



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

## ANILCA Implementation Program

OFFICE OF PROJECT MANAGEMENT AND PERMITTING

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July 1, 2021

Marnie Graham, Field Manager  
Glennallen Field Office  
c/o Bureau of Land Management  
222 W. 7<sup>th</sup> Avenue, Stop 13  
Anchorage, AK 99513

Dear Ms. Graham:

The State of Alaska reviewed the draft Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) for the East Alaska Resource Management Plan (RMP) Amendment. The following comments represent the consolidated views of state resource agencies.

The EA analyzes the effects of making additional lands within the planning area available for potential exchange between the Bureau of Land Management (BLM) and Chugach Alaska Corporation. The lands identified for exchange (i.e., Sections 5 and 6, Township 9 South, Range 2 West, Copper River Meridian) are currently selected by the State of Alaska. In a letter dated April 20, 2020, the Alaska Department of Natural Resources (DNR) expressed support for the land exchange and conditionally agreed to relinquish its land selections to facilitate the exchange (see enclosed letter and map).

We support the intent in the EA's two action alternatives to reserve public access across Sections 5 and 6 to the Lowe River, which would be implemented during the subsequent land exchange process should the exchange occur. This is consistent with the above referenced letter, in which DNR requested Alaska Native Claim Settlement Act (ANCSA) Section 17(b) easements (a trail and a site easement) to provide public access to the Lowe River.

We understand that BLM cannot reserve a 17(b) easement along or on the bed of the Lowe River. The State's conveyance process typically reserves an easement upland from the ordinary high-water mark along waterways located on state lands, in accordance with 11 AAC 51.045, Easements To and Along Navigable and Public Water. We request BLM also consider a similar reservation, if there is a method, to ensure public access along the Lowe River.

The State maintains its assertion that RST 1359 & 404 are valid state-owned RS 2477 Rights-of-Way. Any future exchange should recognize their existence in the final conveyance documents. The State also asserts that the Lowe River may be a navigable waterway. We look forward to nominating easements and discussing navigable waterbodies within the proposed exchange area as the land exchange proceeds through the administrative process.

The subsistence discussion in the EA (page 8) correctly states that the federal subsistence regulations do not apply to state-selected lands; however, it incorrectly states that should the land exchange not occur

and the lands remain state-selected, BLM-managed lands, subsistence use would only occur on **adjacent** state lands under state regulations. State authorized subsistence activities can occur on the state-selected lands under state regulation. The following edits correct the misstatements in this section.

If the State were to relinquish their selections on these lands, they would become DOI-BLM-AK-A020-2020-0037-RMP-EA unencumbered BLM-managed public lands and would fall under both ANILCA regulations and State hunting regulations, including state subsistence. The State has indicated they would relinquish their selection on these parcels if they were approved for exchange through this planning process. However, the State's relinquishment is conditional to a conveyance to CAC and would occur simultaneously with conveyance to CAC. If the conveyance to CAC does not occur, the lands would remain as State-selected, BLM-managed ~~public~~ public land until the lands were either conveyed to the State or the selections were relinquished or rejected. Subsistence use ~~would still~~ may be permitted and available under state hunting regulations ~~on adjacent state land~~. Comments received during the scoping period indicate the area is used mainly for berry picking and hunting for hare and ptarmigan. These activities may also still occur on adjacent state land under state regulation. Access to other BLM land for subsistence purposes would remain intact through reserved easements across any exchanged lands. This plan amendment is not putting forward management alternatives that would have a measurable effect on subsistence uses; therefore, no further analysis is necessary.

Thank you for this opportunity to comment. Please contact me at [susan.magee@alaska.gov](mailto:susan.magee@alaska.gov) if you have any questions.

Sincerely,



Susan Magee  
State ANILCA Program Coordinator

Enclosure



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

**Department of Natural Resources**

DIVISION OF MINING, LAND & WATER  
Director's Office

550 West 7th Avenue, Suite 1070  
Anchorage, Alaska 99501-3579  
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TTY: 711 or 800-770-8973  
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April 20, 2020

Bureau of Land Management  
Alaska State Office  
Division of Lands and Cadastral Survey  
Attn: Erika Reed, Deputy State Director (940)  
222 West 7<sup>th</sup> Ave., #13  
Anchorage, AK 99513-7599

RE: Conditional Land Selection Relinquishment AA-006802 (GS-1992), AA-076981(GS-6791)

Dear Ms. Reed:

Recently Chugach Alaska Corporation (Chugach Alaska) contacted the Department of Natural Resources (DNR) to request that the State of Alaska (SOA) relinquish certain land selections in Thompson Pass to help facilitate a land exchange between Chugach Alaska and the Bureau of Land Management (BLM). The SOA supports the exchange proposed by Chugach Alaska.

Therefore, in support of that exchange, this letter is to notify BLM that the SOA agrees to conditionally relinquish its selection of these lands located within Sections 5 and 6, Township 9 South, Range 2 West, Copper River Meridian, that have been selected by the SOA under general selection applications AA-006802 (GS-1992) and AA-076981 (GS-6791), containing approximately 1,239.64 acres, effective upon the land exchange transfer from BLM to Chugach Alaska.

