

Alaska Lands Update

monthly updates on Federal management
actions for the people of Alaska

Arctic National Wildlife Refuge
Photo Credit: USFWS

Citizens' Advisory Commission on Federal Areas, Department of Natural Resources, State of Alaska
3700 Airport Way Fairbanks, AK 99709

Oil & Gas Lease Sale Generates Winning Bids

The Department of the Interior's Bureau of Land Management (BLM) announced on December 7, 2011 that its oil and gas lease sale in the National Petroleum Reserve in Alaska (NPR-A) generated winning bids totaling \$3,637,477 and covering 17 tracts on about 141,739 acres.

In May 2011 President Obama directed the Department of the Interior to conduct annual oil and gas lease sales in the NPR-A. The sale coincided with a State of Alaska sale of oil and gas tracts near the NPR-A and followed the recent announcement that two federal agencies have reached an agreement with ConocoPhillips regarding the company's proposed Alpine Satellite Development Plan in the NPR-A. That plan supports proposed infrastructure would be the first pipeline and all-weather road into the NPR-A, which is expected to spur further exploration and development of the 23 million-acre BLM, managed reserve

"As industry begins to build infrastructure and explore and develop oil and gas in this area of the North Slope of Alaska, we expect to harness the energy and economic benefits of the NPR-A for our nation," said Secretary of the

Interior Ken Salazar. "In support of the President's energy priorities, this lease sale in the NPR-A is an important part of our efforts to develop domestic resources on public lands safely and responsibly."

"As stewards of the natural resources on Alaska's public lands, we must continue to facilitate safe and responsible development and find ways to expand opportunities to explore, develop and deliver energy resources from the NPR-A," said Deputy Secretary David J. Hayes.

At the BLM sale in Anchorage, 283 tracts comprising approximately 3,060,176 acres were offered attracting three companies to submit winning bids for the right to develop oil and gas tracts in the NPR-A. The State of Alaska will receive 50 percent of the bid receipts, or \$1,818,738.50, generated by the lease sale as well as 50 percent of the annual rental revenue generated from the individual leases.

The tracts are located within the Northeast and Northwest NPR-A planning areas. A map and table with complete sale results by tract, and additional information is posted at <http://www.blm.gov/ak/st/en.html>.



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U.S. Fish & Wildlife Service and National Marine Fisheries Service Issue Endangered Species Act Draft Policy

The United States Fish and Wildlife Service and the National Marine Fisheries Service have released a draft policy with their interpretation of the phrase “significant portion of its range” in the definitions of “endangered species” and “threatened species” found in the Endangered Species Act. According to the agencies, the draft provides an interpretation and application of the phrase “significant portion of its range” that reflects a “permissible reading of the law and its legislative history and minimizes undesirable policy outcomes, while fulfilling the conservation purposes of the act.” Their intent is to publish a final policy that will provide a consistent standard for interpretation of the phrase.

The Endangered Species Act of 1973 provides for the listing and protection of “endangered species” and “threatened species.” It is implemented jointly by both the Fish and Wildlife Service and the National Marine Fisheries Service. In situations where the language in the Act is considered ambiguous and open to interpretation, the Secretaries of the Interior and Commerce have exercised their discretion to interpret the language. One such ambiguity is the meaning of the phrase “significant portion of



Kayakers with Humpback Whale, Inside Passage, Southeast

its range” (SPR) found in the Act’s definitions of “endangered species” and “threatened species.” Prior to 2007 neither agency had adopted a regulation or binding policy defining or explaining the application of the phrase. The agencies have never addressed in their regulations: (1) The consequences of a determination that a “species” is either endangered or likely to become so throughout a significant portion of its range, but not throughout all of its range; or (2) what qualifies a portion of a range as “significant.”

The draft policy includes:

- An explanation of the consequences of a species being in danger of extinction or likely to become so in an SPR, but not

throughout all of its range;

- A definition of the term “significant” as it applies to SPR;
- An interpretation of the term “range” and explanation of how historical range is considered as it applies to SPR; and
- A means of reconciling the draft interpretation of SPR with the inclusion of “distinct population segment” (DPS) in the Act’s definition of “species.”

