

*Bureau of Land Management
Alaska Resource Advisory Council Meeting
Fairbanks District Office
Fairbanks, Alaska
February 2-3, 2017*

Thursday, February 2, 2017

Council members present: RAC Chair Suzanne Little, Kathryn Martin, Stan Foo, Bronk Jorgensen, Sara Longan, Brennan Cain, David Kraus, Faith Martineau, Mark Billingsley, Teresa Imm and Lee Hart

BLM representatives present: Bud Cribley (BLM Alaska State Director and Designated Federal Official (DFO), Erika Reed, Steve Cohn, Casey Burns, Lesli Ellis-Wouters, Jim Hart and Lisa Gleason.

Representatives of agencies other than BLM: None.

Members of the public present (or on the teleconference line): None.

RAC Chair Little called the meeting to order at 8:30 a.m.

RAC Members and **BLM Alaska Staff** introduced themselves.

RAC Member Foo stated he would like to discuss improving the process, ref. Areas of Critical Environmental Concern and mineral interests' apprehension at the large number of ACECs.

RAC Chair Little stated the Land Use Designation presentation would be at 10 a.m. and requested the concerns be presented at that time.

RAC Chair Little read the minutes from the Oct. 24/25 meeting.

RAC Member Cain suggested edits to the minutes be submitted.

RAC Vice Chair Martin moved to adopt the minutes

RAC Member Jorgenson seconded.

Minutes approved.

State Director Bud Cribley provided a BLM update and spoke on ongoing issues. Regarding the RAC call for nominations, Cribley requested members recruit heavily. Cribley detailed status of BLM with regards to temporary leadership changes resulting from new administration.

RAC Chair Little asked if there was any new information about who might be appointed new BLM Director. **Cribley** responded that there was no new information at this time.

RAC Member Foo asked if there were any changes to current plans. **Cribley** responded no.

Cribley briefed hot topics for BLM Alaska:

1. National Petroleum Reserve in Alaska (NPR-A)
 - Greater Mooses Tooth Unit 2 (GMT2) Application for Permit to Drill Authorization for a second drilling pad
 - Legacy Wells
 - Regional Mitigation Strategy
2. Land Use Plans
3. Alaska Liquefied Natural Gas (AKLNG)/pipeline proposals (permitting)
4. Donlin Gold EIS (Natural Gas pipeline)
5. Red Devil mine (abandoned mercury mine)
6. Placer mining (revegetation)
7. EIS for the road to Ambler
8. Lands/cadastral survey (physical monuments vs. GPS)

RAC Member Billingsley asked if the new administration might threaten mitigation for GMT1 and GMT2.

Cribley stated it was too early to tell what the administration's priorities will be, but mitigation is decided on a case-by-case (situation dependent), not by a national policy.

Ellis-Wouters informs the Council that the previous approval of the minutes was not valid as a quorum was not met. Voting will take place again after remaining members arrive at noon.

BLM Deputy State Director, Division of Lands and Cadastral Survey, Erika Reed presented on Alaska Native Claims Settlement Act (ANCSA) and Public Land Orders

RAC Chair Little asked if the Resource Management Plan (RMP) defines the classification. **Reed** responded that RMPs are the vehicles by which lands are classified.

RAC Chair Little asked if the state prioritizes filings. **BLM Reed** responded. Yes, the state does prioritize their filings.

RAC Chair Little asked if there is a parallel process to lift land withdrawals on other agencies' lands. **BLM Reed** responded - Other agency lands are statutory withdrawals, not from the Alaska National Interest Lands Conservation Act. BLM handles the administrative work (paperwork, filings), but the other agencies' laws/policies actually manage their lands. Additionally BLM Reed stated that lifting all five PLOs would result in releasing 745,000 acres of high-priority State filings.

RAC Chair Little requests BLM post correct version of State top-filings map on external site.

RAC Member Martin asked about protecting Ahtna Public Land Order (PLO) 5150/PLO lands by keeping them federal for subsistence purposes.

Cribley explained the area was not under consideration for lifting of PLOs. State selection causes issues for federal subsistence.

BLM Natural Resources Specialist James Whitlock presented on Revegetation and Wildlife Habitat Criteria and Site Assessment Procedures for Upland and Floodplain Mine Reclamation on BLM-managed Public Lands in Alaska.

