

Bureau of Land Management

Alaska Resource Advisory Council Meeting

Subcommittee on Public Lands

Virtual – Zoom

November 17 & 18, 2020

Tuesday, November 17, 2020.

Council members present: Jessie Badger, Stan Foo, Bronk Jorgensen, Rada Khadjinova, John Schell, Justin Mason, Jusdi Doucet

Council members absent: Rosie Barr

BLM representatives present: Chad Padgett (State Director), Ted Murphy (Associate State Director), Kevin Pendergast, Erika Reed, Dave Mushovic, Paul (Chris) McKee, Serena Sweet, Joe Galluzzi, Wayne Svejnoha, Tom Heinlein, Callie Webber, Bonnie Million, Nichelle (Shelly) Jones, Miriam (Nicole) Hayes

Representatives of other agencies: Sarah Taylor, Congressional Affairs and Policy Advisory for Department of the Interior, Region 11.

Members of the public present (or on conference line): Ron Rimelman, Nova Gold; Tim Schuerch, Calista Corp.; Lisa Baraff, The Northern Alaska Environmental Center; Varina Zinno, Calista Corp.; Jamie Marunde, Doyon; John Leonhart Ahtna Inc.; Trenton Culp, Ahtna Inc.; Kristi Williams, Calista Corp.; Elizabeth Bluemink Cannon; State Senator Catherine Giessel; David Krause, Wilderness Society; Barry Whitehill; Suzanne Little, Pew Trust; Walter Featherly, Calista Corp.; Theresa Imm, Arctic Slope Regional Corporation; Kathryn Martin, Ahtna Inc.; Erik Kenning, Arctic Slope Regional Corp; Scott Sundberg.

9:00 a.m. meeting begins broadcasting publicly.

RAC Coordinator Melinda Bolton introduced herself, described her job and background, reviewed agenda, RAC subcommittee member expectations, quorum requirements, purpose of the meeting, shared contact information, shared blm.gov/Alaska/RAC as information resource, and reminded viewers and attendees that meeting is being recorded.

State Director Chad Padgett greeted members and introduced himself and BLM Alaska priorities.

RAC Member Justin Mason asked about what BLM will be prioritizing with Land and Water Conservation Funds (LWCF); especially any of the surface resources impacted by heavy hunting presence in the Denali area.

State Director Chad Padgett encouraged input on those issues so BLM can assess priorities for locals.

9:30 a.m. Alaska Native Claims Settlement Act & Conveyances, Reed [presentation on file]

RAC Subcommittee member Jusdi Doucet asked for updates on movement of conveyances for progress for ANCSA and state

Reed - 96% ANCSA entitlement has been fulfilled; about 90% of state entitlement fulfilled.

RAC Subcommittee member Jusdi Doucet asked for more specifics

Reed - I'll get back to you with that info.

ANCSA 17(b) easements, Mushovic [presentation on file]

RAC Member Bronk Jorgensen gave kudos on the amount of information and commented about state's responsibility to maintain easements that provide access to state lands; clarified is that BLM's official stance on that?

Mushovic said our position is that the state benefits from the access and they should step up. We can't force them to step up, but we would be happy if they did. We understand funding is an issue for the state as well.

RAC Member Bronk Jorgensen - have boroughs or cities maintained easements to their land or just federal entities?

Mushovic - I don't have that info on hand, in my 30 years' experience, the state or some entity of the state, maybe a municipality, there's only been a couple instances where they've stepped up to administer an easement; one was a boat launch near Cordova.

RAC Member Bronk Jorgensen - I have the opinion it's BLM's job to maintain them. When there is damage done to the easements, is it up to the landowner to go after the user who does the damage?

Mushovic - there's the easement that BLM holds and the land that the landowner holds. Damage is outside our authority to take action upon. We can take action if what someone is doing can be shown to restrict public right to use that easement. For example, if someone took a big CAT out a 25-foot trail. Now they've exceeded the right reserved and trespassed, and if they leave it out there, then BLM can take action for them interfering with the right to access.

RAC Member Bronk Jorgensen - if there is a difference in user type, are people required to notify of crossing?

