

*Alaska Trappers Association
PO Box 82177
Fairbanks, AK 99708*

The Honorable Lisa Murkowski, US Senator
522 Hart Senate Office Building
Washington, DC 20510

June 6, 2025

The Honorable Dan Sullivan, US Senator
302 Hart Senate Office Building
Washington, DC 20510

SUBJECT: BLM thwarted your directions to resolve permitting cabins, again

Dear Senators Murkowski and Sullivan:

We again request your help upholding Congress' intent in the Alaska National Interest Lands Conservation Act of 1980 (ANILCA) to maintain the Alaskan way of life through permitting cabins necessary for trapping, subsistence, and other traditional activities. Thank you for your response to our August 8, 2023, request (*attached*) that resulted in the former Bureau of Land Management (BLM) State Director Cohn initiating a series of meetings with us in December 2023. Despite our effort and expense, nothing was resolved (*attached* Summary 2024 ATA-BLM meetings).

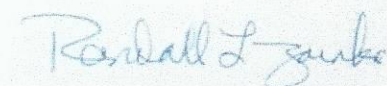
BLM's latest refusal to develop a transparent application process with reasonable stipulations and fees mirrors similar rebuffed efforts to make corrections recommended by BLM's own Regional Advisory Council (RAC), the Citizens' Advisory Commission on Federal Areas (CACFA), and others since passage of ANILCA. Even the April 8, 2019, letters from Congressman Young and Senator Sullivan (*attached*) detailing these problems and requesting a joint workgroup be established to resolve these issues on all federal lands resulted in no changes and more un-kept commitments.

The current conflict over cabin permits originated with the 1987 Alaska Supplement to Bureau Manual 2920, which merged BLM regulations implementing Sections 302 and 310 of the Federal Land Policy and Management Act of 1976 (FLPMA) with ANILCA Section 1303 provisions, like fitting a square peg in a round hole. ANILCA's unique cabin provisions were based on pre-ANILCA cabin management in Alaska. Since then FLPMA regulations have evolved and BLM refuses to acknowledge ANILCA supersedes FLPMA, not the reverse. In 2012, the only change to the Alaska Supplement allowed cabins for trapping "for commercial purposes" unreasonably requiring proof of income from trapping with no recognition of trapping for other purposes (*see State letter attached*).

Our 2024 efforts with BLM included our drafting a "Guidelines" to amend the Alaska Supplement, which provides a process for both the applicant and administrators that specifies requirements and deadlines and clarifies BLM's discretionary authorities flex to meet ANILCA's directions for Alaska. BLM's adoption of the Guidelines as policy would resolve many issues but ideally as ANILCA-based regulations, as urged in 1986 by the Alaska Land Use Council and by our delegation in 2019.

Please advise how we should proceed and whether you need additional documents.

Sincerely,



Randall L. Zarnke, President

cc: Congressman Nick Begich
Kevin Pendergast, Alaska State Director BLM

Attachments

SUMMARY 2024 ATA-BLM MEETINGS (05-17-25)

08-08-23 ATA letter to Delegation - Requested help and meeting on steps to resolve ANILCA cabin rights

11-29-23 ATA testify at BLM RAC meeting - BLM prevents Alaskans from participating in traditional activities despite ANILCA intent to allow use/construct necessary cabins; need ANILCA-based rules. For over 40 years, the RAC, CACFA & delegation numerous efforts failed when BLM asserts FLPMA supersedes. State Director Cohn called Randy days later, invited him to meet about permitting issues.

12-19-24 ATA-BLM meeting - Cohn emphasized his vision to permit more cabins & restore traditional activities on all BLM lands; confirmed FLPMA regs allow him discretion to modify fees and requirements. Agrees to pursue simple, standardized process to apply & administer permits. ATA's goal a clear application process, waive/reduce bonds & fees, implement by July 1; ATA do 1st draft of steps in a Guideline for applicants and administrators, model close to state's cabin program.

01-09-24 BLM email - to schedule follow up meeting (several back & forth thru Jan 30). (NOTE: Sen M & S St Dirs pressed Cohn to resolve permitting; after they took other jobs in January; noticeably Cohn quit participating with ATA)

02-10-24 ATA letter to BLM - documents Dec 19 meeting discussion; provides BLM draft Guidelines for transparent process for applicants & administrators; BLM will review to discuss next meeting

02-23-24 ATA-BLM meeting - (Cohn no-show) BLM drafting a FAQ of current program (*never produced*); claims to support much of ATA's draft of a Guidelines structure & content; ATA emphasizes need simple, standardized process. BLM identifies specific issues: questions they can waive bonds, but ATA cites 43 CFR 2920 gives discretion. BLM says NEPA & bonding proposals are sticking points, want to do a Programmatic EA (PEA) whereas ATA proposes clarification of CatX & EA under current regs. BLM will research NORA's role v ATA's proposal not applicable to seasonal, non-private use. All agree any applicant's appeals of BLM terms and conditions for permits should go to BLM State Director, not IBLA. No discussion of rest of Guidelines' content. BLM will send Guidelines to Solicitors for advice on what can/can't do & talk to Cohn about PEA, meet again 4-6 weeks. BLM asks ATA for "typical" cabin & data on state cabin permits as indicator of what BLM might expect.

