

BLM- Alaska Resource Advisory Council

September 29-30, 2014

Anchorage, Alaska

MONDAY, SEPTEMBER 29, 2014

Call to Order: 9:05 am. Quorum verified.

Introductions / Attendance

RAC Members: Peter Fix (Chair), Suzanne Little (Vice-Chair), Dave Brown, Sharon McClintock, Barrett Ristroph, Samantha Carroll, Gary Morrison, Chris Degernes, Kathryn Martin, Warren Olson, Darcie Warden, Rosie Barr

BLM Representatives: Bud Cribley, Steve Cohn, Thom Jennings, Serena Sweet, Steve Hartmann, Lon Kelly, Stacie McIntosh, Karen Kelleher, KJ Mushovic

Others in attendance: John Hopson, Jr. (Co-Chair NPR-A Working Group); John Boyle (North Slope Borough); Doreen Lampe (Inupiat Community of the Arctic Slope); Teresa Imm (Arctic Slope Regional Corporation); Lindsey Hajduk, Conservation Lands Foundation; Ben Green (public); Facilitators Tahnee Robertson and Jan Caulfield

Previous Meeting Minutes

- p. 7, typo in “Forrest” Service.
- p. 8, rephrase regarding cabins in White Mountain, should it say cabins were “used most often,” rather than “most popular”. Serena will confirm that wording.
- p. 8, second to last paragraph, delete redundant word “can”.

MOTION to approve by **Suzanne Little**, second by **Samantha Carroll**. Unanimously approved.

RAC Meeting Agenda

MOTION to approve agenda by **Chris Degernes**, second by **Gary Morrison**. Unanimously approved.

Director’s Report

Bud Cribley, BLM State Director for Alaska, addressed the following points:

- Today’s meeting is an opportunity to get the RAC engaged in the future of National Petroleum Reserve-Alaska (NPR-A). Excited about RAC interest in working with the NPR-A Working Group (WG) to further discussion NPR-A development and conservation.
- BLM is making a boundary change between the Anchorage and Fairbanks District Offices, which will put western Alaska (Northwest Arctic Borough area) into the Anchorage District and serve this area from BLM’s Nome Field Office. This is being done for administrative reasons, because of the commonality of issues and the similarity of ecosystems along the western coast of Alaska.
- BLM is issuing policy memos on placer mining, re: bonding requirements, data required for plans of operation, and reclamation requirements. The RAC has been very involved in

development of these policies and there has been outreach with the mining community and State of Alaska.

- BLM is working on three different land use plans: Eastern Interior, Central Yukon, Bering Straits/Western Interior.
- BLM is evaluating the proposed development at Greater Moose's Tooth #1 (GMT-1), the first production pad accessing federal resources in the NPR-A; target to publish final EIS by November 1, with a Record of Decision (ROD) 30-days after that.
- Legacy Wells - BLM secured funding to start remediation of the high priority legacy wells on the North Slope and is working with the Corps of Engineers (COE) on contracting for this remediation.
 - **Sharon McClintock** would like the COE to contract with local 8(a) contractors with local knowledge and awareness of land status to avoid trespass.
- Road to Ambler Industrial Mining District – The Alaska Industrial Development and Export Authority (AIDEA) is the lead/applicant for the State of Alaska; not yet submitted application. The lead federal agency for the National Environmental Policy Act (NEPA) process has not been selected, but it will likely be the COE due to wetlands issues. BLM manages lands that would be crossed by the road.
- Gas pipeline to Donlin Mine – COE is lead; working on the Draft Environmental Impact Statement (EIS); expect to issue in mid-2015. Pipeline would cross BLM managed public land.
- Federal Subsistence Board (FSB) – BLM was recently required to open 30,000 acres to federal subsistence hunting that were determined not to be state-selected, including 12,000 acres within the Paxson state-managed wildlife viewing area that has historically been closed to hunting. This has created controversy that has been brought to the FSB. To close the viewing area again, it would need to go through the FSB regulatory process.
 - **Suzanne Little** indicated importance for resolution of this issue, given implications for subsistence hunting.
 - **Kathryn Martin** indicated that it is very difficult for subsistence hunters in that area to know the land status of lands on which they hunt and what regulations apply.
- Contaminated Lands – Concerns have been raised regarding who has responsibility for cleanup of contamination on lands conveyed to village and regional Native Corporations. This issue is being discussed with BLM national leadership; expect discussion at Alaska Federation of Natives (AFN) meeting in Anchorage in October. BLM staff will provide a briefing at the end of the meeting today.
 - **Sharon McClintock** noted that there are native allotments adjacent to old airstrips that may have significant contamination. Federal agencies need to pay attention to contamination on private lands, not just corporation lands.
- Budget / Organization- BLM is operating under a Continuing Resolution at same funding levels as FY2014, and do not expect a FY2015 budget until spring 2015. Noted that all BLM and Department of Interior (DOI) leadership positions are filled at this time.
- BLM Lease Sale – BLM will hold an oil and gas lease sale of tracts in NPR-A on November 19.