Mushovic - For commercial access to 17(b)s, no permit is required (we do not have that authority to require it). The right to the public (to access the easement) is for whatever legitimate purpose as long as it's within the authorized uses. Problems might arise if you have a commercial logger trying to use a 25-foot easement.

RAC Member Bronk Jorgensen - When Padgett talked about Great American Outdoor Act and (GAOA) LWCF funds, could they be used for 17 (b)s?

Mushovic - potentially; but those monies in those programs have to be competed for at a national level. We have to submit a proposal that goes through a vetting process. I haven't seen the process for it yet, I think the rules are still being developed. It remains to be seen whether we could be competitive, there may be other ways to access the tract of public land.

Reed - We started 17 (b) management database to figure out what the workload is moving toward a management scheme. There are about 4 thousand easement segments and the majority, 50-75% do not access federal lands, but access state lands. Even if we were able to have a funding source, it's going to get prioritized, we'll have to compete for funds. We're unlikely to be competitive for funds to access state lands.

11:15 a.m. break

11:25 a.m. National Environmental Policy Act (NEPA) Streamlining & Council on Environmental Quality (CEQ) updates, Sweet [presentation on file]

Hold for questions after following presentation

Resource Management Plan (RMP) updates, Pendergast [presentation on file]

RAC Member Bronk Jorgensen commended BLM staff for their work. Said he lived through Fortymile user plan. They take such a long time. Changes made by CEQ were great and what BLM staff has done in the last few years has been amazing.

12:30 – 1:30 p.m. Lunch Break

2:00 p.m. Public Comment

Tim Schuerch, Calista Corp - is the plan to revoke all the 17(d)(1) withdrawal statuses in the BSWI plan? Would like clarification on the BSWI presentation.

Sen. Cathy Giessel – Re: the UAA land grant. Up to BLM to convey lands to the university. They could get up to 300k acres from state selections. The university and state have 2 years to identify. DNR must agree that those selections can be conveyed to the University. It'll have to go through the conveyance process. It'll be charged against the state's remaining entitlement.

Jean Public - (jeanpublic1@gmail.com) via email on Oct. 5, 2020 - all the anti-nature development that is being planned in Alaska by corporations who care nothing about the environment, the nature, the animals or the unique status Alaska has in this world need to be stopped. The destruction of Alaska for all these things nobody really needs is beyond belief. the forces for preservation and respect for the environment need to be strengthened to prevent this annihilation of all that Alaska represents to all people on earth. Every citizen of the lower 49 respect the unique status Alaska has had and we want it to stay rich in nature and protected from the money mad rushing to develop there. They want to pollute the oceans, cover ak with concrete, log every tree for enrichment for their own wallets. They need to be stopped. I firmly believe in protecting and respecting nature, trees, animals. They are the only things that may save us. This comment is for the public record. jean Public jeanpublic1@gmail.com we cannot decimate earth until there is nothing left as we have been doing.

3:00 p.m. Mining and Fee Change updates – Galluzzi [presentation on file]

Council Member Stan Foo - Did the high gold price override the activity getting hit by COVID?

Galluzzi - staff reported lower numbers; I thought we would see #'s ramping up but that was not the case. Our field offices haven't been able to get out as much, especially to fly in only sites. We also avoided a lot of areas including Native villages and smaller towns.

RAC Member Stan Foo - Placer mining is a good socially distant activity.

RAC Member Bronk Jorgensen - Potential placer mining subcommittee on reclamation? Still available for use? Alaska Mineral Council presented last week about how they rolled back some of their riparian stuff

Galluzzi - James Whitlock reviewed that. I can follow up on that and see what he thinks of it.

RAC Member Stan Foo - some demo projects that I don't recall were finalized and it would be good once we have the full RAC together to get an update or close it out; make sure all parties are satisfied. I think Bronk is a key part of that convo and Alaska Miners. I appreciate your work with timely feedback assistance and support for those folks.

Galuzzi - That might be something to reflect on too Bronk [Jorgensen].

RAC Member Bronk Jorgensen - So I don't forget the 3809 rewrites are really important that Hoppe is working on. Where are we at with that process? Valdez Creek claim clean up: I know one of our miners has been proactive about cleaning up his claim and adjacent claims.