04-02-24 ATA letter to Cohn and Solicitor Deam - documents topics discussed at Feb 23 meeting. ATA emails and mails copies Guidelines with revisions resulting from last meeting, plus a document describing "typical cabin" as BLM requested. ATA requests meet with Cohn, want his commitment to formally adopt final Guidelines as an IM or addendum to Alaska Supplement Manual. ATA identifies BLM regs and available discretion on key issues: (1) bond/fees dispute - can authorize waivers; (2) NORA doesn't apply; (3) can fulfill NEPA with CXs & EA, not need to do a PEA. Provides state cabin data requested by BLM. Requests May meet with Cohn himself for decisions in time to implement by July.

04-12-24 BLM email to ATA - explains Cohn delegated to him (Rob) to develop final proposal. Acknowledges receipt of State cabin data & "typical cabin" description helpful for EA scoping. He provided Guidelines to staff to review, specialists for NEPA, NORA, and bonding.

05-08-24 ATA-BLM meet - Rob pushes ATA to support PEA, incorrectly claims CatX is "a realty process"; offers to waive NORA if ATA will support BLM doing PEA (shows BLM has discretion to waive). ATA concerned about another year delay and legality of PEA; BLM commits to pay for costs (saves applicants from paying for NEPA on cabin by cabin basis); BLM concerned about "what-if" cabins abandoned, asks ATA to consider MOU to assume liability; ATA offers to help find trappers to take over cabins. ATA asks if Rob rec'd comments back on internal review by specialist staff on the draft Guidelines; said none. Cohn came in end of meeting for a few minutes, recommitted to support a new permit process.

05-21-24 ATA directs letter to Cohn – requests he commit to permit cabins using CX or CE, provides NEPA analysis objecting to PEA; cites updated NEPA and CEQ regulations (no response from Cohn)

06-07-24 BLM letter to ATA – “talks down”, disputes ATA’s NEPA options, not acknowledge more current regs ATA cites; justifies PEA to satisfy NEPA; claims cabins are not permitted under ROW regs even tho are the regs BLM cites; promises to summarize status of remaining issues (*not provided*)

06-18-24 ATA letter to BLM - Reminds Cohn of commitment to develop new process by July 1; attaches list need concurrence and gives status of bonds, fees, NORA issues (NEPA addressed in separate letter), details no progress; asks for next meeting (*ATA sends 3 emails request meeting before one scheduled*)

06-26-24 Rob emails ATA – claims asked staff to schedule meeting July 15; asks status of ATA entering MOU “to alleviate some of the bonding concerns”, claims for 1st time needs an answer before can meet

07-15-25 ATA-BLM meet – Rob advises BLM will do a PEA even tho ATA opposed; refuses to discuss ATA’s proposed clarifications of application of CatX and EAs under current regs; proposes to lower bonds if ATA will support BLM doing a PEA; suggests an MOU in lieu of bonding for cleanup; ATA cannot assume liability; Rob counters that means “ATA’s request to waive the bonds is no longer viable”

07-31-24 ATA letter to Rob - documents BLM threats instead of discussing options for NEPA and bonds, plus BLM not address topics need confirmation of agreement or need discussion for modified Guidelines

07-31-24 Rob emails ATA - Offers meeting dates but no acknowledgement of ATA’s requests to discuss

08-01-24 ATA emails Rob - “Will we have solid ideas to discuss, with the goal of reaching a final resolution?”

08-06-24 Rob emails ATA - “We have **made progress** . . . provide certainty in the application process, and 2) to reduce costs for individual permittees . . . regarding BLM’s issuance of Commercial Use permits which **will authorize winter-use-only trapping cabin construction/use**”, lists BLM’s positions and misrepresents ATA’s suggestions on several issues.

08-14-24 ATA letter directed personally to Cohn – Despite commitments and direction to staff to “find a way to say yes”, after many meetings staff provided no discussion, let alone any commitments, to adopt specific solutions to any permitting issues except their intent to address NEPA through a PEA instead of using existing CatX and EA process under current regs. (*The August 6 email appears written by someone never at the meetings; e.g., asserting discussion of topics never raised.*) ATA’s letter concludes asking for Cohn’s intervention to get progress on track.

In October BLM scheduled a RAC meeting in February 2025; three RAC members request cabin permitting be on the agenda. December 26 BLM News Release of February agenda does not include cabins. February 7, 2025, BLM cancels the RAC meeting due to Cohn transferred to another agency.

