commissioner Fish - Well, I have to say I really enjoyed, especially today, the fact that we worked on a document and we had disagreements and real discussions and came out with conclusions that were obviously not unanimous. It means that we are considering each other's opinions and it makes us look at our own and review, and our work product is not just a rubber stamp of our executive director, which I think speaks highly for the commission, as certainly there are a lot of commissions out there that just follow the lead like that.

I appreciate my fellow commissioners in putting in the work that they do, into making our commission's work product relevant and, in particular, I think the staff as well gives us the outstanding compilation and drafts of the material that we comb over. And I can certainly appreciate their difficulty in taking all our opinions and comments and melding them down into a semblance of order on paper for us to discuss. It's a monumental job, and I do appreciate their efforts as well.

I think we did accomplish a lot this meeting, and I see nothing but a refinement and improvement of those processes going forward. Thanks.

Commissioner Olsen - Mr. Chairman, just some news for the committee. I received a letter directly from Sally Jewell, Secretary of the Interior. She has appointed me to the Regional Advisory Committee on BLM Property. The first meeting attendance will be April 24th and 25th in Fairbanks. So it's my intent to make things pleasant on that committee and find a way to assist them in better cooperation with this committee as well as the State of Alaska. Thank you.

Commissioner Somerville - I, too, echo what Mark said. I appreciate the opportunity and like he says, agreements and disagreements. I wanted to say at least for the record my ugh or nay votes has nothing to do with personalities, number one; they have to do with how we foresee the final products. But I'm supporting what the commission decides to do.

I, too, wanted to thank the staff and, as I've said many times to them personally, but disagreements with the way something is written doesn't mean that the person hasn't done a good job putting it together. I have had a lot of experience in drafting stuff and seeing it coming back and not resembling anything like I put it together. But I do appreciate Stan's efforts and Karrie's efforts for keeping us on track. And, again, thank you all for coming to Juneau and hope you enjoyed the rain.

Commissioner Smith - Well, I want to thank the officers for accepting another term. I think that will keep us on a steady tack here, and we're keeping the wheels in motion. And, Stan and Karrie, you know, we wouldn't be here discussing all of this if it wasn't for all of your hard work in the last three months. We just want you to know how much we appreciate it.

And, yes, it's been exciting to have differences of opinion and it is good to know we're not a rubber stamp, everybody agrees on everything, because that's not realistic. We got down to the core today and I

think it was good for us. So I'm looking forward to our next meeting, and it was good to be here.

Commissioner Liska - I'm just really appreciative to be a part of a group of radical people who hosted the Federal Overreach Summit and the magnitude of that and the scope of even the prospect of where this all goes in the future, and that this is an exciting time for the information that we've been given basically, and that it's been documented. It's on the web site, it's archived video, it's archived on paper.

I'm just privileged to be a part of a group of people who have been working at this for so long in so many different aspects, and that we have an incredible responsibility for the people of Alaska to represent them well in federal overreach and these issues that touch from subsistence to access, all the things that we Alaskans have held dear, whether it's generationally on the land or those who came up here after.

So thank you. I'm excited. I'm really excited for where we go with our upcoming presentations and our media blitz. Thank you.

Commissioner Lean - I'm always impressed with the depth of the knowledge of the committee and I think that a healthy discussion is good. We all had different angles on the same topic and it was good. The way the winter is going, I think I might actually make the June meeting. June is a tough month for me and I will make every effort to come.

Commissioner Meekin - What can I say? I would just echo everything everybody said. And, again, I'm always amazed at the depth of the knowledge; that I sit with all of you guys, and all the paperwork. And, yes, it's good; it gets better every time and I'm enjoying it. And I thank you all for your knowledge.

Commissioner Woods - I echo what everybody said. I appreciate everybody's input. What this board has taught me is that diversity is a good thing; that it requires everybody's input and respect. It elevated my lifetime of pessimism into activism. When I first got on board, I was pretty new to not only the whole system of management, but also a system of government. Not immune or ignorant to it, but I just left it to somebody else; that's their problem or that's other people's issues.

But when these issues are directly impacting where I live, every Alaskan, whether Native or non-Native, has the same issues. You know, Mark Fish's example, we've been on opposite sides of the table and Ron has different opinions and so does everybody else, but when it comes right down to it, we all live here. And that's my spiel, I guess, to everybody: if we're not at the table and whether they're good or bad, whether it be conflicting or not conflicting, or agreeing or not agreeing, that if we're not at the table -- and this is what I bring home in Bristol Bay is, if they're not at the table, then we cannot deal with them. We have solutions and then we have recommendations and answers, and this meeting really was productive in the sense that not only do we clear the air, but also we have a plan. I disagree it's federal overreach; I think it's a breach of the law.