4:30 p.m. Adjourn for the day

DRAFT

Wednesday, Nov. 18, 2020

8:00 a.m. Welcome

RAC Coordinator Melinda Bolton welcomes attendees and staff back to the meeting, reviewed agenda, reminds attendees meeting is being broadcast to the public and is being recorded.

BLM Alaska State Director Chad Padgett addresses attendees and introduces himself on a more personal note, adding to his professional introduction and BLM state director priorities from the day prior. He describes his upbringing in Metlakatla, high school in Seward and university in Idaho, previous work as State Director for Congressman Don Young, and as the Director for the U.S. Department of Agriculture Farm Service Agency, and later Rural Development in Alaska.

8:05 a.m. Subsistence Update, McKee [presentation on file]

RAC Member Stan Foo - is there a public process involved in the regulatory proposals?

McKee - when regional advisory councils meet to consider proposals, they are public meetings. Previously (to pandemic) held in person. Folks can attend by phone. Each proposal has their own time slot for a public comment. And then again at Federal Subsistence Board (FSB) meeting in April, each proposal gets deliberated further and public can comment then again.

RAC Member Stan Foo - are there draft regs

McKee - I guess that would be the proposals, they're made public about a month before each meeting. The meetings are advertised at least two weeks or more before they happen.

RAC Member Justin Mason - Chad gets one vote, right?

McKee - correct, he's one of eight votes. Five agency heads, two public members and the chair who is also a public member.

RAC Member Justin Mason – asked for more information on the vote to limit access on BLM lands in Unit 13 during moose and caribou season to non-federally qualified subsistence users.

McKee - Input on that was that there was a lot of crowding; people shooting across the road; people hunting while others were immediately in the area; pull outs were packed full of folks; even with federal users, there were plenty of others crossing to go over to state lands. One of the things that Chad made clear when he opposed it is that people will still be out there, they can cross the fed lands, camp, park, fish. All it meant was they couldn't shoot a moose or a

caribou on fed lands. It didn't really alleviate the issue. Fed users felt they were unable to hunt the area. Harkening back to ANILCA where they felt they couldn't successfully hunt. It's a very complex situation.

RAC Member Bronk Jorgensen - Being personally involved in a Fortymile caribou hunt. It was a mess. This year really showed a lot of the problems with the system we have. Rural vs. urban. Guides vs. residents vs. subsistence users. There were communication issues on the land managers' front. Access. They all come to a head because of the problems. One of the biggest problems is public safety. The Steese highway, I wasn't there. But on the Taylor, you're risking your life driving the road when the caribou are there and all the people are there. I think this is a big issue the RAC needs to tackle.

Padgett - great point. This is not a situation where we get one silver bullet to solve the problem. The complexities to solve it and improve public safety and provide the opportunity to hunt and subsist. It's critical we get your input. I know Bronk and Justin have seen a lot of this stuff firsthand. Something we'll grapple with over time.

McKee - it comes with dual management. Federal and state regs that apply to the same areas. They have their own complexities. Whenever I get a call from the public I have both books in hand.

9:00 a.m. Trapping Cabin Policy Update – Mushovic

RAC Member Bronk Jorgensen do you know how many trapping cabin permits have been issued by BLM since 2005?

Mushovic - maybe three?

RAC Member Bronk Jorgensen - how many people have applied or inquired?

Reed - we tried to ascertain that initially to see how much of a priority this was. The level of inquiries was extremely low.

Mushovic - we get a lot more inquiries about commercial permits for like guides or other recreation related stuff like lodges out in the middle of nowhere. For the trapping cabins the inquiry numbers have been incredibly low. Bronk, I think it's a lot easier for trappers to get permits from the state. People may approach us and hear our requirements and realize they can have one a quarter mile away on state land and take that route.

RAC Member Bronk Jorgensen - I think that's an epic failure on BLM's part.

Mushovic - I don't deny that. I would like to see us publish some regs. I think it's going that way now. Right now the solution isn't necessarily good. We can say how it has to be done, and there are alternatives for people to consider.

Reed – Alaska National Interest Lands Conservation Act (ANILCA) specifically prohibits recabins. And then we have to go by Federal Land Management Policy Act (FLPMA). We have different authorities than the state of AK. Their approach is more traditionally Alaskan.