04-02-25 ATA emails Rob – responds to Aug 6, 2024 email: two reasons why no more meetings: 1) **no progress** clarifying process for applicants & administrators and no commitments to reduce costs, and 2) **false claim** the 8 months discussions were limited to cabin construction for commercial permits; ATA documented **every meeting—discussed issues and solutions for all traditional cabin uses**. “**The fact that BLM has only issued one permit within 70 million acres over the past decades demonstrates the problem. . . . Unfortunately, your email presented no pathway to resolution.**”

The Honorable Lisa Murkowski, US Senator
522 Hart Senate Office Building
Washington, DC 20510

August 8, 2023

The Honorable Dan Sullivan, US Senator
302 Hart Senate Office Building
Washington, DC 20510

The Honorable Mary Peltola, US Representative
153 Cannon House Office Building
Washington, DC 20525

SUBJECT: ANILCA allows cabins needed for trapping and other traditional activities, but the federal agencies are applying other laws, policies and stalling to thwart Congress' direction

Dear Senators Murkowski and Sullivan and Congresswoman Peltola:

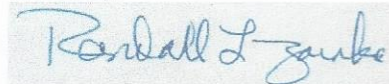
We urgently need your help upholding Congress' commitments to continue the Alaskan way of life. With each passing year, fewer Alaskans can continue their traditional activities, particularly rural trappers and subsistence users because the agencies do not issue necessary permits for cabins. Negotiations that led to the landmark bipartisan passage of ANILCA in 1980 resulted in unique provisions for traditional uses in balance with designating 104 million acres as long-term federal conservation lands. As time passes, the agencies increasingly ignore their responsibility to allow public uses such as cabins, which Congress authorized for subsistence, trapping, and other activities. Instead, policies, other laws, discretionary fees, and stall tactics make cabin permits unobtainable. We need your help so we can use cabins necessary for the Alaskan way of life that Congress safeguarded in ANILCA.

We request a meeting with you at your earliest convenience—before we lose another winter season of traditional activities—to discuss steps toward resolution. We must protect the identity of individual trappers but will provide examples of inaction and bureaucratic gobbledygook used by NPS, FWS, and BLM to deny or delay permits due to excessive costs or inappropriate stipulations. Attached is our April 24, 2023, letter to BLM regarding our ongoing efforts to seek resolution—no response received to date.

Similarly, on April 8, 2019, Congressman Young and Senator Sullivan sent letters to the Secretaries of the Interior and Agriculture with an attachment documenting the problems, requesting they establish a workgroup to resolve, also attached. The situation continues to deteriorate so less than a dozen trapper cabin permits have been issued in 40 years. Despite commitments, no action has occurred to resolution.

We submitted a form to each of you two weeks ago asking to meet during your August travels in Alaska. We request your assistance to be sure the intense efforts by Senator Stevens and Congressman Young during the ANILCA negotiations that successfully resulted in statutory protections for Alaskans' traditional use of cabins were not in vain.

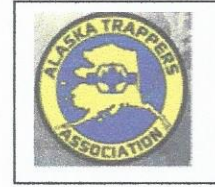
Sincerely,



Randall Zarnke, President
Alaska Trappers Association
PO Box 82177, Fairbanks, AK 99708
907-452-6857

Attachments: 04-24-23 ATA to BLM; 04-08-19 Delegation to DOI w/attachment B

Alaska Trappers Association
P.O. Box 82177
Fairbanks, AK 99708



Mr. Steve Cohn, Alaska State Director
Bureau of Land Management
222 W. 7th Avenue #13
Anchorage, AK 00513

Via email: BLM_AK_AKSO_Public_Room@blm.gov

April 24, 2023

Dear Director Cohn:

We request your attention to resolving the long standing obstacles Alaskans face when applying for cabins permits as a necessary part of their traditional trapping activities. The Alaska National Interest Lands Conservation Act of 1980 (ANILCA) Section 1303(b)-(d) authorized new and existing cabins necessary for traditional and customary uses in the conservation system units (CSUs, i.e., Wild & Scenic River corridors, and Steese and White Mountains Areas managed by BLM). Congress clarified its intent:

*This section provides the Secretaries with authority to permit the continued use of cabin in Alaska even though the occupants may not hold legal title to these cabins . . . these residents carry on a unique lifestyle which may further the purposes of or may not necessarily endanger the units established by this Act. . . **The Committee intends the Secretary utilize this permitting system to permit the continuation of this lifestyle where ever possible . . .***

Congress recognized cabins as a necessary part of the rural way of life. Cabins were essential to effectively trap and conduct many other traditional activities, even though the users had no legal claim or permit. (Congress recognized this need applied the same in CSUs as on general multiple purpose BLM lands, so it makes no sense that BLM would manage cabins differently across the lands it administers.) Despite this clear statutory direction, BLM does not administer cabin applications consistent with ANILCA, resulting in very few permits issued in four decades, eviction of law-abiding trappers and families, and the loss of Alaskans' traditional way of life.

In a January 6, 2022, letter (attached), we requested resolution to this long standing conflict because "BLM's divergence from Congressional direction has effectively precluded Alaskans – Native and non-Native, rural and urban - from participation in the traditional activity of trapping on BLM-managed lands in Alaska." The Acting State Director concurred in his February 7, 2022, response (attached): "**Currently, there are no specific regulations to implement Sec. 1303(b) of ANILCA**" [(c) and (d) also apply]. His letter erroneously continues: "Therefore, all permits and leases for cabins under the authority of FLPMA, or ANILCA must be processed in accordance with the regulation issued under 43 CFR 2920, BLM Manual 2920, and the Alaska State Office Supplement unless a specific section is superseded by legislation."

