

Bureau of Land Management

Alaska Resource Advisory Council Meeting

Virtual, Zoom

Tuesday, February 8, 2022

Council members present: *Jessie Badger, Stan Foo, Bronk Jorgensen, John Schell, Justin Mason, Rod Arno, Jusdi Warner, David Gregory, Jeff Bruno, Fannie Suvlu, Erik Kenning, Sean Sullivan.*

Council members absent: *Rada Khadjinova. Scott Sundberg; vacated seat, moved out of state.*

BLM representatives present: Tom Heinlein, Erika Reed, Zach Million, Serena Sweet, Dave Mushovic, Melinda Bolton, Paul Krabacher, Lesli Ellis-Wouters, Kevin Pendergast, Paul (Chris) McKee, Paul Krabacher, Tina McMaster-Goering, Tim Hammond, Val Lenhartzen, Ted Inman, Miriam (Nicole) Hayes, Leslie Holland, Kent Slaughter, Nichelle (Shelly) Jones, Geoff Beyersdorf, Marnie Graham, Alysia Hancock, Donna Bach, Kyle Cowan.

Representatives of other agencies: Sara Taylor (DOI Solicitor's Office), Marie Brown (USDA, Natural Resources Conservation Service), Catherine Heroy (State of Alaska, Department of Natural Resources), Amy Wiita (Alaska Department of Fish and Game, ANILCA & Access Defense Program), Deborah Coble (National Park Service), Andrew Tunnell (Doyon), Susan Magee (State of Alaska ANILCA Program Coordinator), Bradley Dunker (State of Alaska Department of Environmental Conservation, Environmental Protection Specialist).

Members of the public present (or on conference line): Rachel James (Salmon State), Suzanne Little (PEW Charitable Trusts), Ken Rait (PEW Charitable Trusts), Loretta Brown (Salmon State), Jen Leahy (Theodore Roosevelt Conservation Partnership), Amy Brown, Ryan Bandy, Lorene Lynn (Red Mountain Consulting), Jorma Pope, Randall (Randy) Zarnke (Alaska Trappers Association).

9:05 a.m. RAC Coordinator Opens Meeting – Melinda Bolton

Melinda Bolton: announced the meeting is open shares background of the group and its statutory duties, provided guidance on using zoom, reminds attendees the meeting is being recorded, gives outline of the day.

9:11 a.m. State Director Welcome – Tom Heinlein

Tom Heinlein: greeted members and introduced himself and BLM Director and Alaska priorities.

9:25 a.m. Alaska Leadership Team Introductions

Deputy State Directors and District Office Managers within BLM Alaska introduced themselves and explained their areas of expertise and/or the lands their offices are focused on managing.

9:42 a.m. RAC Member Introductions

Each present RAC member introduced themselves and briefly shared the areas of interest they represent, professional background, and where they are from. Sarah Taylor, Department of Interior Policy Advisor, also introduced herself.

9:54 a.m. Chair Vote & Approval of Draft Meeting Minutes held for quorum

https://www.blm.gov/sites/blm.gov/files/docs/2021-10/AK-DRAFT_RAC_Meeting_Minutes_May-25-%202021.pdf

https://www.blm.gov/sites/blm.gov/files/docs/2021-02/AK-RAC_DRAFT_Meeting_Minutes_Nov_%202020_%20RAC_SPL_MTG.pdf

9:56 a.m. Lands and Cadastral Update – Paul Krabacher [Presentation on File]
Paul Krabacher also noted regular meetings with State DNR lands staff.

10:18 a.m. Summer 2021 Recreation Update – Zach Million [Presentation on File]

Geoff Beyersdorf noted Fairbanks District Office has established a partnership with UAF for Pinnell Mountain Trail. Other groups approached BLM to potentially establish a friend's group for Pinnell Mountain Trail. There was a lot of folks upset about the damage and State/Fed involved in partnership. Nome creek road delays due to challenges obtaining gravel.

Justin Mason asked about 17b easement maintenance. Who's responsible for the section of the easement that goes through the private land.

Zach Million said it's joint participation. BLM responsibility off designated BLM lands is something normally only done through an orchestrated partnership.