Revegetation and Mine Reclamation Key Points

- In 1981 and 2001 new regulations were instituted with regards to surface management.
- Regulations are mostly tailored for hard-rock mining, not placer.
- Regulations are vague. There is no measurement for knowing when reclamation is complete.
- Expecting new memorandum to help with measurable standards.

RAC member report outs:

RAC and Placer Mining Subcommittee Member Longan

- BLM's top priorities are also the State's.
- BLM was very careful to take public and stakeholder input—went above and beyond.
- Will provide NSSI presentation.
- Would be helpful for BLM to defend its Area of Critical Environment Concern (ACEC) nominations.

RAC and Placer Mining Subcommittee Member Jorgensen

- Large number of ACECs—potentially limits mineral access; wide use of ACECs is disconcerting.
- Lifting PLOs once beyond their useful life/intended purpose would be beneficial.
- Surveying—physical monuments are preferred.
- The Placer Mining subcommittee was very beneficial—great engagement. Need to preserve the subcommittee.

RAC and Placer Mining Subcommittee Member Foo

- Energy/mineral developers concerned.
- Government overreach apparent, especially with regulations.
- Finding it challenging to navigate/implement new regulations.
- Energy wants to be regulated rigorously, but efficiently—many new regs/ACECs seem duplicative/redundant.
- Newer regulations are from former administration.
- Why are ACECs applied when existing regulations should be sufficient?
- What is the process for an ACEC? Seems not many nominations are declined.

RAC Member Cain

- ANCSA Corporations appreciate BLM's collaboration.

- Would be helpful to restart conveyances to ANCSA Corp.
- Would like to address trespass, easement and subsistence concerns.

RAC Member Martin

- 17Bs; locate on ground, not just a map.
- Trespass.
- Final conveyances.
- 14C conveyance.
- Subsistence concerns—we're on the highway; a hunting destination for non-subsistence hunters.
- Would like the pipeline ROW to remain federal.
- Have to buy back land from old highway ROWs which went through private property.
- BLM—more local hire in Alaska. Seems like BLM imports people from other states rather than hiring locally.

RAC Member Imm

- Just finishing protracted SEIS process.
- NPRA Integrated Activity Plan EIS.
- Oil shared between ASRC/ACRA?/NPRA?
- GMT1/2 ROD, NPRA.
- RMS cannot be supported because of lack of input from local people.
- This is the first time ANCSA orgs could engage in a meaningful way.
- Working through multiple processes with BLM.
- Want to collaborate on data to help with input re: mitigation strategy.
- Hopefully NSSI will help.
- Encourage BLM to listen to NPRA working group—feeling like they have no voice/ just a check box.

RAC Member Barr

- Subsistence issues.
- Recommends ID cards/permits for people to subsistence hunt caribou.
- When will they implement predator control?
- Perhaps they can bring up grizzly hunt guides?
 - Ms. Imm—game management not in BLM's authority. Recommends working with guides re: custody transfers of unused meat for elders as a potential mitigation for hunters.

RAC Member Martineau

- Can GMT1/2 be amended to remove mitigation from the ROD? This will allow changes to be made separately from the EIS document/process.
- Looking for a balanced approach.

RAC Member Billingsley

- Hasn't noticed any presentations re: recreation in past meetings
- The RMS might provide an opportunity for recreation interests.
- No wealthy orgs are advocating/lobbying for recreational users.
- Recreation can be intertwined w/mining mitigation.

RAC Member Hart

- Levitation 49 is working to increase business interest in Valdez via workforce development.
- Have several events and projects working.
- Recreation and Public Purposes Act will measure impact of recreation businesses/activities directly rather than as a conglomerate with tourism/fishing/hunting.
- Outdoor rec jobs outnumber oil and gas jobs, though much lower-paying.
- State of Washington has a cabinet-level office of outdoor recreation, allowing input from recreation industry/field.
- Levitation 49 now manages former state parks which border BLM lands.
- They are tracking winter travel management conflicts between helicopters, snow machiners, people, and wildlife (goats).
- Some states take less flak from environmental groups because they are sensitive to recreational uses.
- Trans-Alaska Trail (on Trans-Alaska Pipeline System ROW) as a recreation corridor is being worked; they are in conversation with reporters and Alyeska.