ANILCA Section 1303(b)-(d) supersedes all sections of 43 CFR 2920. BLM cannot simply apply its existing regulations, Manual, and Supplement that implement an entirely different law – the Federal Land Policy and Management Act (FLPMA) of 1976 – in lieu of adopting regulations to implement ANILCA's specific provisions. Furthermore, the FLPMA regulations at 43 CFR 2920.1-1 limit their application to "Any use not specifically authorized under other laws or regulation . . . may be authorized under this part." Thus, the FLPMA regulations themselves state they cannot be applied to uses that are authorized by ANILCA.

Even FLPMA Section 302(a) directs BLM to defer to ANILCA: where federal land is "dedicated to specific uses according to any other provision of law it shall be managed in accordance with such law." ANILCA

explicitly allows cabin use and construction for traditional and customary uses to maintain the unique way of life in Alaska—not just for trapping — through five year renewable permits. Congress was clear and intentional in its express provisions for cabins and occupancy of federal lands in Alaska without any reference to FLPMA, which was adopted a few years before ANILCA; ANILCA explicitly references where Congress wanted FLPMA to apply to other sections of ANILCA.

BLM needs to adopt an updated, ANILCA-based cabin policy, permitting reform, and regulations for BLM lands in Alaska. Instead, BLM incorrectly asserts it must use its FLPMA authority to regulate cabins and other uses. BLM only uses ANILCA Section 1316 to authorize temporary facilities for the take of fish and wildlife. This fatal policy flaw began November 2, 1987, when instead of adopting regulations to implement ANILCA's provisions, BLM issued an Alaska Supplement to Bureau Manual 2920, which unsuccessfully merged ANILCA Section 1303 provisions with BLM's guidelines for FLPMA Sections 302 and 310. The definitions only recognize "A. *Commercial Use Cabin*," requiring trapping is at least 25% of income, and "C. *Subsistence Use Cabin*" requiring demonstration of seasonal activities "*necessary in his life style to support himself*". ANILCA makes no such demands, and BLM does not recognize cabins used for "traditional and customary uses" as provided by ANILCA Section 1303. The result was fitting a square peg in a round hole. **ANILCA's unique provisions for cabins and other uses supersede FLPMA, not the reverse.**

BLM began removing cabins and prohibiting legitimate cabin use by applying instructional memo AK 88-296, September 21, 1988. BLM embarked on a trespass abatement and cabin removal program impacting trapping and public safety without public consultation. The Citizens' Advisory Commission on Federal Areas (CACFA) objected to the BLM State Director, who on October 19, 1990, promised a complete reply which never came. On May 19, 2006, Alaska Department of Fish and Game objected to BLM inappropriately limiting cabin permits to those trapping for financial gain whereas Alaskans trap for many reasons, including cultural, barter, and personal use of furs. ATA's June 21, 2006, letter explained the conflicts and requested resolution. On July 6, 2006, **BLM responded "*cabins for personal lifestyle choices . . . are not allowed*" – contrary to Congress' express intent to protect the Alaska lifestyle.**

In the 1990s, BLM applied more FLPMA provisions, further impacting traditional activities on BLM lands, forcing public uses onto state and private lands, e.g., requiring retiring trappers to render cabins uninhabitable so no longer usable for trapping, traditional activities or public safety. Between 2010 and 2012, CACFA and ATA discussed with BLM the need to initiate resolution as several trappers were denied permits necessary for trapping due to the economic criteria and other requirements **based on FLPMA**. October 10, 2012, BLM revised one part of the Alaska Supplement, Instructional Memorandum (IM) No. 2012-022, for three years to add a "*winter use only commercial trapping cabins*" category, thereby retaining BLM's incorrect limit on cabin use to "*commercial*". In 2014, BLM increasingly precluded trappers from acquiring cabin permits by applying **additional FLPMA rules** (cost recovery, reclamation bonds, rent, and monitoring fees), plus taking years to process applications. At a 2018 RAC meeting, BLM responded to an inquiry about why there were so few cabin applications by speculating trappers moved to nonfederal lands and **incorrectly said: "*ANILCA prohibits recreational cabins.*" ANILCA only prohibits "*private recreational use*" of cabins, not traditional public recreational use.**

Throughout this time, BLM largely ignored its own Alaska Resource Advisory Council (RAC) recommendations. The RAC meeting April 27, 2011, focused on trapping cabins and problems resulting from the 1987 policy Manual **applying FLPMA provisions in conflict with ANILCA**. The RAC took testimony from trappers and learned BLM had only issued 2 permits since the 1980s. A subcommittee formed that took additional testimony at its November 2011 meeting. The RAC recommended revisions to the cabin policy and submitted those to the State Director. As the 2012 IM policy expired, **additional FLPMA requirements** increased the barrier to the average trapper by charging cost recovery exceeding

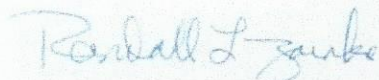
\$10,000. CACFA and ATA attempted resolution, raising these issues with the State Director in 2015-2018. The RAC subcommittee in 2018 again discussed the issues and recommended significant changes without any response or acknowledgement from BLM. In 2020 BLM indicated it would reestablish the RAC subcommittee, but meetings were postponed due to the pandemic.