As part of the proposed land exchange from BLM to Chugach Alaska, the SOA requests that a 17(b) public easement of twenty-five feet in width be reserved for access to the Lowe River, as generally depicted on the attached map. In addition, RST 1359 (the Keystone Canyon-Thompson Pass Trail) and RST 404 (the Tasnuna Route) bisects the lands in question. Both trails are documented in the Alaska Road Commission reports and are listed in the 1973 Department of Transportation Trails Inventory.

Should the exchange and transfer of these lands from BLM to Chugach Alaska not occur, then the SOA's selection of these lands shall remain valid and in effect. Once the details of the land exchange have been finalized and the SOA condition is satisfied, please contact our Realty Services Section for a formal relinquishment.

Sincerely,

A handwritten signature in blue ink, appearing to read "Martin W. Parsons".

Martin W. Parsons  
Director, Division of Mining, Land & Water  
Attachment: Lowe River access route map

cc: Corri Feige, Commissioner, DNR  
Chad Padgett, State Director, Alaska BLM  
Dina Torres, Chief, Branch of Adjudication (BLM)  
David Phillips, Director of Lands, Chugach Alaska  
Adrienne Stolpe, Chief, Realty Services Section, DNR  
James Walker, Chief, Public Access Assertion & Defense Section, DNR

# 17(b) Easement Recommendation

Richardson Highway to Lowe River

## Legend



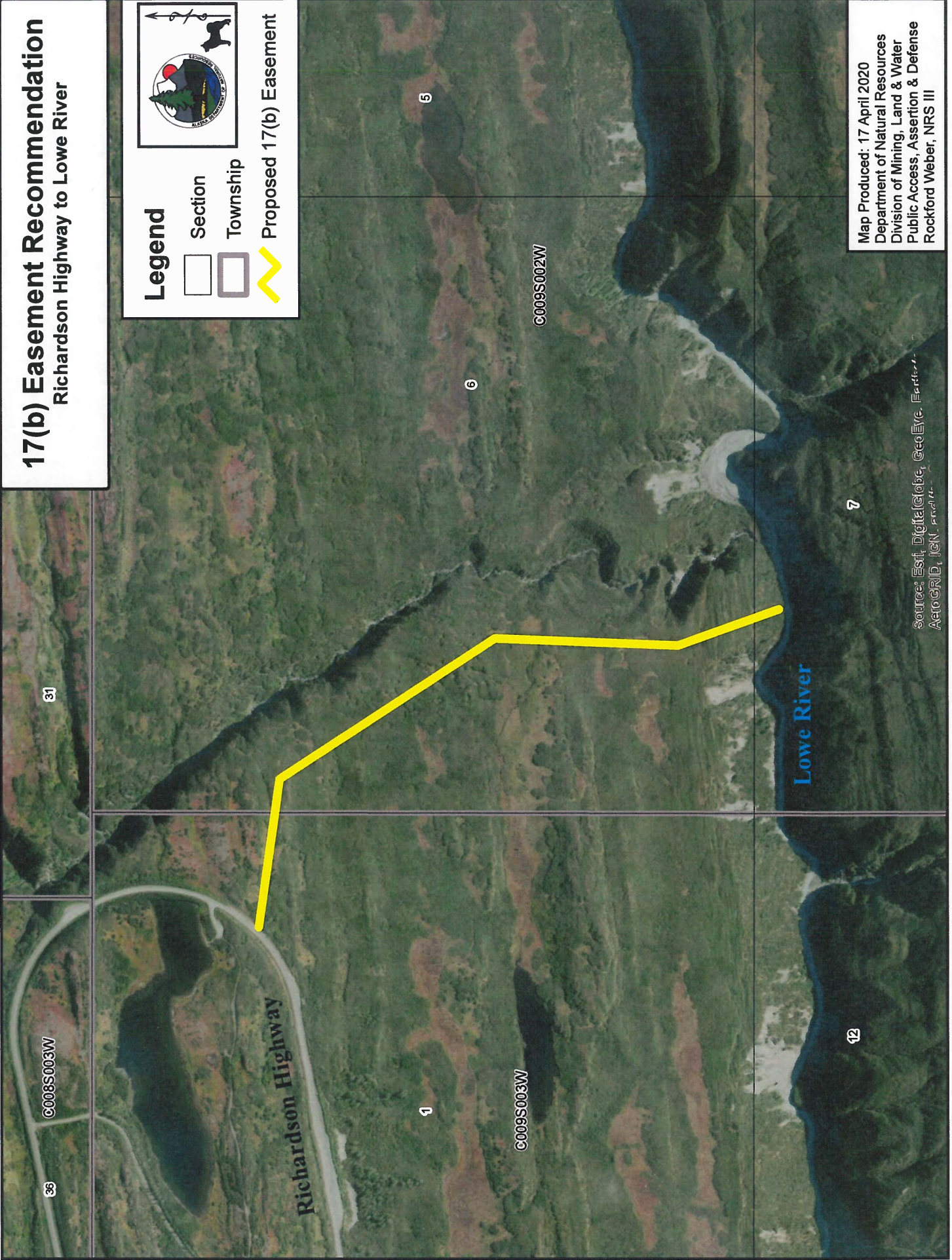
Section



Township



Proposed 17(b) Easement



Map Produced: 17 April 2020  
Department of Natural Resources  
Division of Mining, Land & Water  
Public Access, Assertion & Defense  
Rockford Weber, NRS III

Source: Esri, DigitalGlobe, GeoEye, Earthstar  
Aerial, IGN, etc.