Summary Overview of the NPR-A Integrated Activity Plan (IAP), Record of Decision (ROD)

Lon Kelly, BLM Arctic Field Office Manager, presented the following key points:

- The Integrated Activity Plan (IAP) for the NPR-A, completed in 2013, gives BLM direction on management of development and conservation. It identifies areas available for oil and gas leasing and for pipelines and other infrastructure to serve offshore leases. The plan also identifies acreage that will not be leased or developed, to protect important fish and wildlife resources, access routes for subsistence activities, and recreation values.
- The IAP ROD also called for establishment of the NPR-A Working Group (WG), to provide a forum for BLM to communicate with North Slope communities about NPR-A management. The IAP ROD stipulates that the WG will include representation from municipal governments, Alaska Native Tribes, and Alaska Native Corporations (approximately 20 members).

Following the presentation, the RAC discussed the following regarding the NPR-A WG:

- A WG Charter has been drafted and received initial approval, but will likely be revised to streamline the functioning of the group.
- The group is intended to provide a forum for communication regarding the NPR-A between the federal government and local communities/residents of the North Slope. It is intended to consider issues at a more strategic level, not project-by-project (as during a NEPA review of a specific development proposal). It does not supplant other required public processes.
- The WG held organizational meetings in February and April 2014 and adopted an initial Charter. BLM has been working with the entities listed in the Charter to seat members.
- In the interim, the three regional entities represented on the WG (North Slope Borough (NSB), ICAS, Arctic Slope Regional Corporation (ASRC)) worked together to address a question posed by Mr. Salazar, BLM Director: “What is your vision for the future of development in the NPR-A, relative to infrastructure development and your communities?” Jointly, the three regional entities developed and provided to BLM a document entitled, “General Principles for Development of Infrastructure in Northern Alaska.”
- The RAC expressed interest in transparency of the outcomes from WG meetings (such as thorough meeting notes / postings on the web). It was noted that the BLM does not have to follow Federal Advisory Committee Act (FACA) requirements with this type of a group, so public notice and public involvement is not strictly required but will be done as much as is practical.

NPR-A Vision

Bud Cribley explained that BLM Director, Neil Kornze, has a strong interest in the NPR-A, as does the Department of the Interior Secretary (DOI) Sally Jewell. The Director asked BLM-Alaska to host a forum including representatives of the NPR-A WG and a broad representation of other stakeholders (including industry and the conservation community) to discuss questions related to balancing development, community and conservation objectives in the NPR-A – to consider together how the NPR-A should be developed in the future. Through facilitated discussion, representatives of the North Slope villages, tribal governments, Alaska Native Corporations, the conservation community, industry and other stakeholders could see where there are commonalities in their views of the future of the

NPR-A, and where there may be differing views. The challenge is to bring those divergent visions to the table, look for commonality – which will help BLM in its future decision-making.