And we hit it right on the money. Education is everything. If we can educate the general public on how bad things are, let them decide. I'll tell you what, the contract or compact that we have is a direct result of ANILCA and is in total violation of how we operate in Alaska.

So there's a whole list of things that I've got to -- you know, I walk through before I come in the door. I've got my day job that deals with both arenas and I have my good days and bad days and separate instances from both sides and I hear from just about every aspect of living in Alaska. When it comes right down to it, we all have to be at the table. I guess that's my point, and we're here doing that pretty consistently.

It's been a joy in learning as I go. Because when I get back home, I'll tell you what, you know, I did an inventory of all the villages I represent and we have 31 villages in Bristol Bay. And those villages, all except for about two of them, 95 percent of the villages depend on subsistence and living off the land and the rules that we're reviewing and asking not only the federal government to implement, but to take on the responsibility of the state government to say, here, here is what we want to do to help our

people. And through the legislative process, through the regulatory process, or whatever it may be, we're all here to help to make it better, and that's amazing.

I'm glad to hear that Kathleen [sic] on the phone got an educational component with this whole deal, with the school system, the university. That's where it's going to be. The next generation coming up has got to -- Chad, how old are you?

Chad Hutchison - Thirty-three.

Commissioner Woods - Oh, gee-whiz. I tell everybody in every meeting that I attend is the youngest person in the room is the most important person in the room because that person has got to take my place. I don't want to be here 20 years from now doing the same stuff. I don't want to see history repeat itself. I would love to work my way out of a job. That's my goal. I finally found out what I want to be. I want to be an Elder when I get up.

Commissioner Arno - Well, I appreciate everybody's willingness to share their expertise and knowledge because I leave this meeting with a lot clearer perspective of what I think is going on. And I've got a pretty good life because of a single issue: just outdoor Alaskan people. I really don't like the use of the word "federal overreach." I think what I'm trying to do in being a part of this commission is just getting all the parties to follow the rule of law and then tell us that that's what the rules are. And then whatever we can do to help Alaska people, that's the only thing I'm interested in, and the Alaska people that are outdoors, specifically.

So I want to thank everybody and also Rynnieva and Chad. It's just really great, the assistance that you give and the knowledge that you bring to it, and we really appreciate your expertise on that. So thanks for being here for the whole time with us.

Commissioner Hanson - I also want to thank the staff for making it possible for me to be a part of this meeting. I know it has been a lot of work on Karrie's part and I really appreciate that.

Definitely, I agree with what everybody said and I thought, well, I'll just say something about the future. The fact that Rynnieva brought up the recommendation for us to be involved in some sense of Arctic authority. That's been a huge thing to me, that the U.S. is not at the table in the Arctic for Arctic management. So in looking toward the future, the fact that we're even willing to go that direction is thrilling beyond -- I can't even tell you.

And so that's a big deal and I'm really glad to be a part of something that is this radical because it's really what we need for the future.

Representative Keller, Chairman - Thank you. My comment is that it's just a pleasure to serve you and work with you. This is a symbol of the First Amendment. I don't know if you've ever thought about that. What I try to do is give everybody equal opportunity and I say that to say this: I really appreciate your respect for each other. It makes this job pretty easy, and that's really what I'm driving at as I listen to the comments and the appreciation you have for each other. That's what makes it work.

So thank you and I have felt the last several meetings that we're getting to know each other and I'm hoping it makes us into a lean, mean working machine that scares them. But thanks. Stan?

Leaphart - Thanks, Mr. Chairman, and thanks to everybody for helping me finalize this toughest annual report I've ever had to write. I know it's far from perfect. I know there is some dissatisfaction with parts of it, but I think it will tell the governor and the legislature the things that we did and the important things that we heard about. And, of course, the real work will start in trying to figure out strategies and ways to make some of those recommendations come true. Because, as I put in the annual report, the smallest one of them is going to be fairly difficult to do because they're tough issues. And looking back at comments that this commission made 30 years ago and testimony we gave in front of Congress almost

30 years ago on ANILCA in its early days, there are some of the same frustrations today that there were back then.

So these are issues that are tough to deal with, they're tough to figure out how to fix, but I appreciate everybody's effort in trying to find ways to do that, because they are important issues. In the bigger scheme of things, probably to the rest of the country, they seem pretty insignificant, but if you live here, people that live in Alaska have a connection with this place that nobody else understands unless they've done it themselves. That's why it's so important to us.

So thanks to everybody for your help on trying to get where we as Alaskans would like to be. So I appreciate it.

Representative Keller, Chairman - We'll go to Karrie and then Commissioner Liska.

Karrie Improte - Does anybody have any comments about the web site that we created prior to the meeting to get the documents out to you and then having the packets at the meeting? Does anyone have any feelings on that? Did that work for you? Is that a good plan we should take on for the next meeting?

