

**MEETING MINUTES**  
CITIZENS' ADVISORY COMMISSION ON FEDERAL AREAS  
JUNE 6 & 7, 2014  
LEGISLATIVE INFORMATION OFFICE  
1292 SADLER WAY, 3<sup>RD</sup> FLOOR  
FAIRBANKS, ALASKA

Full recording of today's proceedings can be found at <https://vimeo.com/97745843>

**Friday, June 6, 2014**

**9:00a.m. Call to Order**

**9:02a.m. Roll Call**

Commissioners present: Rod Arno, Senator John Coghill, Mark Fish, Representative Wes Keller, Teresa Hanson, Kathleen Liska, Warren Olson, Susan Smith, Ron Somerville, and Frank Woods.

Commissioners excused: Mike Meekin

**9:03a.m. Approval of the Agenda**

**Rod Arno** – Would like to move some issues from Unfinished Business up in the agenda.

**Director Leaphart** – Perhaps we can swap new business with unfinished business.

**Representative Keller** – Do we have a motion

**Rod Arno** - Motion to approve to delay approval of the minutes until public comment at 11:30am  
Second [unidentified]

**Approval of the Minutes from January 24 & 25, 2015**

**Representative Keller** – Delay approval of the minutes until tomorrow to allow for further inspection, as they are very long. Get with Karrie if you have any questions and they are also online if you would like to see the context of discussion.

**Commissioner Opening Comments**

Time stamp on the recording at 15:12

**Representative Keller** – I have invited a caller, Senator Jennifer Fielder at 0930 to discuss the upcoming events of the American Lands Council. The intent is to build a relationship.

**Mark Fish** – Everybody here deserves a pat on the back. There is a lot to do this year and here we are sitting around this table. It speaks well of the dedication of the Commissioners, thank you.

**Warren Olson** – I think we have to mind that we've done a great job at narrowing our issues and the combination of the dollars to bring forward. Also look at the western states and combine efforts. We need to join forces.

**Susan Smith** – Anxious to hear about Montana and Utah and I think Warren's comment is a good one, that a coalition with other western states will be good for us.

**Senator Coghill** – One of my main roles as Senate Majority Leader is to make comments on federal action in the state. The right of the State to manage itself and the right of the federal government to manage the waters of the United States has left a lot of room for discussion. We are doing a FOIA to see

if this was initiated by a third party and we are getting help from region 10. The Chicken mining area has not been as successful. We are not getting much assistance on our FOIA requests so we will modify that. The conservation unit planning is so complex that the people in these areas are overloaded.

**Kathleen Liska** – I'm excited to hear from the Senator about what's going on down south, In February, Lt. Governor Mead Treadwell gave us this sort of play books and it is amazing to read because two or three of the recommendations are to build coalitions with other states regarding land and water.

**Senator Coghill** - This is the final report and my dad was one of the chairmen. I have a copy of that and can get a copy.

**Teresa Hanson** – The recent things we have heard from the Native community about taking lands into trust is shocking and I would like to hear about it from both sides.

**Charlie Lean** – I just got back from North Pacific Council meeting and the hot issue was crab and salmon/pollack by-catch. What struck me was that the tanner and king crab are jointly managed and that has caused major problems. I had to plead for assistance from the federal government and the process isn't timely and other problems are not good conservation. I'm in favor of one entity having management authority and it says that's the State.

**Ron Somerville** – Federal overreach, one thing I want to emphasize is that federal overreach had been going on forever. We did a good job of documenting and the next step is to come up with recommendations.

**Frank Woods** – I was approached seven years ago to deal with federal issues and the problem has become there are not enough people. This board has helped me realize that we have to know the law. This is just one part and the devil is in the details. We get 35% of our money from the federal government. So the question becomes how do you drive the people and the money in this state of ours? How do we balance that out for our state?

**Rod Arno** – We've done a great job of identifying issues and I've been in this area for 35 years and I have never seen the response from the Department of Interior in the Federal Registry, the authority the federal land managers have.

**Representative Keller** - CACFA has been endorsed until 2021 along with some resources. I've set up an executive meeting today after this meeting to discuss our focus. The American Lands Council is a group of western states that have come up with a way to handle this. Representative Ken Ivory and I have been working together to get involved in the annual conference here in Anchorage in early August and the desire is to have a panel to discuss the issues that we are confronting and help us out.

**Senator Jennifer Fielder**

Time stamp on the recording at 37:30

A senator from northwest Montana, discussing her participation in the American Lands Council.

**Kathleen Clarke – Director, Utah Public Lands Policy Coordination Office**

Time stamp on the recording at 1:16:34

Discussing the level of conflict within the government, imposing legislation the agencies weren't following themselves. Utah has a lot of similar problems; the federal presence in Utah is 55%. When you consider the resources on and under these lands, it's phenomenal.