In explaining the draft policy, the FWS and NMFS have concluded that (1) if a species is found to be endangered or threatened in only a significant portion of its range, the entire species is listed as endangered or threatened, respectively, and the Act’s protections apply across the species’ entire range; (2) a portion of the range of a species is “significant” if its contribution to the viability of the species is so important that,

without that portion, the species would be in danger of extinction; (3) the range of a species is considered to be the general geographical area within which that species can be found at the time FWS or NMFS makes any particular status determination; and (4) if the species is not endangered or threatened throughout all of its range, but it is endangered or threatened within a significant portion of its range, and the population in that significant portion is a valid distinct population segment (DPS), the Services will list the DPS rather than the entire species or subspecies.

In evaluating whether a species qualifies for listing because of its status in only a portion of its range, the Services intend to first

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AS 41.37.160 The Citizens’ Advisory Commission on Federal Management Areas in Alaska is established in the department [Natural Resources]. In the exercise of its responsibilities, the commission shall consider the views of citizens of the state and officials of the state.

determine whether that portion of the range is so important to the species as a whole that its hypothetical loss would render the species endangered over its entire range. If this is found to be true, then the portion of the range will be considered significant, and the Services will undertake a detailed analysis of the threats to the species in that portion to determine if the species is endangered or threatened there. That analysis would evaluate current and anticipated threats acting on the species now and into the

(Continues on page 3)

Subsistence Resource Commission for the Wrangell-St. Elias National Park to hold Spring 2012 Meeting

The Superintendent of Wrangell-St. Elias National Park and the Chairman of the Subsistence Resource Commission (SRC) announce their Spring 2012 meeting of the Wrangell-St. Elias National Park SRC. Monday, February 27, 2012 the Commission will meet at the Slana Community Hall, on the 4-Mile Road, and on Tuesday, February 28, the Commission will meet at the Wrangell-St. Elias Visitor Center in Copper Center, unless business is completed on Monday. Some of the agenda items to include: Election of Officers, discussion of the Draft Environmental Assessment on the Subsistence Collections and Uses of Shed or Discarded Animal Parts and Plants from NPS Areas in Alaska, an Update on Nabesna-area ORV Management Plan, Report on actions at January 2012 Federal Subsistence Board meeting, GAAR SRC hunting plan recommendations, improvements and other trail-related activities planned for summer 2012, access to the Park for non-local family members of subsistence users, .

More information will be available in February, 2012 or by contacting Barbara A. Cellarius, Ph.D., Cultural Anthropologist/ Subsistence Specialist Wrangell-St. Elias National Park and Preserve, phone 907 822 7236, Email: barbara_cellarius@nps.gov.



NOAA Releases Draft Environmental Impact Statement Analyzing the Effects of Oil and Gas Activities in the Arctic

Following scoping meetings held in 8 different Alaskan communities in early 2010, the National Oceanic and Atmospheric Administration (NOAA) Fisheries has released and is inviting comments on their Draft Environmental Impact Statement analyzing the impacts of oil and gas offshore exploration activities (such as seismic surveys and exploratory drilling) in Federal and state waters of the U.S. Chukchi and Beaufort Seas off Alaska.

The DEIS can be found at the project website: <http://www.nmfs.noaa.gov/pr/permits/eis/arctic.htm>

Comments are being accepted through Monday, February 13, 2012 and may be submitted:

By Email: arcticeis.comments@noaa.gov

By US Mail: Director,
Office of Protective Resources
1315 East-West Highway
Silver Spring, MD 20910

By Fax: 301-713-0376



The Citizen's Advisory Commission on Federal Areas

will be meeting in

Juneau

on

February 24 and 25, 2012.

Location and agenda items to be announced in the February Newsletter.

Please contact Commission Staff for additional information

Endangered Species Act Draft Policy - continued from page 2.

foreseeable future, the impacts that these threats are expected to have, and the species' anticipated responses to those impacts.

A more detailed analysis of terms, legislative history, case law, alternative, consequences and implementation of the draft policy can be found in the **Federal Register** Vol. 76, No. 237, published Friday, December 9, 2011 in Notices, page 76987 or online at <http://www.regulations.gov> (Search FWS-R9-ES-2011-0031) **For additional information contact:** Rick Sayers, U.S. Fish and Wildlife Service, Endangered Species Program, 4401 North Fairfax Drive, Room 420, Arlington, VA 22203; telephone (703) 358-2171; facsimile (703) 358-1735; or Marta Nammack, National Marine Fisheries Service, Office of Protected Resources, 1315 East-West Highway, Silver Spring, MD 20910; telephone (301) 713-1401; fax (301) 713-0376.