Mason concerned about sections in Unit 13 that are getting trashed and making access a challenge.

Bronk Jorgensen: For annual visitation, do you have a breakdown on local Alaskans compared to non-Alaskans, even international?

Million: Northern Lights tourism has been significantly down since covid. Most of the visitor numbers are to established sites. We don't usually get those kinds of detailed metrics for people's home residences.

Jorgensen: are subsistence users included in the count?

Million: We don't break down to that detailed of a metric.

Jorgensen: Is funding for rec program related to visitation numbers? Is there a metric within BLM that as you see increases that you get more money? Or do you basically have to find that money?

Million: we don't have a metric for funding based on visitation. We have an involved system on reporting accomplishments internally. Depends on what local office wants to accomplish ex, new trails, bridge, new campground issuing "X" number of permits. So no, it's not based on visitation. If we need to ask for more funding, I coordinate that with our HQ people.

Jorgensen: In the White Mountains NRA, with the snow load. How is it for the recreation staff to keep up with.

Rod Arno: it's a challenge to figure out where the 17bs are especially off the Richardson Hwy. Human waste impacts and facility maintenance is a huge issue. On Colorado Creek, the state got toilet facilities there. Could BLM coordinate with state to provide and maintain facilities at the head of those easements that are critical to get people off the private lands in the Nelchina Basin.

Million: to use the GAOA (Great American Outdoors Act) funds, the site would have to be in Facility Asset Management System. We have new opportunities coming up to expand and try to promote some of this. We also have the Federal Lands Access Program (FLAP). We have some access to that. I work with our Engineer and the state department of transportation on a lot of projects associated with that funding. I hear what you're saying. We can't do it at all sites, but certainly try and pursue it at the ones that are most heavily used.

Arno: It's important BLM use those funds and provide that access.

Million: Also want to note we're working on a new rec brochure.

11:05 p.m. Break for Lunch

*1:30 p.m. Resume Meeting for Public Comment
(Quorum established with arrival of Stan Foo)*

Randy Zarnke, Alaska Trapper Association: Commenting on BLM policy and procedures regarding trapping cabins. Policy since 1980's has been so difficult that there have been no applications until about 5 years ago. I've been working on this issue for over two decades. Alaska National Interest Lands Conservation Act (ANILCA) guarantees all of us access to continue consumptive use.

About 10 years ago, or 11. We turned to the RAC for help with this issue. There was a subcommittee. Subcommittee came back with recommendations that were adopted by RAC and passed along to BLM staff. Changes were implemented and other changes were added that made the situation at least as bad or worse for trappers wanting a permit. I came back to the RAC in 2018 to again request help. There were still some of those same RAC members on the committee who were disappointed that the problem had not been resolved. Then COVID interrupted things.

Here we are asking for help to change the policy for prohibitive fees and unnecessary delays. BLM should use the original recommendations from 2011 or resurrect the subcommittee and get recommendations before May meeting. We ask that the issue be placed on the Agenda for May meeting.

Also want to comment that many BLM staff from back then are gone; we do have good relationships with current staff.

Want to clarify, if BLM approves changes to cabin policy, it won't result in a flood of new cabins along the countryside.

Jorgensen: I believe this is an issue the RAC needs to follow up on. We've had a presentation on it recently. It's an ongoing long concern that something needs to be done. If Stan is on, he was a member back in those days and can probably comment further.

Stan Foo: I think Randall's description is accurate. It's been about 15 years. Whatever changes the RAC had thought we made, we were not successful in resolving the issue. We were startled (with the update in 2018). Whether we do this now or something later, I'm curious to hear from BLM why it took this turn. It seems BLM's policies were discouraging for trappers. It seems appropriate to reconvene the committee.

Erika Reed (Acting Associate State Director): we're supportive of reconvening the subcommittee. I know it's frustrating for people to seemingly wait on us to do something. Please understand that we get priorities from the public and from headquarters (HQ) and the Department of the Interior (DOI). Sometimes, they conflict. And sometimes there is simply not

enough time to do everything. We are talking about hiring a project manager to take over this topic.