**Mike Schechter – Assistant Attorney General, State of Alaska Department of Law**

Time Stamp on the recording 2:07:01

My seat is in the Natural Resources unit. I'm all over the place and I think that reflects a lot about the fractured approach of federal overreach in Alaska.

Current Caseload:

- Arctic National Wildlife Refuge 1002 area exploration;
- RS2477 issues;
- Pebble Mine, EPA threatened to assert it's authority under the Clean Water Act; and,
- King Cove emergency medical road to Cold Bay through the Izembek National Wildlife Refuge.

**11:30a.m. Public Comments**

**Al Barrett** – My main topic is the Ambler Road, mostly wondering whether it is going to be restricted to Alaskans for their food gathering. I'm afraid that not all Alaskans will be able to use this road equally. Most of the land the road is on is State lands, with a small portion in Gates of the Arctic National Park, on which we have a right-of-way. I think, if we are using state funds, all Alaskans should be able to use it.

Time stamp on the recording at 2:32:36

**Maria Rental** – I'm a candidate for Lt. Governor. I'm here to circulate a petition so that we can get on the ballot. We will likely get 3 or 4% of the vote and have an influence on the debate.

Time stamp on the recording at 2:51:20

**Mike Schechter – Assistant Attorney General, State of Alaska Department of Law**

Time stamp on the recording at 3:01:09

Questions from the Commission to Mr. Schechter continue.

**Lunch Break**

Time stamp on the recording at 3:23:06

**Mary Ellen Tuttle and Mark Davis – Project Managers, Alaska Industrial Development & Export Authority**

Time stamp on the recording at 4:26:43

Ambler Road Project Update. AIDEA is the State's development bank to create economic growth. The Governor transferred the Ambler mining district road to AIDEA in mid-2013 in order for it to become a public/private road project partnership instead of a private road project. This industrial road will create access to the mining district with known deposits of copper, zinc, lead, silver and gold. These are the top five elements prompting exploration. These areas have been of interest for decades and are not viable without ground transportation.

Time stamp on the recording at 4:31:30

**Communications Subcommittee and Executive Director Reports**

Time stamp on the recording at 6:09:26

**3:30p.m. Public Comments** – NONE in the room or on the phone

**Communications Subcommittee and Executive Director Reports (continued)**

**Break**

Time stamp on the recording 6:34:03

**Mitch Ellis – Chief of the Refuge System in Alaska, U.S. Fish and Wildlife Service**

Time stamp on the recording at 6:44:10

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Agency Status Report:

- There are 16 national wildlife refuges in Alaska, the largest being ANWR at 19 million acres and the smallest being Izembek at 300,000 acres for a total 78 million acres of which about 19 million acres is wilderness.
- The major statute in guiding management on the refuges is ANILCA.

**Sara Longan – Director, Office of Management and Permitting, State of Alaska Department of Natural Resources**

Time stamp on the recording at 7:23:00

We are an annex of the Commissioner's office and a core component of the team of 21 employees who review and management large projects within the state. We have large project coordinators that work with mining companies, oil and gas companies, to coordinate the permitting process on the federal, state and local level. It's important for us to have a seat at the table.

**4:30p.m. Adjourn for the Day**

Time stamp on the recording at 7:43:48

Full recording of today's proceedings can be found at <https://vimeo.com/97745901>

**Saturday, June 7, 2014**

**8:00a.m. Call to Order**

**Recording begins in the middle of the first presentation (one hour late)**

Time stamp on the recording at 0:00:00

**Greg Dudgeon – National Park Service**

Alaska National Park Update

- Lake Clark GMP EA;
- The Alaska stand alone gas pipeline;
- Katmai begins construction of a new barge landing a road (July 2014); and,
- BLM has created a new survey of the southern boundary of Denali Nation Park to cover the curvature of the earth.

**Break**

Time stamp on the recording at 0:56:46

**New Business**

Time stamp on the recording at 1:08:33

**Chad Padgett – Staff to Congressman Young**

DOI/BIA – Proposed Regulations – Taking Land in Trust

This has not been introduced. The background is that the Congressman is trying to solve a problem, that we are not continually fighting over resources and to model other states in how they manage resources.

Time stamp on the recording at 1:11:15

**11:30a.m. Public Comments**

Time stamp on the recording at 2:00:13

**Mary Bishop** – Limiting my comments to the topic of Taking Land in Trust. Most of my information comes from “American Indian Law.” Alaska is one of six states that is under Public Law 208, which grants the states no authority to tax or regulate Indian Land; also, the tribes retain the right of sovereign immunity unless there is a signed waiver. The Venetie case, settled in 1990, went to the U.S. Supreme Court because the village wanted to tax the contractor who was building a new school.