The BLM has determined that establishing a subcommittee of the RAC would be the best tool to use to organize this type of conversation. The RAC is established under FACA to advise the BLM-Alaska State Director on management of public lands in Alaska. A RAC subcommittee could work with other stakeholders to discuss the NPR-A and then provide its findings and recommendations to BLM through the RAC. At its last meeting, the RAC expressed interest in setting up a subcommittee focused on NPR-A. This is an opportune time for this type of collaborative discussion, since development is just beginning to be proposed in the NPR-A under the new IAP and since there isn't currently a forum for these interests.

RAC members and NPR-A WG Representatives made a number of points in its discussion of the suggestion to establish a RAC NPR-A Subcommittee:

- Clarified that the NPR-A WG would remain an independent entity, as it is established in the ROD for the IAP. The WG communicates directly to BLM. **WG Co-Chair John Hopson, Jr. and NSB representative John Boyle** stressed the importance of this point since the WG was specifically established to give the residents of the North Slope (from communities, Tribes, and corporations) an opportunity to work together to consider NPR-A issues and then to communicate directly with BLM.
- **John Hopson, Jr.**, noted that the North Slope Borough is not currently represented on the RAC, although he has applied to be appointed and BLM is now working on that appointment.
- Several members of the RAC expressed that that it is important for the WG to have the time to fully organize, begin functioning as a group, and develop its own vision related to the future of the NPR-A, before it is asked to participate in the broader discussions with other stakeholders.
- **Darcie Warden** asked that comments and concerns that have been expressed by stakeholders in the past regarding NPR-A development (e.g., in comments on the IAP) be synthesized and used in the upcoming process.

NPR-A Regional Mitigation Strategy

Steve Cohn, BLM-Alaska Deputy State Director (DSD) for Resources addressed the value of developing a regional mitigation strategy for the NPR-A – and introduced the possibility that a RAC NPR-A Subcommittee could work with stakeholders to develop such a strategy in the future.

The IAP for NPR-A includes best management practices to minimize development impacts on specific resources. However, there will be impacts that cannot be avoided, and there will be opportunities for mitigation of such impacts (e.g., mitigation for wetlands fill under Section 404 of the Clean Water Act). At this time, there is no clear answer on how to mitigate impacts from development in a strategic and effective way. It is best to consider and develop a regional mitigation strategy and plan for mitigation upfront, before a pattern of development happens. (For example, BLM has developed a regional mitigation strategy for solar zones in the Southwest.)

BLM's Washington Office (WO) is working on guidance that will guide the development of mitigation strategies on BLM managed public lands nationwide. The WO has been asking BLM-Alaska to consider what a regional mitigation strategy for the North Slope should include. BLM needs to work with a range of agencies and stakeholders on this strategy – and it could be a project that could be addressed by a RAC NPR-A Subcommittee, with participation by the NPR-A WG. Elements of the strategy would include evaluation of baseline conditions, impact scenarios, measures to avoid/minimize impacts, opportunities for compensatory mitigation, mitigation tools, monitoring and effectiveness.

RAC members and meeting participants offered comments:

- **Barrett Ristroph** – consider developing a mitigation formula for how much land would need to be set aside, based on impacts to ecosystem services, with some flexibility in the formula.
- In response to a question, **Teresa Imm, Vice President for Resource Development, ASRC**, indicated that ASRC is continuing to work with the US Fish and Wildlife Service, COE and BLM to develop a regional mitigation bank that they expect to be in place by the end of the year.
- **John Boyle** sees opportunity for the NPR-A WG in considering regional mitigation, such as opportunities for legacy well cleanup. It is important to involve people from the villages, so they can say what would be reasonable and adequate mitigation, since they experience the impacts.
- Noted that a mitigation strategy could help address legacy wells and contaminated lands issues, as well as other impacted sites.
- **Warren Olson** questioned the geographic scope of a mitigation strategy. Would mitigation stay within the region? BLM noted that this would be defined in the strategy. For some resources, it may be most appropriate to provide mitigation in-region, but for resources such as migratory waterfowl, it may make sense to look outside of the region for mitigation opportunities on the migratory flyway.