Commissioner Olsen - We have to have a minimum time before the meeting to have the packet, even if we don't get the total amount of information, because I like to write in there and I like to make some comments and I want to do some things prior to getting here. To me, I have a problem with receiving this where a hotel clerk didn't have the courtesy to call me the evening that the material came in. And I couldn't quite break the language barrier between her and I, so I got this thing about 10 minutes before the meeting.

So that's my comment. Just get the information out that you have about a week before. It would really be appreciated by myself.

Commissioner Lean - That's been my experience in the past. I thought the web page was great and very much helped me out. I got my head into some of those subjects that I should have spent more time on earlier. I like paper, but there's no substitute for having information right as soon as you can. That's what it did for me.

Karrie Improte - Thank you.

Commissioner Arno - I did appreciate getting it online. I don't know about anybody else's lifestyle, but I spend a lot of time in the airport and on an airplane, and if I can look at 206 pages of minutes, that makes a big difference. The other thing is that it would be advantageous to me to get the minutes as soon as possible. And if they were online, I'd look at them. But the problem is when I'm reviewing minutes and I particularly look at everything that is stated that I said, and I'm sitting there going, well, if there's a missing gap, there are so many other meetings that most of us go to that the fresher that it is that it happened, the easier that I could adjust those minutes and make it more factual to where I was headed.

Representative Keller, Chairman - On the same topic, Stan?

Leaphart - Mr. Chairman, I just wanted to point out having spent a lot of years doing minutes myself, this two-day meeting will take probably a good two weeks to do in terms of minutes. Now, October's meeting we hired a professional service to transcribe that because we thought that was important. They're extremely difficult to do. I think we'll do that same thing for this meeting as well and we'll try to have those to everyone as soon as we can.

If Karrie is working on minutes, there is really nothing else she can do because it takes quite a bit of focus. So I understand the frustrations, I understand Commissioner Olsen's frustration in not getting

packets in time. We apologize for that. This was I think an exception. We tried the online thing because we were up against such a time crunch and then it took a couple of days to make all of the copies and collate everything and put those together. And Karrie had to recruit help to do that. So it's a small staff and Karrie works very hard to do all those kind of things.

So I'd just ask you to understand that sometimes it's not always easy to get these things put together. I'm not making any excuses; I'm just giving you the facts.

Karrie Imrote - Thank you.

Commissioner Smith - Actually, I find I need both because I don't have enough power to spend that much time on the computer. I mean, I'm on a generator in the woods and I find that I frequently don't have the juice I need to do so much reading. So this helps me ahead of time, too. I'm just throwing that out there.

Representative Keller, Chairman - Commissioner Liska, a different topic?

Commissioner Liska - No, same. I really appreciated it being uploaded onto the site. It was really easy for me. I was able to do it on my iPad and then I subsequently lost all of my notes because I didn't save it, and all of my highlighted things. But I do appreciate that because I'm traveling a lot, too. So it's really easy not to carry stacks of paperwork, but I'm also a hard copy person, so I love being able to have the hard copies once we're here so we're all flipping through the same pages.

So thank you for that effort. And as far as minutes, until they're approved, I don't think it's a good idea to put them on the web site, but they could be forwarded to us.

The Chair - If I could, one thing before Ron gets away, we talked about the possibility of a teleconference type meeting in the near future as Stan sees the opportunity. I would just like to throw out on the table that for me, with sessions Saturday morning, it works really well. And I don't mean to say it has to be around me. I'm just saying that as far as I'm concerned, that works for me. Otherwise, I can't make any promises that I can participate in a teleconference. And if anyone else has any feedback on that, that'd be great before Ron goes, or did you have any comments on that?

Representative Keller, Chairman - Drop the hammer? You're ready to get out of here? I don't want to cut anybody off. I think Woody had something.

Commissioner Woods - I just wanted to thank Karrie for the web site because, number one, it helps I think a lot of people. I get it from my account, like I said, and I get people commenting on it. I pass it on to people who are interested. There are very few people that are interested in this kind of stuff, the issues we have at hand.

The next thing, too, is I was talking before with Olsen that the iPad stuff to almost go paperless would be a heck of a lot more -- I don't know how you feel about the book. I mean you can go either way, but for me, like you said, I enjoy the online stuff and the hard copies.

Karrie Imrote - Thank you.

Commissioner Olsen - You're going to miss the February 28th TSIOC fundraiser this year. You won't.

Representative Keller, Chairman - I won't.

Commissioner Olsen - Some of the commissioners.....

Representative Keller, Chairman - Well, they won't miss it if they come back. Hey, we started at five

after 9:00, so we've got another minute we can waste.
(Strikes gavel)

Representative Keller, Chairman - We're done.
(Off record)