Time stamp on the recording at 2:06:18

**Joan Frankovich** (by phone) – I'm with the National Park Conservation Association. I wanted to be helpful in sharing more of the big picture. The National Park Service budget is currently \$2.6 billion that translates to 1/14 of 1% of the federal budget or .007%. What the average American family spends on the National Park Service is \$2.56 and there is a multiplier of 10 in contributions to our economy.

Time stamp on the recording at 2:29:37

**Carey Mills** – The appeal from the 9<sup>th</sup> Circuit Court ruling stated only that the United States' failed to take action on the RS2477 40-mile trail. That stems from a Congressional mandate that no rule shall take effect unless express action is taken by Congress.

Time stamp on the recording at 2:34:22

**Al Barrett** – I'm here to express one more time my feelings that the Ambler Road, if it is being built with state funds, then all Alaskans should be able to use that road.

Time stamp on the recording at 2:51:14

**Email comment read aloud**

Time stamp on the recording at 3:00:03

**Lunch Break**

Time Stamp on the recording at 3:13:36

**New Business (continued)**

Time stamp on the recording at 4:38:19

**A. DOI/BIA – Proposed Regulations – Taking Land in Trust**

**Director Leaphart** – There are a lot of inconsistencies but they will go through this comment period through June 30, 2014.

**Representative Keller** – I propose we don't need to take any action at this time.

Time stamp on the recording at 4:43:30

**B. EPA/COE - Proposed Regulations – Definition of "Waters of the United States"**

**Director Leaphart** – The EPA expect us to continue on, extend the comment period, and there will be more litigation. In their view, this is not going to be the final word on this. This gives the agencies a lot of latitude but it is a significant expansion of their authority under the Clean Water Act.

**Chad Hutchison, Legal Staff for Senate Majority Leader Coghill** – This is a timely matter since leadership has been conferring with the legislature, focusing on wetlands determinations and permafrost and, since the state is mainly permafrost or discontinuous permafrost, the Army Corps of Engineers has been overextending its authority to include permafrost as waters of the United States.

**Break**

Time stamp on the recording at 5:36:38

**Unfinished Business**

**Commission FY 2015 Work Program – Implementing Recommendations**

Time stamp on the recording at 5:48:43

**Rod Arno** – Motion that CACFA contract with a public relations company to take the recommendations winnowed down from the overreach summit, to take the information from the whole packet, and have a public relations plan, take that information and disseminate it to the 90% of the people in Alaska that don't think like we do. Have that product produced timely and take it to other meetings, sportsmen groups, Chambers of Commerce, the media, community groups, neighbor and clubs. Also, provide per diem for the commissioners to get out to these groups and clubs to distribute the information.

Motion Language:

To contract with a public relations firm to work with CACFA to educate the public and Alaskan policy makers on the impacts of federal overreach and state sovereignty using the solutions and information

prepared by CACFA.

The product should focus on the main issues that CACFA developed and to engage the public in correcting these problems. The product should include mechanisms to provide closure of the message and should be delivered by the one year anniversary of the overreach summit that took place in August 2013.

**Representative Keller** – I object that it is too firm for me. Let's continue outside of Robert's Rules and have a discussion.

Time stamp on the recording at 5:54:31

**Additional Motion Language:**

It is proposed that CACFA Executive Committee promote collaborative efforts with other states and national organizations to address common overreach issue common to the states.

**Representative Keller** – I'd like to assign Kathleen Liska to work with a subcommittee to come back with additional issues to address in a summit and report back at the next meeting.

**Kathleen Liska** – I think that it would be excellent to assign a topic to each commissioner instead of tasking one person so we can all come back to the next meeting with individual ideas.

Time stamp on the recording at 06:50:23

**3:30p.m. Public Comments** – NONE in the room or on the phone

**Commission Member- Closing Comments**

Time stamp on the recording 6:58:39

**Rom Somerville** – I hope that we talk about using this \$200,000, and use it, not become overly conservative.

**Frank Woods** – I have nothing to say.

**Rod Arno** – Thank you everyone. I learn something new every time I come to this group.

**Representative Keller** – Ditto, thank you.

**Director Leaphart** – Thank you for letting me serve and thank you for all your volunteer work.

**Mark Fish** – I'll be entering the public arena and intend to bring these issues with me to the table.

**Warren Olson** – There is a new book on the Public Trust Doctrine. We have a new book and there may be new cases. I recommend we distribute this.

**Susan Smith** – We're heading in the right direction. Thank you.

**Senator Coghill** – I appreciate the task force and I'm looking forward to being involved. What we are doing is an extensive review of MOUs.

**Kathleen Liska** – Thank you to Director Leaphart.

**Teresa Hanson** – By the creation of two subcommittees we are already starting to work on these issues.

**Charlie Lean** – How can anyone read this stuff? I'm respectful that anyone can read the Federal Register. It brings home how inaccessible these rulings are without a light to understand it.

**Meeting Adjourn**

Time stamp on the recording 07:11:53