In his February 7, 2022, response to our January 6 letter, the State Director committed to “*work with all our stakeholders, including individual applicants, the RAC and representatives of [ATA], to reduce the cost of processing applications for trapping cabins . . .*” Despite this commitment, when ATA and one of the RAC members requested the Trapping Cabin Policy be added to the February 2022 RAC meeting agenda, BLM initially declined. At the February 2022 meeting, the RAC recommended the trapping cabin subcommittee be reconvened and that BLM be prepared to work toward cabin issues at the May 2022 RAC meeting. Instead, BLM merely reinstated the 2012 IM that recognizes only winter commercial trapping cabins and staff gave a presentation which skewed the relationship of the two laws; e.g., one slide indicated FLPMA supersedes ANILCA: “*ANILCA does not generally revoke the requirements of FLPMA or other applicable laws.*” This posturing did nothing to address the many cabin issues raised by the RAC, ATA, CACFA, and the public. When we requested last week that the Trapping Cabin Policy be added to the May 2023 RAC meeting agenda, staff asked for more details to justify adding it despite the State Director’s February 2022 commitment. **For four decades, BLM has taken no substantive action to resolve the hurdles to trappers** and other traditional users which have resulted in almost no permits issued by BLM for cabins on the 47 million acres of BLM-managed lands in Alaska (excluding NPRA), let alone the nearly 3 million acres within CSUs specifically addressed in ANILCA Section 1303.

BLM continues to incorrectly apply FLPMA provisions which fail to recognize and apply its authority under ANILCA Section 1303 so that cabins for trapping and other traditional activities could be permitted in a timely and uncomplicated fashion. An April 8, 2019, letter from **the Alaska delegation requested the Secretary of the Interior revise its policies and regulations so cabin policies are consistent with ANILCA. To date, BLM has made no change** or attempt at resolution of cabin issues in response. Despite ANILCA’s explicit authorization of cabin use in CSUs, a trapper was denied a permit in 2016 because his application was in a designated “Wild” river. Similarly, in 2021 a trapper was told that BLM’s Policy requires avoidance of permitting cabins in W&SR corridors, contrary to ANILCA’s specific authorization of cabins in CSUs. BLM requires all permits and leases for cabins to be processed under 43 CFR 2920, requiring payment of rental fees, cost recovery, monitoring fees, and other expenses that act to prevent cabin use for traditional activities. Further, BLM is not granting waivers for any fees, despite provisions in regulations for the State Director to waive fees for hardship; staff stated this decision is because “*ANILCA does not specifically provide for the waiver of any rental or other fees.*” Let’s remind everyone, ANILCA does not require any fees for cabin use authorized for traditional and customary uses.

We welcome any assistance you can provide in expediting a resolution process to make necessary changes to the Cabin Policy, the BLM Manual, Alaska Supplement, and adopt ANILCA-based regulations so that trappers and others can resume their traditional activities on BLM lands, including reasonable fees and processing timelines for cabin permits.

Sincerely,



Randall Zarnke
President

Attachments

DON YOUNG
CONGRESSMAN FOR ALL ALASKA
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Congress of the United States
House of Representatives
Washington, D.C. 20515

COMMITTEE ON
NATURAL RESOURCES
CHAIRMAN EMERITUS

COMMITTEE ON
TRANSPORTATION & INFRASTRUCTURE

REPUBLICAN
POLICY COMMITTEE

CANADA-U.S.
INTER-PARLIAMENTARY GROUP

April 8, 2019

The Honorable David Bernhardt
Acting Secretary
U.S. Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240

Re: Implementation of Statutory Authority for Cabin Construction and Use in Alaska, 16 U.S.C. §3193

Dear Secretary Bernhardt,

We are writing today to bring an issue of grave and generational consequence to your attention, as well as to provide critical background and context regarding available legal remedies. The Bureau of Land Management (BLM), the U.S. Fish and Wildlife Service, and the U.S. Forest Service all have identical direction in Section 1303 of the Alaska National Interest Lands Conservation Act of 1980 (ANILCA) to authorize both new and existing cabins in conservation system units throughout Alaska. Decades of regulation, planning, and policy development have failed to include or account for this clear direction from Congress, and it has been substantially undermined as a result.

To ensure Congressional intent for cabins in Alaska is realized, we request the Department engage in joint rulemaking with the U.S. Department of Agriculture to implement ANILCA §1303. A similar request is being submitted to Secretary Perdue. In 1984, the interagency Alaska Land Use Council made this exact recommendation to the departments, as have many constituents and organizations since then, none of which were ever taken up. Consequently, each agency manages cabin use differently and with minimal adherence to ANILCA provisions, if any. Joint departmental regulations, followed by comprehensive agency-specific cabin policies for Alaska, will provide the clear and consistent direction needed for each agency to accommodate cabin use in its regional and national programs, as Congress intended.