RAC Member Bronk Jorgensen - I think Dave has worked hard to make this work. And I don't think the intent of ANILCA is for this to be this hard. I think BLM has made it too complex and there's not a lot of public knowledge on it. Alaska Trappers Association came in and found out that no one at BLM in Fairbanks knew about it or could even give it to you.

Padgett - we are doing a deep dive on it. We're working through these complexities. Working with the Department of the Interior. The staff have really tried to make sure that we're doing right by as many interest groups as we can and get this thing across the finish line. It's also been a challenge to even have the capacity to get it addressed.

RAC Member Bronk Jorgensen - I think if Sara Taylor is working on it, that may be the better course of action than RAC members trying to come up with regs.

10:00 a.m. Break

10:15 a.m. Roundtable

RAC Member Justin Mason:

BLM has one law enforcement office that covers a giant area. With the hunts and public safety issues. We can always limit rights and access, but I think it would be better to see more funding for more law enforcement for Unit 13. The state is only able to throw one Fish and Game officer out there. It would be nice to see more enforcement to keep things safe, and compliant.

I would like to hear more about or see the priorities for marking access points for the right of ways and easements. They said it's another budgetary and ongoing thing. That's super important to me. One of my priorities for all the committees that I'm part of is more access for people. If it's difficult for someone who works in it to sort out the regs and access points, it needs to be easier for the public to get out there without a one-thousand-dollar GPS and prepping for 10 days. People should be able to hop in the car and find an access point and use it.

Again, around the Cantwell area, some of the right of ways (easements) that BLM has marked, they've done a good job. They did the wolf point trail they improved it a few years ago and it's just gotten destroyed. The first year they'd improved it for ATVs to go up the jack river, but then bigger vehicles came in and trashed it; we had a wet fall. I'd really like to see more trail improvements. Marking signage and making sure people are using the lands appropriately.

Padgett - I appreciate your comments. And just to close the loop on the unit 13 hunt, I think **Chris McKee** alluded to it, I did vote against the action the board took. We struggle with it quite a bit, with ANILCA and how the board views things. We have to consider if there's a resource concern, and we struggle weighing that against the people problem. We can only manage so much with people's behaviors. It's been a challenge since the state hunt was expanded. We're working on getting more resources in the field; most people immediately think of getting more law enforcement in the field. Another aspect is having more recreation staff and maintenance staff. I don't want to go out there heavy handed, but to really educate the public. And work with them on things like Leave No Trace. I know our field offices are doing a good job working on those partnerships. I talked to **Bronk (Jorgensen)** a while back about the bigger vehicles coming in. We do have weight restrictions. **Bronk (Jorgensen)** has brought up a couple times how things "float" is there something to consider like pounds per square inch or something that will be less destructive. There's creative thinking going on and innovative ways we can deal with it.

RAC Member Bronk Jorgensen - Trails, I know there's been a turnover in Fairbanks. It used to be Collin Cogley. It used to be the weight limits were the same on BLM lands and State lands. In the mining sector we deal with people tearing up our trails and us being responsible for fixing them. A lot of these new side by sides, they go well because they have big mud tires and lots of power. They're made for the desert. You can do less damage with a D6 than a side by side. I'm really interested in looking at the pounds per square inch issue. Is there a way the Great American Outdoor Act (GAOA) can tie in to the need for funding there.

Regarding Placer mining, the old subcommittee was focused on reclamation. I think it needs to be maintained but be based on mining issues. **Chad (Padgett)** put out a couple of IMs addressing issues that continue to fester. I think the same folks could be involved. We talked about inspections, reclamation, providing specific assistance. Coming down the road issues include prior existing rights for cabins. The other issue coming up is the 3809 rewrites.

I'm not going to say a lot on resource management plans. But that overall is a huge issue. They determine how BLM can make decisions on a day-to-day basis on those lands. One thing within those plans that gives me heart burn is the Area of Critical Environmental Concern (ACEC)s. My opinion is that in the past they've been used to lock up federal lands. BLM needs to pay special attention to those. We got the 10k foot view. Next meeting, I'd like to go over that in more detail; how all these things are affected is a big deal.