Dave Mushovic (Acting Deputy State Director for Lands and Cadastral Survey): When Randy mentioned the subcommittee around 2018. We were having some pretty productive dialogue and creative ideas to reduce the costs associated with the cabins. I look forward to getting those conversations going again. Doing what we can within current guidelines and regs to reduce costs. BLM did away with 25% income requirement with expiration of 2012 Instruction Memorandum (IM). We are in the process of renewing the IM to make it clear in the near future and to get something more permanent in place to determine what rentals would be required. Promulgation of rules was being handled through DOI and didn't result in anything. We'll reach out to new administration and see how they want us to proceed. Meantime we'll pursue what we can to develop policies and amendments in our own handbooks, if other agencies aren't on board. Previous subcommittee discussions are worth continuing. Our staff is getting filled out; we want a project manager for this issue. Like Erika said a lot will depend on administrative priorities.

Mason asked BLM for old documents.

Melinda Bolton (RAC Coordinator) responded she would search the RAC archives and share files from Solicitor's Office staff.

Foo asked Zarnke for specific items that BLM added that created disincentive.

Zarnke: we had a trapper from Tok who was applying for a permit. After several months and several meetings, he went in thinking he would sign and receive a permit. At last minute he was told he would need a 10-thousand-dollar bond. Referred to 2011 Committee recommendations were submitted to full RAC.

Mushovic: bonding was an issue we tried to work through with 2018 subcommittee.

John Schell: is there a clear procedure/documentation for the process and procedures that it currently takes to get one of these permits? And regarding Randy's arguments, has it been succinctly outline where the issues and concerns impede the policy within the regulation?

Zarnke: I don't have the procedure memorized, I apologize. But I can't really answer right now.

Mushovic: We do have regulations in [43 CFR 2920](#) that guide the process for land use authorizations and for use and occupancy leases on federal lands. And we have manuals with an Alaska supplement which cause the 25% income requirement problem. We amended that manual based on the RACs recommendations. There's been confusion with expired IM.

Sometimes were not as good at catching up on those things. We continue to follow the guidance outlined in expired IMs but don't always reissue them.

Schell: was this trapper surprised that there was a 10-thousand-dollar bond requirement at what he thought was the end of the process? Is this a matter of education, clarity or policy? Where does it go wrong?

Mushovic: usually comes up several times in the process. Bond is unique to each situation and what authorized officers are analyzing.

Each agency has different policies and laws that direct what they can do. I believe we have made progress. I've been involved in this process the entire time.

Reed: we do want to be of assistance. We need to do our due diligence; look at long term implications to the lands. The issue is a complicated one. For example, if there is a structure on BLM lands the state won't take title to it (in the conveyance process) until we've cleaned it up. Those are some of the things we think about regarding bonding. A solution for this requires management of expectations on all sides.

Nichelle "Shelly" Jones: going back to bonding as it's part of the issue. Maybe we could consider like how the placer miners have a bond pool, maybe the trappers could have a bond pool through the trapping association? Like a collective program. It's been a while since I've been involved in the topic. There are subsistence type uses other than trapping that folks need a cabin.

Jorgensen: I don't think a bond pool will work for trapping. There aren't enough people. DOI agencies have run everyone off federal lands. I think it needs to be readdressed so it can be a reasonable program and people can come back to it. From my experience as a placer miner, most trappers are small and independent. It needs to be a small and simple program otherwise it'll chase them off. They have a right under ANILCA and it needs to be honored.

Mason: I have an acquaintance who had the same issue with the National Park Service with Customary and Traditional use. It took 4-5 years for permit approval. The user couldn't take their family out for all those years. These issues restrict peoples access to public lands. As we lose decades of use, that's the death of a family going out there and carrying on traditions. For these folks that means as much as Christmas does to others. To drag people through this for 20 years is crazy.

Reed: I empathize with that comment and the unique experience of these cabins. I'm aware of the impact and the language in ANILCA; and the short-lived nature of the privilege of those cabins. We are working on this. There are things we have to work through, but we'll get there.

We need your participation and recommendations, and we'll all have to manage our expectations.

Emailed comments none received.

2:11 p.m. Land-use Planning Update – Kevin Pendergast [presentation on file]

Kevin Pendergast: Clarification, Dec. 2024 is statutory deadline for next Coastal Plain lease sale.