RAC Member Krause

- Congrats on mining reclamation work.
- Re: NPRA, RMS document, hopeful about outcome.
- There are unavoidable impacts from regulations; need to achieve a balance to provide stability to industry moving forward.
- Re: central Yukon Plan, will follow PLO/RMP closely.

Placer Mining Subcommittee/Revegetation Instruction Memorandum (IM) Discussion

RAC Chair Little

- Revegetation IM is now more user-friendly.
- The final version will explain flexibility in metrics used to measure successful revegetation.
- Mining plans/inspections going forward will be under the new IM.
- Recommend converting mining records to digital.
- Recommend visit notices.
- Inspections should come within 30 days of request.
- Recommend cross-train inspectors for decision making.

- Follow-up visits and emails would be helpful.
- Assign a specific staff member to follow up with a miner.

RAC and Placer Mining Subcommittee Member Foo

- Assembling the Placer Mining Subcommittee shows BLM is willing to make the regulated sector part of the process.
- A key message should be that Placer mining is not being obstructed and public can be confident it's being done responsibly.

RAC and Placer Mining Subcommittee Member Jorgensen

- There is a concern about cost to revegetation by BLM regulations.
- Major burden on miners, especially those not covered by bond.
Whitlock explained bond coverage is possible, and explained Department of Natural Resources policy on bonds.

Placer Mining Subcommittee Revegetation and Habitat Criteria Discussion

1. Change "...but not yet conducted" to "not yet approved."
2. Add a paragraph after the mine reclamation table to explain how to read the graphs/information.
3. Clarify liability for invasive weeds. Shared responsibility, especially near roads or if weeds came from an approved seed source.

RAC and Placer Mining Subcommittee Member Jorgensen

- There is reluctance with small placer mines to lay down seed and fertilizer if they'll just have to kill it the following year because invasives came in, no fault of the miner.

RAC Member Imm

- BLM used to approve mixes high in white clover, now classified as an invasive.
- They have found "one size fits all" reclamation prescriptions don't work.
- 70% coverage works in certain parts of the state; that's why zonal works better.
Cohn agreed; explained that's why the IM is site-specific.

RAC Chair Little asked BLM to explain how the IM is not law, it is flexible. **Cohn** responded that IMs have expiration dates, are a consolidation of policy and are interim guidance.

Additionally **Cohn** stated that BLM would like to have it ready for this field season, signed by BLM Alaska State Director Bud Cribley. **Cribley** later explained the RAC has to put the IM forward now as a recommendation/finding for it to go through the process in time to be signed for this season with evaluation after one season of use.

Placer Mining Subcommittee Interdisciplinary Teams on Site Visits/Inspections Discussion

RAC and Placer Mining Subcommittee Member Foo

- Budgetary impact—this needs to be discussed before we send multi-disciplinary teams out.

Cohn

- Many of the evaluation requirements can be accomplished simultaneously with the initial or other site visit. Additionally, use of photos and data cancel the need to send a team out.
- If we send interdisciplinary team out, it's for a site with issues.

Placer Mining subcommittee recommends approval with the following changes.

- **Cohn** asked for additional comments to be consolidated by the RAC.
- **RAC and Subcommittee Member Foo** stated that it's safe to say BLM is comfortable the IM will lead to success in their requirements.
Cohn responded that it gives us a good benchmark.
- **RAC and Subcommittee Jorgensen** stated that the last five years didn't work (referencing implementation problems at Fortymile).
- **RAC and Subcommittee Member Foo** stated that there's a growing distrust.

RAC Member Cain motions to approve Instruction Memorandum; second by **RAC Member Martin**.

Final Comments

RAC Member Billingsley stated he is curious what the environmental groups think.

RAC Member Krause asked if there will be substantive comments from the environmental community. **Cohn** responded that there is discussion about developing a Best Management Practices handbook in a year or two. **RAC Member Krause** replied that would be constructive.

RAC and Subcommittee Member Foo stated that the miners haven't signed off on this, either, but this is progress.

Cribley stated that the only way to move the Instruction Memorandum forward for this season is if the RAC approved it at this meeting.

RAC Member Billingsley motioned for BLM to issue policy guidance, using the subcommittee draft as the basis for the IM.