ANILCA Provides for the Authorization of New and Existing Cabins on Federal Lands in Alaska

Under ANILCA §1303(b)-(d), on public lands outside National Park System units, a permit can be issued for any cabin that meets certain criteria. New construction can be permitted for five years wherever the cabin and any related structures are needed to continue ongoing use of the area, after which permits would be available for the "existing" cabin(s). Permits for existing cabins and related structures are guaranteed renewable every five years for the life of the original permittees, including immediate family members and descendants, safeguarding our traditional and customary use of cabins for generations to come.

Once eligibility is established, the discretion to revoke or not renew cabin permits is limited. Permits are non-transferrable, except that, at the permittee's election or death, the Secretary can transfer the permit to any other person. This is a critical exemption for existing cabin users, in particular, where otherwise eligible family members may not be old enough to hold a permit. Non-transferability also provides the Department with an opportunity to vet each of its cabin permittees for consistency with statutory criteria. It does not, however, impose any kind of bar on issuing or renewing permits for eligible cabin users.

Congress did not distinguish between cabins in refuges, Wilderness Areas, Wild & Scenic Rivers, forest monuments, or other designated areas; the authority is the same in any of these settings. And although ANILCA §1303 is arguably limited to areas expanded or established in ANILCA (e.g., conservation system units), wherever consistent with the Department's statutory authority, there seems little practical justification for refusing to permit cabins on general multiple-use lands if those same structures could be permitted elsewhere, including within designated Wilderness. Consistent, regional direction for cabins on all the public lands in Alaska, outside of National Park System units (which has its own direction); will reduce confusion and further Congressional intent for the management of these large, remote areas.

Congressional Direction in ANILCA Regarding Cabin Use and Construction is Not Being Implemented

Despite this statutory direction, cabins are increasingly disappearing from the landscape due to contrary and inconsistent agency representations. Applicants are told there is no permit available, or that no cabins are allowed in a given area, or that no applications will be accepted without paying prohibitive fees and administrative costs (including overhead) in advance. In 2015, one Interior trapper requested a small cache or cabin near an existing airstrip to house tools and equipment, and provide refuge from the weather when needed, since he commuted to his remote trapline by aircraft. Before being told he could not build anything, because the area was within a Wild and Scenic River corridor, he was given a cost estimate of nearly \$15,000, all of which he would have had to pay before his application would be accepted. This did not include cost of construction, maintenance, or the rental fees he would be contributing to the Treasury.

Existing cabin users throughout Alaska are being inexplicably required to consent to harsh new terms and conditions in permit renewals. Regulations and policies do not reflect the protections in ANILCA §1303, meaning cabin users must submit to these revisions or face non-compliance and lose their cabin for good. Another Interior trapper was recently told he would have to start flying his fuel in and out each season, adding thousands in additional expenses with no discernable upside. He was simply told it was necessary to protect the public lands. He pointed out that it would actually create opportunities for fuel spills, and increase other impacts to the area. This was only one of multiple, unduly burdensome new conditions in his cabin permit renewal, none of which related to any compliance issue in his decades of permitted use.

The current system encourages non-permitted cabin users to remain on the landscape, as well, fearful of approaching the agencies for authorization, even though ANILCA §1303 was meant to protect them most of all. In approving the provisions which ultimately became ANILCA §1303, the Senate Committee on Energy and Natural Resources included the following intent language in its report:

This section provides the Secretaries with authority to permit the continued use of cabins in Alaska even though the occupants may not hold legal title to these cabins.

The Committee is familiar with the use by Alaska residents of cabins and other sites of occupancy on lands which are located in the various units established by this Act. The use of such cabins has become known nationwide because of the descriptions of John McPhee in his book 'Coming Into the Country.' The types of occupancies described in this book provide a difficult question for the Committee because in many instances it appears that the occupants do not hold any legal interest in the land on which they occupy. Nevertheless, the Committee believes these residents carry on a unique lifestyle which may further the purposes of or may not necessarily endanger the units established by this Act.

While recognizing that many of these occupants hold no legal interest in these sites, it is the intent of the Committee that the Secretary be fair and equitable in his administration of the permitting authority granted under provisions of this Act. In some case, the residents of Alaska have lived on these site [sic] of occupancy for a

number of years but were unaware of the legal requirements of filing under the various public land laws. The Committee intends that the Secretary utilize this permitting system to permit the continuation of this lifestyle wherever possible and where there is no real conflict or danger to the resources for which the unit has been established.

The Committee adopted an amendment which provides for the continuation of valid leases or land use permits for cabins, homesites, or similar structures on federal lands. The Secretary is directed to renew existing valid permits or leases unless he determines the use of the lease is a direct threat or significant impairment to the values of the units.

S. Rep. 96-413, at 304-05 (Nov. 14, 1979). In writing Coming Into the Country, John McPhee was particularly inspired by two of our constituents, Rich and Sonja Corazza, who called remote cabins home for decades. Mr. McPhee approached them at the Central Post Office after floating the Yukon River from Eagle to Circle. He had visited their friend's cabin and read through Rich's journal, which had been left there among other belongings to be gathered that summer by riverboat. They shared the journal with him, as well as other journals from that time, and corresponded for many years. Their friend's cabin, and many others described in the novel, were destroyed by the National Park Service following the passage of ANILCA. Alaska Public Radio interviewed both Rich and Sonja during its retrospective on the novel and its influences, wherein they described what cabins meant, and continue to mean, to Alaskans and the ability to use our federal public lands.