We also have these islands of BLM lands in a sea of state lands. A federal mining claim stays fed until its relinquished or abandoned. And the BLM has to manage that land in the middle of nowhere. I think BLM should give those lands to the owner surrounding them. Which also has to be in the RMPs or it can't happen. Public Land Orders (PLO)s are in that realm.

The subsistence issue is going to be ongoing. I appreciate Chad's explanation of how he voted. A lot of times it can look really bad when you don't get that explanation.

I know for the new RAC members, this is a lot to take in. Ask questions to get up to speed. I've just got a general direction because I've been in it so long. These experts are great and I'm grateful for their effort to educate us.

Padgett - Obviously lots to be done here. I appreciate comments on the mining subcommittee. I know you've been involved in the reclamation arena and getting policies in line and carried out. Use and occupancy are definitely issues. I know cadastral staff are trying to solve a lot of the land pattern issues; there's a lot of shifting priorities. But the land pattern is definitely a priority; to resolve that checkerboard and confusion over the use of the lands.

RAC Member Jessie Badger - Attended ring of fire presentation here in Haines. The amount of info was tremendous. I'm glad to see it complete and promoting multiple uses. I was glad to see 9th circuit support on Palmer decision. And good job shortening the Resource Management Plans (RMP)s. Trapping is pretty large here, I'm going to focus in on that one.

My question is how does ANCSA relate to ANILCA?

Padgett - We grapple with that a lot here at BLM. We try and bring those acts together all the time. And then we get new legislation that impacts them all the time. Sometimes I have a hard time following it.

Reed - Once lands are conveyed their no longer available, but the ANCs may give someone a permit to hunt on their lands. If there's no easement across the property it's up to the owner to allow people on their lands.

RAC Member John Schell - It's been a bit of a fire hydrant.

It's easy to get into the details and it's really important to understand the "why" of the policies and the long-term strategies. Without that the "how" and "what" don't make much sense. Like the whole issue of access and easements; it's an impossibility to maintain and mark and improve all these thousands of easements. It's got to be a disciplined approach. I think the management in some of these areas can change and administrative changes can move the overall approach in another direction. It would be nice if overall there was more focus on establishing policies or strategies of "why" things are done long-term so as people come and go there's always a clear direction.

Especially this issue of public access; some areas are specifically of interest. What's the overall policy of what BLM wants to do with access? Can you not appease or please everyone with maintenance of trails and enforcement of policies? Is **Chad's** approach his own or reflective of all BLM. Is the issue that you need more funds for enforcement?

Padgett - it's a good point how we blend resources regarding law enforcement and educational opportunities. It's making sure we have a good blend, but being cautious not to be heavy handed.

RAC Member Stan Foo - I think the trapper cabin issue highlights broader concerns in the energy mining sector. I think Dave's comment about the quarter miles solution to state land extends to other sectors as well, mining being one of them. Someone has a mining project first question is it on federal or state land. State lands are just much more manageable to work on.

The view that it's frustrating to work with BLM is common. So, what is the fed doing to promote economic recovery in AK and nationwide? Some of the restrictions we've got are not going to help promote that, more so in AK where we're depending on our resources. So many businesses from mining to recreation depend on access to land.

Padgett - That's a great point. Right now were streamlining NEPA regs. In our (Environmental Impact Statements (EIS)s and RMPs we're trying to strike that balance between responsible development and environmental protections. As we go through those it's an evolution over time. I think what we've done recently comes closer to striking that balance. Over the years we're going to continue to promote multiple uses.

RAC Member Stan Foo – Resource Development Council's (RDC) employment stats are scary for our sectors that have lost jobs and some areas have grown, like Federal employment. While some areas are suffering, all of you at BLM have your jobs, it may be something to consider as you look ahead to encourage economic growth.

Thanks as well to BLM staff for your updates.

JUSDI DOUCET - Would like to see return of placer mining reclamation subcommittee; sounds like the committee was getting to the point of access, trails, reclamation.

Wondering about pending laws regarding overarching federal mining.

Looking for a state conveyance acreage update; not upset that it's stagnant, just want to know if there have been any specific changes over the last few years.

Supportive of streamlining and getting resources into the hands of people, referencing **RAC Member Stan Foo's** comments on who want to do business in AK

Would also like to do a deeper dive on ACEC's and RMP's with **Serena Sweet**.

11:00 a.m. Adjourn