All interested parties may submit comments by one of the following methods until close of business on Tuesday, February 7, 2012: Visit the *Federal eRulemaking Portal* at <http://www.regulations.gov>; follow the instructions for submitting comments on docket number FWS-R9-ES-2011-0031. By *U.S. mail* to: Public Comments Processing, Attn: FWS-R9-ES-2011-0031; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 North Fairfax Drive, MS 2042; Arlington, VA 22203.

All comments will be posted at <http://www.regulations.gov>, including any personal information.

Agency Websites:

National Park Service

<http://www.nps.gov/state/ak/index.htm>

U.S. Fish & Wildlife Service

<http://alaska.fws.gov/>

U.S. Forest Service - Region 10, Alaska

<http://www.fs.fed.us/r10/>

Bureau of Land Management

<http://www.blm.gov/ak/st/en.html>

Department of the Interior

<http://www.doi.gov/>

National Marine Fisheries Service

<http://www.nmfs.noaa.gov/>

CEQ Issues Draft Guidance on Improving Environmental Reviews under NEPA

Enacted in 1970, the National Environmental Policy Act (NEPA) is a fundamental tool used to harmonize our environmental, economic, and social aspirations and is a cornerstone of our Nation's efforts to protect the environment. NEPA also created the Council on Environmental Quality (CEQ) which oversees NEPA's implementation by Federal agencies. In 1978, CEQ issued the CEQ Regulations; and, from time to time, CEQ issues guidance for the Federal agencies which is intended to clarify the requirements and applicability of various provisions of NEPA and the CEQ Regulations. These guidance documents represent CEQ's interpretation of NEPA.

NEPA requires Federal agencies to consider the potential environmental consequences of their proposed action, and any reasonable alternatives, before deciding whether and in what form to take an action. Environmental reviews prepared under NEPA are intended to provide a decision maker with relevant and timely information. According to CEQ Regulations, "NEPA's purpose is not to generate paperwork—even excellent paperwork—but to foster excellent action." (40 CFR §1500.1(c))

Complying with NEPA can take three forms:

1. Categorical Exclusion (CE): A CE is a category of actions that is expected not to have individually or cumulatively significant environmental impacts. A CE can be concluded with a determination that a proposed action falls within one of the categories of actions and there are no extraordinary circumstances indicating further environmental review is warranted;

2. Environmental Assessment (EA): When a CE is not appropriate and the agency has not determined whether the proposed action will cause significant environmental effects, then an EA is prepared. If, as a result of the EA, a Finding of No Significant Impact (FONSI) is appropriate, then the NEPA review process is completed with the FONSI, if it is found to have a significant impact then;

3. Environmental Impact Statement (EIS): The most intensive level of analysis is the Environmental Impact Statement, which is typically reserved for the analysis of proposed actions that are expected to result in significant environmental impacts. When an EIS is prepared, the NEPA review process is concluded when a record of decision or (ROD) is issued

In August 2011 the President called for further steps to enhance the efficient and effective permitting and environmental review of infrastructure development "through such strategies as integrating planning and environmental reviews; coordinating multi-agency or multi-governmental reviews and approvals to run concurrently; setting clear schedules for completing steps in the environmental review and permitting process; and utilizing information technologies to inform the public about the progress of environmental reviews as well as the progress of Federal permitting and review processes." This draft guidance is intended to set forth straightforward ways by which the CEQ Regulations, properly understood and applied, support these strategies.

The CEQ Draft Guidance in brief:

1. Concise NEPA Documents: Agencies are encouraged to concentrate on environmental analysis in their EAs and EISs, not to produce an encyclopedia of all applicable information, but to focus on significant issues, to discuss impacts in proportion to their significance, use plain language, and follow a clear format, and be as concise as possible;

2. Early NEPA Integration in Planning: Agencies must integrate the NEPA process into their planning at the earliest possible time to ensure that planning and decisions reflect environmental values. NEPA should

not become an after-the fact process that justifies decisions that have entirely, or in large part, already been made. Use of the scoping process can be used prior to a notice of intent to seek useful information on a proposal from agencies and the public;

3. Scoping: In scoping, the lead agency determines the issues that its EA or EIS will address and identifies the significant issues related to the proposed action that will be considered in the analysis. To increase efficiency, the lead agency can solicit cooperation at the earliest possible time from other agencies that have jurisdiction by law or special expertise on any environmental issue that should be considered;