RAC approved motion.

Public Comment Period

Members of the public present on teleconference line: Stryker Overly, Alaska Arctic Adventures

Public Member Overly opens discussion with subsistence conflicts and sport hunting. He is a 3rd generation guide/outfitter/trapper who makes a living from harvested resources. He stated that he sees no conflict between sports hunting/subsistence hunting of caribou. Additionally, he

rarely sees float hunters where he operates and in fact has offered assistance/fuel to Native Alaskans his area. **Overly** reported that last year Unit 23 was closed which put several guides out of business and he hopes to not see the same kind of closure happen in Unit 26A. As a guide in the NPR-A, he stated that subsistence closures will affect his business because he has a limited amount of time to refund hunters who've made deposits for their hunt. **Overly** stated he has ideas he would like to submit with regard to managing the resource without closing it.

Placer Mining Subcommittee Member Jorgensen motioned to continue Placer Mining Subcommittee with second by **RAC Members Cain and Billingsley**. Motion approved.

BLM Arctic Office Manager Stacie McIntosh presented an update on the National Petroleum Reserve in Alaska

GMT 1, GMT 2 Compensatory Mitigation Discussion

RAC Member Longan stated that BLM should be more flexible in what remediation qualifies as mitigation (i.e. voluntary measures already happening).

RAC Member Billingsley asked whether precedent mattered. **McIntosh** responded that precedent is based on effectiveness. GMT1 is not precedent setting.

RAC Member Martineau expressed appreciation for BLM's serious thought to comments and continued willingness to listen to all stakeholders.

Cribley stated that Nuiqsut community is concerned about GMT2 development.

Utility Corridor/Dalton Highway Subcommittee discussion

RAC Chair Little stated she would like to discuss the public comments (State top file and tribe position on State control of corridor) and asked if next meeting should include briefing on Public Land Order 5150. Additionally, she commented on implications for subsistence (pros & cons of State ownership).

RAC Member Foo discussed asking the state to make a presentation at the next meeting.

Cohn recommended that increased recreation pressure, wildlife conflicts (sheep calving), sand gravel operations might be included as subjects to discuss. Additionally, mentioned a Recreation subcommittee might be warranted. **RAC Member Imm** stated there was a subcommittee and recommended discussion of Off Road Vehicle corridors/policies.

BLM Planning Section Chief Serena Sweet presented on Planning 2.0 / National Mitigation Strategy

Friday, February 3, 2017

Council members present: RAC Chair Suzanne Little, Kathryn Martin, Gary Morrison, Stan Foo, Bronk Jorgensen, Sara Longan, Brennan Cain, David Kraus, Faith Martinau, Mark Billingsley, Teresa Imm and Lee Hart

BLM representatives present: Bud Cribley (BLM Alaska State Director and Designated Federal Official (DFO), Erika Reed, Steve Cohn, Michelle Ethun, Tim LaMarr, Casey Burns, Lesli Ellis-Wouters, Jim Hart and Lisa Gleason.

Representatives of agencies other than BLM: None.

Members of the public present (or on the teleconference line): None.

RAC Chair Little called the meeting to order at 8:30 a.m.

BLM Central Yukon Field Manager Tim LaMarr presented on Resource Management Plans/Special Designations

RAC Member Foo asked why Areas of Critical Environmental Concern (ACECs) were required on top of existing state and federal regulations. He also stated that they need to understand the criteria and that there should be more transparency in the process and that it appears that once an ACEC is nominated it is put into place. **Cribley** responded that an ACEC isn't a regulation, but an identifier that causes BLM to manage in light of these considerations and that public notification is a part of the process.

RAC Member Longan stated that BLM must slow down to explain the nominations and offered that perhaps there be more guidance regarding what qualifies for as an ACEC. Additionally she asked if the state was helping BLM identify areas, if BLM was working collaboratively to educate and if locations under consideration were disclosed. **Ethun** responded that the state is collaborating in identifying areas and that educating the public is a challenge.

RAC Member Hart asked to what degree the Alaska office has control over ACEC designations (producing manuals/publications). **Cohn** stated that BLM develops manuals for Alaska-specific issues (i.e. placer mining). Additionally he responded that Alaska ACECs happen in a much larger scale (larger areas) than what is seen in the Lower 48.