NPR-A Working Group – General Principles for Infrastructure Development

John Hopson, Jr., presented the document “General Principles for Infrastructure Development in Northern Alaska,” developed by the NSB, ICAS and ASRC – the three regional entities represented on the NPR-A Working Group. John read the Executive Overview for this document.

John Boyle, NSB, was privileged to be involved in the meetings regarding organization of the NPR-A WG, including meetings with DOI Secretary Salazar and Assistant Secretary David Hayes. It was recognized that local people often felt overlooked in the typical NEPA process. Residents of the North Slope felt there needed to be a mechanism to provide their perspectives regarding agency decisions. The NSB has a lot of value to bring to the table (e.g., NSB Wildlife Department, expert scientists, tribal knowledge, Native Corporations that are well-versed in understanding the economic needs of our communities). The WG will allow these North Slope entities to discuss how they believe development of the NPR-A should proceed. The WG is an organization that needs to be invested in and empowered, as outlined in the ROD. The three regional entities have committed to see this through and anticipate that the BLM will realize a lot of value from the WG over time.

Teresa Imm, ASRC, noted that the General Principles document was focused on a narrower question regarding infrastructure development and its relationship to communities.

NPR-A RAC Subcommittee

During the afternoon, the RAC and the representatives of the WG continued to discuss the formation of a RAC subcommittee focused on the NPR-A, its potential design, purpose and role, and its relationship to the NPR-A WG.

Bud Cribley introduced the idea of the RAC forming a subcommittee to plan a multi-stakeholder workshop (possibly held in early spring 2015) that would consider a vision for future development in the NPR-A. The WG could participate on the RAC subcommittee to design the workshop. There would also be a renewed focus to get the NPR-A WG “up and running” over the next several months, so they are fully ready to participate.

After considerable discussion, **John Hopson** stated that if there is going to be a RAC subcommittee, he wants the WG Co-Chairs to be members, so that no decisions are made without the WG’s opinion and agreement.

(See minutes below for Tuesday, September 30, for more information on the design and purpose of the RAC NPR-A Subcommittee that will be formed.)

Election of New RAC Officers

Suzanne Little, former Vice-Chair, is willing to move into the role of RAC Chair. A motion was made and seconded. Approved by unanimous vote to elect Suzanne as Chair by the members present.

MOTION – Suzanne Little nominated **Kathryn Martin** for Vice Chair, seconded by **Darcie Warden**; approved by unanimous vote.

Public Comment Period

PJ Simon, resident of Allakaket, presented comments to the RAC regarding the proposed Ambler Mining District Road. The road would go right by Allakaket’s traditional homeland. He is very concerned that the road would impact the animals and resources they depend on. The road would go through critical habitat on BLM managed public land. His Tribe filed for an Area of Critical Environmental Concern (ACEC). A road that impedes access to lands impedes traditional activities. Expressed concern that the Western Arctic Caribou Herd is declining in population, and that Chinook salmon are at very low levels. Subsistence resources are constrained. He is a firm believer in conserving what is left. This road would have a negative impact on all consumptive users. The caribou herd has declined from 490,000 to 225,000. Dall sheep in the Brooks Range have declined by 70%, and led to hunting restrictions. Concerned that a road will bring in more traffic, invasive weeds, noise, etc.

Rosie Barr noted that it was her understanding that the Ambler Mining District road would be open for industrial use only, not public use. She also suggested that the caribou herd decline might be part of a natural cycle. **Doreen Lampe** responded that the Dalton Highway was also

initially intended only for limited use, but was subsequently opened for public use and has brought many more people into the Arctic for hunting and other activities.