Just a few months ago, as part of his placer mine reclamation, the BLM asked Rich to remove one of his last remote cabins or, at the very least, to ensure it can be reclaimed by nature, such as by running a chainsaw through its corners. He clearly explained its fate is all but ensured – there is not a nail in it, it is four wood walls, a collapsed sod roof, and a gravel floor. For the brief time it will be out there, he said, it might save someone's life, so we are really just ensuring it will fall apart on them in whatever storm they are escaping. This observation is common, as more than a few Alaskans would not be here to tell the tale had they not found shelter in a remote cabin. One of our constituents was the sole survivor on a military B-24 aircraft that crashed in the upper Charley River country in 1943, thanks to a trapping cabin.

The Corazzas and so many others have mixed their blood with the soil, constructed and entrusted their lives and their families' lives to this "small, warm place in a big, cold place." Their longstanding use and stewardship of our federal public lands would not have been possible without it. Being asked to run a chainsaw through its corners is more callous and wasteful than "fair and equitable." And yet, with conflicting mandates and no clear guidance, such a monstrous proposition was actually a mercy, being offered by field staff keen to help. But ANILCA provides the unifying mandate here. As the Committee also noted in its report:

It is recognized that some uses which are allowed within wilderness areas designated by this bill, most notably guiding and trapping, may in some areas require the use of rudimentary line cabins, shelters, caches, and other minimal support facilities. Without recognition of these incidental uses and facilities, guiding, trapping and other allowed uses, while technically allowed, would be impossible to conduct as a practical matter.

Id. at 308. We are appreciative and greatly encouraged by the administration's renewed dedication to public use on our public lands, particularly historically marginalized uses such as hunting, fishing, and trapping. Alaska is home to the majority of our nation's parks, refuges, and wilderness areas, including many units larger in size than some lower-48 states. Congress knew designating these large areas would create significant access challenges for harvest and other traditional and customary uses. To address this,

Congress enacted Alaska-specific exceptions for infrastructure to ensure the continuation of public use in these large areas, and it is the systematic neglect of these accommodations that prompts our request.

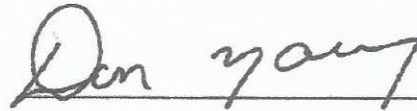
We understand the Department is currently reviewing its cabin policies Alaska, which we sincerely appreciate. However, in its 1984-85 recommendations on ANILCA §1303 implementation, after extensive review and study, the Alaska Land Use Council strongly preferred a shared regulatory process for Alaska that varied only to allow for differing agency mandates. We have seen the success of this approach in the joint departmental access regulations implementing ANILCA Title XI. Joint regulations based on this identical statutory language would be easier for agencies to both develop and administer, and would provide more clarity and assurances to the public than variable policies, internal directives, or even the reasonable exercise of discretion in decision-making. Implementation through those limited frameworks has so far resulted in inconsistent programs and decision-making and the incremental loss of both the flexibility and limits Congress provided to safeguard public use of federal lands in Alaska. In that vein, we also ask that you take a close look at regional implementation of cost recovery policies and the disproportionate impact on Alaskans, including our current, and hopefully future, cabin users.

Thank you for your consideration. Do not hesitate to contact our offices for additional information, our dozens of constituent testimonies, or other opportunities to lend value to this effort.

Sincerely,



Dan Sullivan
United States Senator



Don Young
United States Representative



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Fish and Game

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December 12, 2023

Steve Cohn, Alaska State Director
Bureau of Land Management
222 W 7th Avenue #13
Anchorage, AK 99513

Dear Director Cohn,

My staff attended the recent Resource Advisory Committee (RAC) meeting your office held in Anchorage on November 29, 2023, where the use of trapping cabins was discussed. I was told the meeting was very informative and well put together. As you are aware, trapping cabins and how to expediently permit them on Bureau of Land Management (BLM) lands has been a longstanding issue in Alaska. As the manager of trapping regulations on all lands in the state, providing opportunities to continue this traditional use on BLM lands is important to the Alaska Department of Fish and Game (ADF&G).

We were encouraged to hear your recognition at the meeting that: trapping cabins are certainly a valid traditional use of public lands, keeping people safe, time is of the essence as we are losing people with this skill set, and that it should be possible to accommodate this seasonal use on BLM lands in the future. This is a positive step towards resolving an issue that is important to BLM, trappers, and ADF&G. The following describes Alaska-specific requirements under the Alaska National Interest Lands Conservation Act (ANILCA) that we hope can assist you in resolving this issue. My staff are also available to assist you in resolving this issue.

In ANILCA, Congress was clear in its intent that traditional activities such as trapping would continue Alaska's public lands. Cabins are a necessary safety feature for Alaskans to maintain their connection to the land and its resources. Ensuring a timelier and more cost-efficient permitting process (potentially through the creation of a bonding pool, as I understand you suggested) will recognize Congressional intent to protect and provide for ongoing and traditional public uses on BLM lands in Alaska.