4. Inter-Governmental Coordination (State, Local, or Tribal Environmental Reviews): CEQ encourages Federal agencies to collaborate with Tribal, State, and local governments to the fullest extent possible to reduce duplication; and they should explore every reasonable opportunity to integrate the requirements of NEPA with the external planning and environmental reviews required on all levels;

5. Coordinating Reviews and Documents Under Other Applicable Laws: Agencies must integrate, to the fullest extent possible, their draft EIS with environmental impact analyses and related surveys and studies required by other laws or by executive order. The goal should be to conduct concurrent rather than sequential processes whenever appropriate;

6. Adoption: An agency preparing an EA should similarly consider adopting another agency's EA when the EA or a portion thereof addresses the proposed action and meets the standards for an adequate EA under NEPA, the CEQ's Regulations, and the adopting agency's NEPA implementing procedures;

7. Incorporation by Reference: CEQ Regulations direct agencies to incorporate material into an EIS by reference to reduce the size of the EIS and avoid duplicative effort;

8. Expediting Responses to Comments: Agencies should provide a reasonable and proportionate response to comments on a draft EIS by focusing on the environmental issues and information conveyed by the comments. If changes in response to comments are minor and are limited to factual corrections and/or explanations of why the comments do not warrant further agency response, agencies may write them on errata sheets and attach them to the statement instead of rewriting the draft statement;

9. Clear Time Lines for NEPA Reviews: Establishing appropriate time limits promotes the efficiency of the NEPA process. The CEQ Regulations do not prescribe universal time limits for the entire NEPA process; instead they set certain minimum time limits for the various portions of the process and encourage Federal agencies to set appropriate time limits for individual actions, however, and provide a list of factors to consider in establishing timelines. Those factors include: the potential for environmental harm; the size of the proposed action; other time limits imposed on the action by other laws, regulations, or executive orders; and the degree of public need for the proposed action and the consequences of delay.

The Draft Guidance in full is available at <http://www.whitehouse.gov/administration/eop/ceq/initiatives/nepa>. Comments should be submitted electronically at <http://www.whitehouse.gov/administration/eop/ceq/initiatives/nepa>, or in writing to The Council on Environmental Quality, ATTN: Horst Greczmiel, Associate Director for National Environmental Policy Act Oversight, 722 Jackson Place NW., Washington, DC 20503.

CEQ is accepting comments until Friday, January 27, 2012.

Alaska Federal Lands Long Range Transportation Plan Seeking Comments

The Federal Highway Administration, along with the Bureau of Land Management, U.S. Fish and Wildlife Service, U.S. Forest Service and National Park Service together officially announce the availability of the draft Alaska Federal Lands Long Range Transportation Plans (LRTP) for public review and comment. Title 23, Section 204 of the U. S. Code requires all Federal land management agencies to conduct long range transportation planning. In Alaska, this multi-agency effort, in partnership with the State of Alaska Department of Transportation and Public Facilities, outlines a strategy for improving and maintaining transportation assets that provide access to Federal Lands in Alaska for the next 20 years.



The Alaska Federal Lands LRTP is organized with each federal agency preparing its own draft plan, called a drop-down LRTP, for the portions of the state's transportation system within that agency's jurisdiction. The drop-down LRTPs enable each agency to outline the transportation facilities within their jurisdiction as well as the existing and future needs for those facilities. Drop-down LRTPs will elaborate upon topics discussed in the Alaska Federal Lands LRTP with agency-specific details including baseline conditions, transportation needs and gaps, project selection processes, funding opportunities, performance measures, and recommended future actions.

To view the Draft LRTPs visit the project website at <http://www.akfedlandslrtp.org/>. Comments will be accepted for any or all plans through the NPS Planning, Environment and Public Comment system (PEPC) at <http://parkplanning.nps.gov>.

The deadline for comments has been extended with this official announcement. Comments are now being accepted until **Monday, March 12, 2012**.

Additional information may be obtained by contacting the following agency representatives:

Federal Highway Administration (FHWA), DOT: Roxanne Bash, (360) 619-7558;

Bureau of Land Management (BLM), DOI: Randy Goodwin, (907) 474-2369;

Fish and Wildlife Service (FWS), DOI: Helen Clough, (907) 786-3353;

Forest Service (FS) USDA: Marie Messing, (907) 586-8834;

National Park Service (NPS), DOI: Paul Schrooten, (907) 644-3388.