RAC Member Foo raised the topic of the Alaska National Interest Lands Conservation Act (ANILCA) and stated that when a village nominates an ACEC, it is because they feel existing regulations are inadequate. Are there management prescriptions?

RAC Member Billingsley stated that ACECs serve to make people aware of the relevant regulations.

RAC Member Longan stated that people nominating ACECs may not get what they are expecting of a nomination.

RAC Member Jorgensen stated there is a perception that once an ACEC is in place, it halts future claims and development. He also asked if BLM nominates the ACEC internally.

LaMarr responded that BLM does nominate ACECs internally.

LaMarr briefed that three years ago, 48 ACEC nominations were received. Of the 48 nominations, 33 met relevance criteria. Those 33 will be evaluated to determine whether special management is warranted and alternatives will be drafted for public comment in September 2017. **LaMarr** also stated that many people have expressed concern about food security and the BLM is gathering information regarding alternatives for those ACECs. The ACEC report is available [here](#).

RAC Member Hart stated that more communication with the public would cut down on the number of nominations and recommended handbooks/videos (ACEC for Dummies) would be helpful.

Sweet commented that the ACEC manual is 25 years old and requires an update. She agreed that there are many public misinterpretations about ACECs. Additionally, she stated that ACECs are only one tool under the Federal Land Policy Management Act (FLPMA).

RAC Member Cain recommended an ACEC subcommittee might be able to address concerns.

RAC Member Longan stated that the vehicle currently is not working as intended and nominees are not getting what they need. There has been lots of congressional interest in the BLM's ACEC process.

Cribley recommended a RAC workshop to drill further into the ACEC process. RAC Member Foo and RAC Member Cain agreed.

Sweet stated that there is an ePlaning site available on the web at: https://eplanning.blm.gov/epl-front-office/eplanning/nepa/nepa_register.do

BLM Central Yukon Field Manager Tim LaMarr presented on Preliminary Alternative Concepts

RAC Chair Little asked how decisions are made if there are holes in the data.

Ethun stated that this is a great time for the public to come forward with information/statements.

RAC Member Billingsley asked how funding affects RMPs.

LaMarr responded to the funding question with the below:

- Recreation: We have to be mindful of budget when we consider recreation.
- Vegetation: We do not have the budget to support/monitor vegetation.
- Mine Reclamation: We have identified a budgetary need.
- Camp Sites: We do help with maintaining these, but very limited in manpower.

RAC Chair Little stated that budget is a challenge as BLM Alaska is budgeted like the Lower 48, but deals with much more land.

LaMarr stated that the Lower 48 average 156,000 acres vs. Alaska's 72 million acres. Additionally Lands and Realty currently has a 6-month/50 permit backlog.

Cribley stated that BLM Alaska has far more applications than there is capacity to support. Each application requires fulfillment of the NEPA process/compliance work. This results in a backlog. Recreation is discretionary and not usually permitted.

BLM Recreation Lead Tom Bickauskas presented on Recreation

RAC Member Barr stated that there are no local staff for enforcement of hunting in the Kotzebue area. She's also noted that many people come into the area to hunt while spending nothing in the towns/villages. Herds are being harassed by the non-local hunters which moves them off their traditional routes.

Bickauskas stated that even if casual use is limited, without better data it may not be effective.

Cribley noted the issue is an emerging one for both the BLM and other federal agencies. The problem is how the hunters participate and closure would not have dealt with the issue. The BLM will drill further into the Squirrel River area for an RMP.

Elections for RAC Chairperson and Vice-Chairperson

RAC Member Imm nominated **RAC Member Martin** for RAC Chairperson. **RAC Member Cain** seconded the nomination.

RAC Member Billingsley nominated **RAC Chairperson Little** for RAC Vice-Chairperson. **RAC Member Barr** seconded the nomination.

Both nominations passed unanimously.

Future RAC Business Topic

Field trip to the utility corridor/Dalton Highway – possible dates, July 13-14, 2017

Potential meeting in April to discuss ACEC workshop and decide about ACEC subcommittee.

Potential Dalton workshop/subcommittee after July field trip.

Reed will work on arranging The Alaska Native Claims Settlement Act (ANCSA) Subcommittee meeting.

Meeting adjourned at 12:30 p.m.