In passing ANILCA, Congress also sought to protect the traditional Alaskan way of life by including special provisions previously unseen in federal land management legislation. Trapping is one of the specific lifestyles Congress identified in the statute. Provisions were included to ensure it would continue on all federal lands in Alaska, including designated wilderness areas and National Preserve lands. Congressional intent to continue traditional uses and specifically to permit cabins for trapping as part of protecting the Alaskan lifestyle is reflected in the following quote (Senate Energy and Natural Resources Committee Report 96-413, November 14, 1979):

This section provides the Secretaries with authority to permit the continued use of cabins in Alaska even though the occupants may not hold legal title to these cabins... these residents carry on a unique lifestyle which may further the purposes of or may not necessarily endanger the units established by this Act... The Committee intends that the Secretary utilize this

permitting system to permit the continuation of this lifestyle wherever possible [emphasis added] and where there is no real conflict or danger to the resources . . .

It is recognized . . . guiding and trapping, may in some areas require the use of rudimentary line cabins, shelters, caches, and other minimal support facilities. Without recognition of these incidental uses and facilities, guiding, trapping and other allowed uses, while technically allowed, would be impossible to conduct as a practical matter. Therefore, the Committee intends that those related uses and facilities required to accomplish uses otherwise allowed within wilderness areas shall also be allowed...

On April 8, 2019, the Alaska delegation requested the Secretaries of the Interior and Agriculture revise their policies and regulations, so cabin policies are consistent with traditional uses protected by ANILCA. In an August 30, 2019, response, the Department of the Interior Assistant Secretary advised that BLM was asked “to develop guidance that satisfies the direction of ANILCA.” We believe the time to do this is now, before we lose the ability to educate the next generation in ethical trapping practices.

During his presentation at the RAC meeting, Mr. Muschovic, with your office, cited the Federal Land Policy and Management Act of 1976 (FLPMA) as the overall management statute for trapping cabins. FLPMA is not the only word on trapping cabins in Alaska. ANILCA’s unique provisions for cabins and the continuation of existing uses found at Secs. 1303(b) and 1316¹ supersede FLPMA, not the reverse. The plain meaning of the text² at 1303(b) regarding the “construction, use and occupancy of cabins and related structures on Federal lands within conservation system units or areas not provided for in subsection (a)...”³ supports ANILCA as the controlling statute. This is especially clear when coupled with Congressional direction to the Secretary in Sec. 1316 to (“shall permit”) ensure the continuance of existing uses directly and necessarily related to the taking of fish and wildlife on all public lands, “subject to reasonable regulation to ensure compatibility”. We strongly encourage BLM to look at all options in permitting these cabins. Regarding the existing policies that are proving to be problematic in allowing trapping cabins on BLM lands in Alaska, we remind you that administrative law allows agencies to depart from or grant exceptions to policies. BLM can rely on good facts and the broad discretion found in 1303(b) and 1316 to grant an exception to the problematic policy(ies).

BLM has classified trapping into commercial or recreational categories that do not exist in State trapping regulations or ANILCA. In Alaska, trapping is not a “commercial” nor “recreational” use. Trapping is a fundamental part of our culture, traditions, and history as a state. It is limited to specific time periods minimizing its impact on other public uses and providing for good fur quality and continued furbearer conservation. Alaskans trap for many reasons, including for subsistence and to barter, handicrafts, personal clothing, or intergenerational knowledge sharing. By limiting cabin permits through an overly time-consuming and costly process, BLM limits the opportunities for trappers to engage in State-regulated sustainable harvests as part of their Alaskan lifestyle. Where trapping is infeasible in remote areas without cabins, the lack of cabins precludes trapping, and thus also impedes the State’s management of furbearers. In areas where specific harvest levels of certain species are desired, a reduction in the number of individuals participating in harvest activities indirectly affects our management ability.

¹ ANILCA Sec. 1316 – “On all public lands where the taking of fish and wildlife is permitted in accordance with the provisions of this Act or other applicable State and Federal law, the Secretary **shall permit** [emphasis added], subject to reasonable regulation to ensure compatibility, the continuation of existing uses, and the future establishment, and use, of temporary campsites, tent platforms, shelters, and other temporary facilities and equipment directly and necessarily related to such activities.”

² The title of a statute and the heading of a section cannot limit the plain meaning of the text. *Brotherhood of Railroad Trainmen v. Baltimore & O.R. Co. et al.*, 67 S.Ct. 1387 (1947)

³ 1303(a) refers to cabins on National Park Service lands.

ADF&G can aid BLM in identifying areas where cabins would be inappropriate due to sensitive habitats as well as in areas where other uses are predominant, thus supporting BLM in better meeting its mandate to provide for multiple uses on its lands. We look forward to working with BLM to resolve this longstanding issue.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Lang", written in a cursive style.

Doug Vincent-Lang
Commissioner

cc:

Senator Dan Sullivan, United States Senate

Senator Lisa Murkowski, United States Senate

Representative Mary Peltola, United States House of Representatives

Bronk Jorgensen, Chair, BLM, RAC

Randall Zarnke, Alaska Trappers Association

Ryan Scott, Director, ADF&G Division of Wildlife Conservation