Congress Passes Appropriations Bill

H.R. 2055, the *Consolidated Appropriations Act of 2012* contains several provisions of interest to Alaskans. Section 119 prohibits the Secretary of the Interior from using of any funds to implement or enforce regulations concerning boating within Yukon-Charley Rivers National Preserve, including waters subject to the jurisdiction of the United States. The authority of the U.S. Coast Guard to regulate the use of water subject to its jurisdiction is not affected.

Section 121 reestablishes the ANILCA Section 1308 Local Hire Program. That program had been essentially inoperative since 2008 by actions taken by the Office of Personnel Management. The appropriations bill establishes an excepted service appointment authority which will give federal agencies more flexibility to hire local Alaskans based on special knowledge or expertise. The

changes to the program will also allow employees who satisfactorily complete two years of continuous service in a permanent excepted position to have their appointment converted to competitive service or career employment.

Section 125 of the Appropriations Act prohibits the use of any funds to implement, administer or enforce Secretarial Order No. 3310. The order, issued by Secretary Salazar in December 2010, established the Bureau of Land Management's Wild Lands program. The Secretary's authority under Sections 201 (Inventory and Identification) and 202 (Land Use Planning) of the Federal Land Policy and Management Act (FLPMA) is not affected.

H.R. 2055 was signed into law on December 23, 2011 and became Public Law No. 112-74.



A National Advisory Committee for the USFS Planning Rule

Secretary of Agriculture Tom Vilsack has announced his intention to establish the National Advisory Committee for Implementation of the National Forest System Land Management Planning Rule. The committee is being established in accordance with provisions of the Federal Advisory Committee Act (FACA), the Committee to provide advice and recommendations on the implementation of the National Forest System Land Management Planning Rule (Planning Rule). The Secretary is seeking nominations for individuals to be considered as committee members.

The Committee will be asked to perform the following duties or other requests made by the Secretary of Agriculture or the Chief of the Forest Service:

1. Review the content of and provide recommendations on directives related to implementation of the planning rule;
2. Offer recommendations on implementation of the planning rule;
3. Offer recommendations on new best practices that could be implemented;
4. Offer recommendations for consistent interpretation of the rule;
5. Offer recommendations for effective ongoing monitoring and evaluation for implementation of the planning rule;
6. Offer recommendations on how to foster an effective ongoing collaborative framework to ensure engagement of Federal, State, local and Tribal governments; private organizations and affected interests; the scientific community; and other stakeholders; and Offer recommendations for integrating the land management planning process with landscape scale restoration activities through implementation of the planning rule.

This Committee will be comprised of not more than 21 members who provide balanced and broad representation within each of the following three categories of interests:

1. Up to 7 members who represent one or more of the following:
 - a. Represent the affected public at-large;
 - b. Hold State-elected office (or designee);
 - c. Hold county or local elected office;
 - d. Represent American Indian Tribes;
 - e. Represent Youth;
2. Up to 7 members who represent one or more of the following:
 - a. National, regional, or local environmental organizations;
 - b. Conservation organizations or watershed associations;
 - c. Dispersed recreation interests;
 - d. Archaeological or historical interests;
 - e. Scientific Community;

3. Up to 7 members who represent one or more of the following:
 - a. Timber Industry;
 - b. Grazing or other land use permit holders or other private forest landowners;
 - c. Energy and mineral development;
 - d. Commercial or recreational hunting and fishing interests;
 - e. Developed outdoor recreation, off-highway vehicle users, or commercial recreation interests.

Written nominations must be received by February 21, 2012. Nominations must contain a completed application packet that includes the nominee's name, resume, and completed form AD-755 (Advisory Committee Membership Background Information). The form AD-755 may be ob-



tained from Forest Service contact person or from the following Web site: http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5203568.pdf.

Send nominations and applications:

By express mail or courier to :

Angela Gee, USDA Forest Service, National Forest System, Mail Stop 1106, 201 14th Street SW., Washington, DC 20025

By U.S. Postal Service to:

U.S. Department of Agriculture, Forest Service, National Forest System, Mail Stop 1106, 1400 Independence Avenue SW., Washington, DC 20250-1106.

For Further Information Contact: Tony Tooke, U.S. Department of Agriculture, Forest Service, National Forest System, Ecosystem Management Coordination; telephone: (202) 205-0830, fax: (202) 205-1758, or email: ttooke@fs.fed.us. Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-(800) 877-8339 between 8 a.m. and 8 p.m., Eastern Standard Time, Monday through Friday.