Pendergast: Central Yukon Question in chat box, that project is on pause; there's not a set timeline. But it is still a topic of discussion.

Speaking of topics of discussion, the East Alaska Resource Management Plan Amendment just wrapped up. That project considered impacts of a potential land exchange, related to the Chugach Land Study.

Mason: About legacy wells, is there any prioritization on the wells? People around me are concerned about downstream pollution of fish habitat.

Pendergast: We have a 2020 Strategic Plan that outlines a lot of this specifically. Prioritization depends on how much money we get. One site can range from \$10 million to \$25 million. If we get \$25 million, we're going for the more expensive site.

There are not human health risks to anyone off site. We've already reclaimed wells that had that potential many years ago.

A lot of the North Slope stuff is in Shelly Jones district, who is online with us. She's the District Manager of that area. I want to note that we support them at the State Office because she just doesn't have a big enough staff to juggle so many projects of this magnitude.

Erik Kenning: for the people of North Slope and other entities, the constant changes are exhausting; it is a hardship. We feel the North Slope locals should have the loudest voices on projects in their area. I think the process is so exhaustive it turns people off participating in them. We have it bad on the North Slope for plans constantly changing. Other areas have their own issues. We just have a lot to keep up with. We want people to recognize that and understand that.

Pendergast: We empathize. It's exhausting for us too. These areas are of intense national and international interest. We try to mitigate as much as we can the impacts on people and the organizations, like ASRC. Comment heard. We'll continue to decrease the pain level as much

as we can for you.

Kenning: just looking back between the agencies on the North Slope the comment letters are among the hundreds.

Pendergast: there's so much going on at the National Level, we make sure the substantive input from the NS entities gets on their radar.

Tom Heinlein (Acting State Director): Erik, you hit it on the head. It's never been more obvious that what we do, there's intense interest to this administration. I'm glad you brought up the planning projects that we're revisiting. It's very accurate that Kevin, his folks, Erika, and I make sure that the leadership and HQ get to view the lens of local sentiment and feeling about projects.

*3:05 p.m. Summer Federal Subsistence Board Activity Update – McKee
[Presentation on file]*

Mason: have you done studies regarding that alleged impact from the outside hunters?

Chris Mckee: National Park Service has radio collars on the caribou, but the data isn't transmitted often enough to show that the outside hunters are having an impact. There's definitely a need to study it. I've been hearing about this issue since 2011.

The proposed closure wouldn't stop other people who want to go out there and camp or hike or fish, *or fly*. It's not just biological, it's also social issues.

Jones: I want to follow up on the question regarding studies on hunter impacts on migration. Two things. First, there's close to a hundred collars in each herd in the state, roughly. Second, Last year was really unusual for the Western Arctic Caribou Herd. Since I can remember going back 20 years ago, the herd always crossed the Brooks Range and on to the Nulato Hills and then dispersed to the Seward Peninsula in the wintertime. A couple of times they went strangely east once they were south of the Brooks. Last year, the majority of the herd didn't go south of the Brooks. There was an abundance of caribou wintering on the north slope. People living in the area noted an abundance of caribou but didn't realize they had animals from both the Central/Teshekpuk and Western herds.

3:05 p.m. Vote on Chair and Previous Meeting Minutes

Foo motions to nominate Jeff Bruno and Bronk Jorgensen as Chair and Co-chair. Motion seconded.

All in favor: Unanimous. Chair and co-chair approved.

Warner motion to approve meeting minutes

Suvlu second.

All in favor: Unanimous. Minutes approved

3:15 p.m. Roundtable

Justin: BLM land management processes are a big issue for locals, especially the impact on industry and recreation.

I'd like to see more on 17b mapping and access; improving access; creating opportunity. There is lots of controversy here in (Game Management) Unit 13. Access is a real issue. Easy access has also brought issues that need to be addressed. The access is all on one side of the road. I'm interested in developing more access routes there and learning how BLM comes up with regulations along those lines.

Erik Kenning: Looking for more on oil and gas leasing, specifically stipulations and best management practices in the NPR-A and Alaska National Wildlife Reserve. People need to hear what's in play and at practice.