Doreen Lampe presented an August 2014 resolution from ICAS, representing federally recognized tribes, presented to the NPR-A Subsistence Advisory Panel (SAP), regarding the high number and behavior of low flying planes that divert caribou from villages during the summer months. This is a cumulative impact of high visitation in the Arctic. USCG ships and researchers have associated helicopter traffic. ICAS continues to raise concerns about this through the SAP and are frustrated that there is never any action taken to address these very negative impacts that affect subsistence hunting. **John Hopson, Jr.** agreed that local people are very frustrated. **Bud Cribley** indicated that this concern also comes up at Federal Subsistence Board meetings. BLM is addressing this for aircraft activity that it permits, but has limited jurisdiction. The Federal Aviation Administration (FAA) must help address this issue. **Sharon McClintock** used to serve on the Big Game Commercial Services Board (BGCSB), which heard a lot of complaints from villages about guides and transporters using aircraft. The BGCSB may have a role. It is important for local people to take down the airplane number and report them to the Alaska State Troopers.

Contaminated Sites Presentation

Dina Torres, BLM Lands Transfer Specialist, presented regarding the Potentially Contaminated ANCSA Lands Assessment Project (PCALAP). Key points included:

- AFN and Alaska Native Village Association have asked for federal assistance in cleaning up lands conveyed to Alaska Native Corporations under the Alaska Native Claims Settlement Act (ANCSA). They are seeking legislation that identifies the United States as financially responsible for cleanup and require that the U.S. contract with Alaska Native Corporations for the cleanup work.
- BLM is creating an accurate record of sites requiring cleanup on lands conveyed to ANCSA corporations.
- The database provides a live status report for each site, cleanup status, etc.
- 6,015 site reviews have been completed.
- More work is needed to create a complete and accurate database, but there has been much progress.
- BLM needs to complete the inventory and outreach to and communicate with affected parties. Eventually, each site will need a field investigation and adjudication, as well as analysis to determine who is responsible for the cleanup.

In response to questions, **Dina** clarified:

- The database does not yet identify Superfund sites.
- BLM will report findings from the records search by the end of October 2014, but this does not involve any site visits, just a lands record search. Expects the delegation will get involved and direct conduct of on-site inspections.
- Any legacy wells in the database are shown as properly closed.
- The finished report on the BLM website, so RAC and public can access it.

Adjournment – The RAC meeting adjourned for the day at 4:15 p.m.

TUESDAY, SEPTEMBER 30, 2014

Call to Order: 9:00 am. There is not a quorum of the RAC members.

Introductions / Attendance

RAC Members: Dave Brown (Acting Chair), Barrett Ristroph, Samantha Carroll, Gary Morrison, Darcie Warden

BLM Representatives: Bud Cribley, Steve Cohn, Thom Jennings, Serena Sweet, Steve Hartmann, Lon Kelly, Stacy McIntosh, Karen Kelleher, KJ Mushovic; Brenda Takes Horse

Others in attendance: John Hopson, Jr. (Co-Chair NPR-A WG); John Boyle (NSB); Doreen Lampe (ICAS); Teresa Imm (ASRC); Lois Epstein (The Wilderness Society); Lindsey Hajduk (Conservation Lands Foundation); Ben Green (public); Facilitators Tahnee Robertson and Jan Caulfield

Formation of RAC NPR-A Subcommittee

Assisted by facilitators Tahnee Robertson and Jan Caulfield, the RAC members and NPR-A representatives present continued to discuss with BLM the formation of a RAC Subcommittee focused on the NPR-A. As a result of this discussion, State Director Bud Cribley decided to establish a RAC subcommittee, with the purposes, membership and roles outlined in Attachment 1.

Adjournment – The RAC meeting adjourned for the day at 12:00 noon.

Following adjournment of the RAC meeting, BLM met with the NPR-A Working Group Co-Chair and other North Slope representatives (John Hopson, Jr., John Boyle and Doreen Lampe) to commit to next steps to get the Working Group fully seated and functioning.