We don't have a lot of mining in our area. But I'm curious about it and it's regulations and stipulations.

Everyone's favorite, 17b easements; for the public access, and for the owner, particularly making sure the public is using them properly.

Finally, there is so much focus on the north slope it's nice to hear about other places.

Jeff: For the state and DNR our priority issues are may not align always with BLM RAC. We're often cooperating agency with BLM, like on land selections and have regular meetings to our advantage in those realms.

Future priorities include EIS resiliency, like NPR-A IAP. We have cyclical Environmental Impact Statements every administration, we need to curb that. When a product is done, it should be done.

Wand to explore more about handling community infrastructure within BLM planning, especially in the Arctic for communities surrounded by federal land.

I'm here to add value to the committee and keeping communication open for team. I volunteer myself on the (trapping cabin) subcommittee and want to bring in our ANILCA experts on it.

Jorgensen: Main priorities are trapping cabins and placer mining/reclamation

I don't want things on subcommittees to fall off.

Other issues are subsistence and 17(b)s, so many of these interrelate; ANILCA, prior existing rights.

David: Trapper cabin is a great function RAC can serve. Would be happy to support a subcommittee. Enjoyed presentation on legacy wells and movement in that area and generally contaminated lands, mitigation, cleanup.

Also want to tackle 17(b) issues with marking trails and maintenance.

Jessie Badger: Really into Native Claims issues. Also, trapper cabins.

Want to see more access and opportunities for subsistence and recreation in her area (Haines). Would like to open the door there more.

John Schell: From industry perspective. We're associated with the National Environmental Policy Act analysis on the north slope. Maybe pursuing the Environmental Impact Statement processes and procedures that give defensible results that are not challenged in the courts. Something that the industry can rely on as they move forward with their investments.

Trapper discussion really struck me; want to improve access for traditional use. Things like that. What most concerns me is how the agency tackles the process and not serving clear guides for people to follow the regulations and use them to the best of their ability. Do-loops can make it hard for results to come by. I'd like to see processes and procedures cleared up.

Stan: Trapper cabins. In a lot of ways, the issue is symbolic. From ANILCA standpoint of customary and traditional use. Also, from the public perceptions of resistance or inefficiencies. I'd like BLM to come to May meeting ready to get this resolved quickly.

Another issue is access and getting multiple use access opened up.

Final issue, lingering one, ACECs and fine tuning that definition so it's more clearly understood what they are or are not. Not de facto wilderness and should not be used as such.

Rod: First goal is public access to public resources in AK.

AK needs to develop its nonrenewable resources. And the Alaska Outdoor Council pushes for that too, and we make sure that Alaska's habitat is still intact for the wildlife that depends on it.

Also prioritizing respect for private lands, ANCSA lands. The better the mapping system is, the better we can educate the public who overwhelmingly support private lands and eliminating conflicts that have been happening.

Fannie Suvlu: (via email Feb. 8, 2022, 3:25 p.m.) I'd like BLM to get more feedback from the public. One thing I tell people (at BLM) is that having a public hearing during prime whaling season in Utqiagvik is not due process. I also think that getting written input is tremendous because people 50 years from now will understand why our decision was the way it was. Try to encourage people to be involved instead of being reactive.

3:30 p.m. Wrap

Tom:

Access is a continuing concern, trapper cabin issue and resolution through policy, durability of decision, decisions themselves and decisions between administrations, process concerns (resource development all phases, planning, development, implementations, stipulations, regulations).

Erika: excited to see some much interest in the Lands portfolio and a lands-related May agenda. I know it seems like things go slowly. We'll focus next time on how much progress we've made in just the last few years. It looks like it's creeping. Because of the complexity and the workload, it is creeping. For 17(b) easements and trapping cabin policy, we are committing a project manager. 17(b) issue is something we just got the easements digitized and have a good inventory. With the PLO workload and quite a few obligations with the Dingell act, we're completing our third assignment from Dingell act, which gives us capacity to work on these other issues. We'll start on presentations for May RAC meeting and talk on trapping cabins in the interim.

3:44 p.m. Adjourn